



INTERIOR BOARD OF INDIAN APPEALS

In the Matter of the Will of Margaret L. Slankard

40 IBIA 235 (02/09/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

IN THE MATTER OF THE WILL OF : Order Affirming Decision
MARGARET L. SLANKARD :
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: Docket No. IBIA 04-132
:
:
: February 9, 2005

Appellant Raioma Lavohn Palmquist appealed from a July 6, 2004, order issued by the Acting Superintendent, Osage Agency, Bureau of Indian Affairs (Superintendent; BIA), approving the will of Margaret L. Slankard (Decedent), an unallotted Osage (Hearing No. H-04-207, Osage Agency). ^{1/}

Appellant is Decedent's daughter. Appellant's notice of appeal stated that she had not received notice of the hearing conducted for Decedent's estate and wished to appeal the Superintendent's order. The notice of appeal did not raise any substantive allegations of error concerning the order approving Decedent's will. In an order allowing briefing in this case, the Board of Indian Appeals advised Appellant that she was responsible for proving error in the Superintendent's decision.

Appellant did not file a brief.

An appellant who fails to allege error in the decision being appealed has not carried her burden of proof. See Gatrell v. Rocky Mountain Regional Director, 37 IBIA 252, 253 (2002). Because Appellant's notice of appeal contains no allegations of error in the Superintendent's decision, and because she failed to file a brief, she has failed to sustain her burden of proof.

^{1/} Approval of Osage Indian wills is governed by 25 C.F.R. Part 17. Under special procedures set forth in sec. 17.14, the Superintendent's action to approve or disapprove an Osage will is appealable to the Secretary. In 1992, responsibility for deciding appeals in Osage will matters was delegated to the Board. See In re Will of Emanuel Mal Revard, 37 IBIA 52, 54 n.2 (2001) (discussing Departmental Manual Release 2937).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, DM Release 2937, Mar. 16, 1992, the Superintendent's July 6, 2004, order is affirmed.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Colette J. Winston
Administrative Judge