



INTERIOR BOARD OF INDIAN APPEALS

Estate of Philip Malcolm Bayou

15 IBIA 202 (06/04/1987)

Related Board cases:

13 IBIA 200

Reversed & remanded, *Mallonee v. Hodel*, No. A-85-549  
(D. Alaska May 5, 1987)

19 IBIA 20



# United States Department of the Interior

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

ESTATE OF PHILIP MALCOLM BAYOU : Order Vacating Decision and Remanding  
: Case  
:  
: Docket No. IBIA 87-38-R  
:  
: June 4, 1987

By order dated May 4, 1987, in Mallonee v. Hodel, No. A85-549 Civil, the United States District Court for the District of Alaska remanded this matter to the Department for further proceedings. The court's order reversed the decision of this Board in Estate of Philip Malcolm Bayou, 13 IBIA 200 (1985), in which the Board affirmed Administrative Law Judge William E. Hammett's disapproval of decedent's will.

The court's order concludes:

This Court reverses the Department of the Interior's final administrative determination disapproving the will of Philip Malcolm Bayou and remands the case to the Secretary to enable the administrative law judge to reconsider the second and third Fronkier [Estate of Louis Fronkier, IA-T-24 (1970)] criteria without the improper presumption and adverse inference that were previously employed.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Board's previous decision in this case, 13 IBIA 200, is vacated, and the case is remanded to Administrative Law Judge William E. Hammett for further proceedings consistent with the court's order.

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//original signed

Anita Vogt  
Acting Chief Administrative Judge

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//original signed

Kathryn A. Lynn  
Administrative Judge