



INTERIOR BOARD OF INDIAN APPEALS

Paul Vincent Ideker v. Pacific Regional Director, Bureau of Indian Affairs

55 IBIA 85 (05/23/2012)



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

PAUL VINCENT IDEKER,)	Order Docketing and Dismissing
Appellant,)	Appeal
)	
v.)	
)	Docket No. IBIA 12-089
PACIFIC REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	May 23, 2012

Paul Vincent Ideker (Appellant) appealed to the Board of Indian Appeals (Board) from a November 30, 2011, decision (Decision) of the Pacific Regional Director (Regional Director), Bureau of Indian Affairs (BIA), upholding BIA’s Palm Springs Agency Superintendent’s decision to cancel Appellant’s Residential Lot Lease held under Master Ground Lease No. PSL-201,¹ for failure to pay rent.²

On March 22, 2012, the Board ordered Appellant to complete service of his appeal on one of the interested parties, Bank of America, as required by 43 C.F.R. § 4.310(b), and to notify the Board that he had done so.³ The Board set a deadline of April 6, 2012, 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.

¹ According to the Decision, the Residential Lot Lease encompasses: Unit 12 of Tract Map 8124 on file in Book 86, Pages 62 & 63 of Maps, Records of Riverside County, California, together with all buildings & other improvements on said premises with the appurtenances thereto, APN 009-604-193, street address: 1849 S. La Paloma Drive, Palm Springs, CA 92264. Said leased site is a portion of the Indian allotment of Virginia Ann Milanovich, No. PS-10C, of the Agua Caliente Indian Reservation.

² The appeal was submitted to the Regional Director, who transmitted it to the Board and who informed Appellant accordingly.

³ The Board also advised Appellant that if he wished to maintain his appeal, he must be prepared to promptly pay, in full, the amount of rent due according to the terms of the lease, and continue to pay rent when due during the pendency of the appeal. *See* Pre-Docketing Notice, Mar. 22, 2012, at 3 (citing 25 C.F.R. § 162.621).

The Board's order was mailed by certified and regular U.S. mail to the address listed on Appellant's notice of appeal. The certified mailing was returned to the Board by the Postal Service as "unclaimed." The copy of the Board's order sent by regular U.S. mail has not been returned to the Board.

The Board has received no response from Appellant. Accordingly, the Board dismisses this appeal for failure to prosecute.⁴

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

⁴ Apparently this is not the first time that mail sent to Appellant has been returned as "unclaimed," even though Appellant has continued to use the same address. *See* Letter from Regional Director to Appellant, Mar. 16, 2012. In seeking to appeal from the Regional Director's Decision, it was Appellant's responsibility to provide an address at which he would accept correspondence. *See Estate of William A. Hamilton, Sr.*, 52 IBIA 161, 162 (2010).