



## INTERIOR BOARD OF INDIAN APPEALS

Estate of Glade Sylvia Willis

54 IBIA 316 (04/06/2012)

Reconsideration denied:

55 IBIA 42

Related Board case:

50 IBIA 119



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ESTATE OF GLADE SYLVIA )  
WILLIS )  
)  
) Docket No. IBIA 12-039  
)  
)  
) April 6, 2012

Carole Abshier (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Reopening entered on October 28, 2011, by Administrative Law Judge (ALJ) Richard J. Hough in the estate of Appellant's mother, Glade Sylvia Willis (Decedent).<sup>1</sup> The ALJ declined to reopen his decision, finding that Decedent had died intestate and that Appellant and her two sisters were entitled to inherit Decedent's estate in equal shares.<sup>2</sup> In her appeal to the Board, Appellant contended that she was not given an opportunity to participate in the probate hearing and that the Decision contained several factual errors. Appellant also proffered, apparently for the first time on appeal, a will apparently executed by Decedent, which appeared to leave Decedent's property in equal shares to Appellant and her two sisters.

After receiving the appeal, the Board issued an order explaining to Appellant that an appeal to the Board is only allowed for those individuals who have been "adversely affected" by a decision or order of a probate judge. *See* Pre-Docketing Notice and Order for Appellant to Show Cause, Dec. 20, 2011, (OSC) at 2 (citing 43 C.F.R. § 4.320); *see also* *Estate of Zane Jackson*, 46 IBIA 251, 256 (2008) ("A showing of injury is required to

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<sup>1</sup> Decedent, who was also known as Glade Sylvia Blomst/Bloomst, was a Fond Du Lac Indian. The probate number assigned to Decedent's case in the Department of the Interior's probate tracking system, ProTrac, is No. P000005611IP.

<sup>2</sup> The ALJ's initial decision was issued on January 25, 2008. This is the second time that this probate case has been before the Board. In 2009, the Board dismissed as untimely a July 7, 2009, "Petition for Hearing" that Appellant had sent to the ALJ and which he forwarded to the Board as a possible appeal. *See Estate of Glade Sylvia Blomst Willis*, 50 IBIA 119 (2009). Following the Board's dismissal, it appears that the ALJ proceeded to consider the Petition for Hearing as a petition for reopening, which he denied in the Order Denying Reopening.

establish standing in probate proceedings.”). Because it was not clear whether Appellant contended that she was adversely affected by the Order Denying Reopening, and if so on what grounds, the Board ordered her to show cause why her appeal should not be dismissed. *See* OSC at 3.<sup>3</sup>

The Board set a deadline of January 20, 2012, for Appellant to comply with the Board’s order, and advised Appellant that if she failed to comply or to respond to the Board’s order, her appeal might be dismissed without further notice. On January 23, 2012, the Board received from Appellant a request for an extension of time to file her response to the OSC. The Board granted Appellant until February 24, 2012, to file her response.

The Board has received no further 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:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Debora G. Luther  
Administrative Judge

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<sup>3</sup> Relevant to the will enclosed with Appellant’s notice of appeal, the Board first noted that as a general rule, the Board does not consider new evidence presented for the first time in an appeal. *See* OSC at 2 (citing *Estate of Alice Grace Demontigny*, 50 IBIA 174, 176 (2009)).