



INTERIOR BOARD OF INDIAN APPEALS

Tim Stacy v. Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs

54 IBIA 110 (10/14/2011)



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

TIM STACY,)	Order Docketing and Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 11-140
ACTING EASTERN OKLAHOMA)	
REGIONAL DIRECTOR, BUREAU)	
OF INDIAN AFFAIRS,)	
Appellee.)	October 14, 2011

Tim Stacy (Appellant) appealed to the Board of Indian Appeals (Board) from a May 31, 2011, decision (Decision) of the Acting Eastern Oklahoma Regional Director (Regional Director), Bureau of Indian Affairs (BIA). The Regional Director affirmed a March 10, 2011, decision of BIA's Okmulgee Agency Superintendent (Superintendent), cancelling Farming and Grazing Lease No. G07-2822 (Lease) for failure to submit rental, bond, and lease fee, but modifying the amount of rent the Superintendent had determined was owed by Appellant, from the full annual rental amount of \$500.00 to a prorated amount of \$166.67.

On July 13, 2011, the Board ordered Appellant to serve his notice of appeal on the Assistant Secretary - Indian Affairs, the Regional Director, and other interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.332(a), and as advised in the Decision, and to notify the Board that he had done so. The Board also ordered Appellant to clarify the scope and intent of his appeal, specifically whether he was appealing the lease cancellation, or only that portion of the Decision finding that Appellant remained liable for rent in the amount of \$166.67.¹

¹ The Board explained that, under 25 C.F.R. § 162.254, a BIA lease cancellation decision remains without effect during an appeal (unless the Board provides otherwise) but an appellant must continue to pay rent during the pendency of the appeal. If Appellant intended his appeal to be limited to the Regional Director's liability determination, the Board would make the lease cancellation portion of the Decision effective immediately, thus relieving Appellant of an obligation to continue to pay rent during the pendency of the appeal.

The Board set a deadline of August 12, 2011, for Appellant to comply with the Board's order, and advised Appellant that if he failed to comply or to respond to the Board's order, his appeal might be dismissed without further notice.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on July 18, 2011.

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, the Board docketed but dismisses this appeal for failure to prosecute.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 // original signed
Debora G. Luther
Administrative Judge