



INTERIOR BOARD OF INDIAN APPEALS

A. Ward Forrest v. Acting Muskogee Area Director, Bureau of Indian Affairs

25 IBIA 268 (04/15/1994)



United States Department of the Interior

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

A. WARD FORREST,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 94-41-A
ACTING MUSKOGEE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 15, 1994

This is an appeal from a December 3, 1993, decision of the Acting Muskogee Area Director, Bureau of Indian Affairs, cancelling an oil and gas lease of Creek Allotment 3216.

Appellant's notice of appeal stated in its entirety:

This is a notice of intent to appeal your decision you made on the cancellation of lease no. 602-5250 (67365) Lucinda Simmer the Harjo Creek 3216.

I am enclosing a copy of the letter I received from your department and I am appealing the items listed in paragraph two.

I will wait for further information on appeal procedures.

In the notice of docketing for this appeal, appellant was advised of his right to file a brief. Appellant was also advised that he bore the burden of proving error in the Area Director's decision. Appellant did not file a brief.

An appellant who fails to make any allegation of error in the Area Director's decision, let alone any argument in support of such an allegation, has not carried his burden of proof. E.g., D & K Farms v. Anadarko Area Director, 25 IBIA 157 (1994). Appellant has not done so in this case.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Area Director's December 3, 1993, decision is affirmed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge