



INTERIOR BOARD OF INDIAN APPEALS

Jerome P. McHugh v. Acting Albuquerque Area Director, Bureau of Indian Affairs

24 IBIA 241 (09/29/1993)



United States Department of the Interior

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

JEROME P. McHUGH,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 93-111-A
ACTING ALBUQUERQUE AREA	:	
DIRECTOR, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	September 29, 1993

On August 13, 1993, the Board of Indian Appeals (Board) received the administrative record relating to an appeal filed by Jerome P. McHugh (appellant) from a November 30, 1978, decision of the Acting Albuquerque Area Director, Bureau of Indian Affairs (Area Director). The decision found that Jicarilla Oil and Gas Lease Contract Nos. 82 and 84 had expired for failure to produce in paying quantities. The record was transmitted to the Board by the Acting Director, Office of Trust Responsibilities, BIA, who indicated that the appeal had inadvertently been lost. He stated that the record had been reconstructed by the Albuquerque Area Office, and that although appellant had withdrawn his appeal as to Lease No. 82, he was still pursuing the appeal as to Lease No. 84.

On September 29, 1993, the Board received a letter from appellant in response to its August 13, 1993, notice of docketing. Appellant stated:

This office has checked its records and contacted its outside counsel to review its files regarding this matter. No evidence of an active appeal was found. Due to the age of this matter, information is somewhat sketchy. It appears the appeal concerning Lease No. 84 was dropped in 1980 in conjunction with a drilling demand which was made by the [United States Geological Survey] to Phillips Petroleum Company, the record lessee resulting in the release of this lease.

The undersigned [appellant] makes no claim to Lease No. 84 and chooses not to file a brief in this matter.

Based upon this information, the Board finds that this appeal should be dismissed.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, and appellant's statement, this appeal from the Acting Albuquerque Area Director's November 30, 1978, decision is dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge