



INTERIOR BOARD OF INDIAN APPEALS

Bennjamin S. Pikyavit, d.b.a. Triple W Trucking v. Acting Phoenix Area Director,
Bureau of Indian Affairs

23 IBIA 4 (10/13/1992)



United States Department of the Interior

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

BENJAMIN S. PIKYAVIT,	:	Order Affirming Decision
d.b.a., TRIPLE W TRUCKING,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 92-200-A
	:	
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 13, 1992

Appellant Benjamin S. Pikyavit, d.b.a. Triple W Trucking, seeks review of a June 3, 1992, decision issued by the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director; BIA), denying an application for a direct loan. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

Appellant's notice of appeal states in its entirety: "I Benjamin S. Pikyavit, DBA Triple W. Trucking of HC65, Box 116, Fredonia, AZ 86022, do hereby file notice of intent to appeal the decision of denial by the Phoenix Area Office, Bureau of Indian Affairs, denial of loan in the amount of \$75,000.00. Copy of denial letter is attached." Although advised of his right to do so, appellant did not file an opening brief.

In appeals arising under 25 CFR Part 2, as this appeal does, the appellant bears the burden of proving that the agency decision complained of was erroneous or not supported by substantial evidence. See, e.g., Ames v. Acting Billings Area Director, 20 IBIA 246 (1991), and cases cited therein. In the present case, the notice of appeal does not set forth any grounds for the appeal, and appellant did not file a brief indicating those grounds. Because he has not given any reasons for the appeal, or attempted to show the error in the Area Director's decision, appellant has not sustained his burden of proof.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Phoenix Area Director's June 3, 1992, decision is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge