



INTERIOR BOARD OF INDIAN APPEALS

Estate of Henry Frank Racine

8 IBIA 251 (03/17/1981)

Related Board case:

7 IBIA 1

Dismissed, *Crawford v. Andrus*, 472 F. Supp. 853 (D. Mont. 1979)

Reversed & remanded, No. 80-3091 (9th Cir. Oct. 30, 1980)

Remanded, No. CV-78-8-GF (D. Mont. Feb. 24, 1981)

12 IBIA 8

13 IBIA 69



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF HENRY FRANK RACINE : Order Vacating Board's Decision of
(Martha Racine Crawford et al. : January 10, 1978, and Remanding
v. Cecil B. Andrus) : Appeal to Hearings Division for
: Hearing de novo
: :
: Docket No. IBIA 81-16-R
: :
: March 17, 1981

The Board issued a final decision in the above estate on January 10, 1978. See 7 IBIA 1. Thereafter, a suit for judicial relief was filed in the United States District Court, District of Montana (Civ. No. 78-8-GF). By order dated February 24, 1981, District Court Judge Paul G. Hatfield entered an order remanding the above case to the Office of Hearings and Appeals for a "de novo hearing." A copy of the court's order is attached.

Although the court's order does not expressly vacate the Board's order of January 10, 1978, it is reasonable to presume that the court, with the consent of the parties, has directed that the Department recommence the probate of the subject estate in accordance with standard Departmental procedure. Accordingly, the Board hereby vacates its order of January 10, 1978, and remands this matter to the Hearings Division for the appointment of an Administrative Law Judge to conduct a de novo hearing and to render a decision thereon pursuant to 43 CFR 4.40.

//original signed
Wm. Philip Horton
Chief Administrative Judge

//original signed
Franklin Arness
Administrative Judge

Attachment

