



INTERIOR BOARD OF INDIAN APPEALS

Dick-Don Oil Company v. Eastern Oklahoma Regional Director, Bureau of Indian Affairs

44 IBIA 145 (03/02/2007)



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

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|---------------------------|---|--------------------------------|
| DICK-DON OIL COMPANY, | : | Order Docketing and Dismissing |
| Appellant, | : | Appeal |
| | : | |
| v. | : | |
| | : | |
| EASTERN OKLAHOMA REGIONAL | : | Docket No. IBIA 07-73-A |
| DIRECTOR, BUREAU OF | : | |
| INDIAN AFFAIRS, | : | |
| Appellee. | : | March 2, 2007 |

On January 12, 2007, the Board of Indian Appeals (Board) received an undated notice of appeal from Dick-Don Oil Company (Appellant). In the appeal, Appellant stated that it sought review of an August 3, 2006 decision of the Eastern Oklahoma Regional Director, Bureau of Indian Affairs (Regional Director), in which Appellant was billed for rental arrears and interest in the amount of \$308.22 and was ordered to post a bond in the amount of \$25,000. Attached to Appellant's notice of appeal was the August 3 decision as well as a later decision by the Regional Director dated December 19, 2006, which upheld the August 3 decision. Therefore, the Board construed Appellant's filing with this Board as an appeal from the Regional Director's December 19 decision rather than an appeal from the August 3 decision. The Board now docketed this appeal, but dismisses it for failure to prosecute.

Appellant filed its notice of appeal without certifying or otherwise indicating that it had served appropriate parties with a copy of the notice of appeal, as required by 43 C.F.R. § 4.333 and as advised in the Regional Director's decision. On January 16, 2007, the Board issued an order requiring Appellant, on or before January 29, 2007, to serve copies of its notice of appeal and to submit a statement to the Board that it had done so. The Board advised Appellant that failure to respond to the order could result in dismissal of the appeal without further notice.

The Board has received no response from Appellant.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Regional Director's October 3, 2006 decision is docketed but dismissed for lack of jurisdiction.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge