



INTERIOR BOARD OF INDIAN APPEALS

Burkhart Petroleum Corp. v. Muskogee Area Director, Bureau of Indian Affairs

22 IBIA 21 (04/10/1992)



United States Department of the Interior

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

BURKHART PETROLEUM CORPORATION, Appellant	:	Order Docketing and Dismissing Appeal
	:	
v.	:	
	:	Docket No. IBIA 92-137-A
MUSKOGEE AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	April 10, 1992

By letter dated October 21, 1991, appellant Burkhart Petroleum Corporation was informed that the Muskogee Area Director, Bureau of Indian Affairs (Area Director; BIA), had assessed an additional royalty in the amount of \$24.28, plus \$2.36 penalty, under appellant's Osage oil and gas lease. The Area Director issued approximately 545 such notices, assessing additional royalty in varying amounts, to Osage oil and gas lessees. Each letter informed the lessee of his/her right to appeal to this Board.

On April 9, 1992, the Board received a notice of appeal from appellant, through counsel Douglas A. Wilson, Esq., Tulsa, Oklahoma. The notice of appeal included an affidavit from Wayne L. Yeckley, who states that he is Engineering and Special Projects Manager, Vantage Point Operating Company (Vantage Point), successor in interest to appellant. He further states that Vantage Point received notice of the October 21, 1991, decision on March 10, 1992.

It is irrelevant when Vantage Point received notice of the decision. Appellant received the decision on November 1, 1991, as shown by the return receipt card for its copy of the decision. Appellant has failed to file a timely notice of appeal. 43 CFR 4.332(a).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed and dismissed as not being timely filed.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge