



INTERIOR BOARD OF INDIAN APPEALS

Frank L. Gouin v. Acting Muskogee Area Director, Bureau of Indian Affairs

29 IBIA 104 (02/27/1996)



United States Department of the Interior

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

FRANK L. GOUIN, Appellant	: Order Affirming Decision : : :
v.	: : :
ACTING MUSKOGEE AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	: Docket No. IBIA 95-157-A : : : February 27, 1996

This is an appeal from a July 13, 1995, decision of the Acting Muskogee Area Director, Bureau of Indian Affairs, finding that Oil and Gas Lease 503-7625 (69573), McKinley Taylor, Choctaw M-954, had expired for failure to produce oil and/or gas in paying quantities.

Appellant's notice of appeal stated in its entirety: "I wish to appeal the expiration of the above oil and gas lease. I am in the process of doing a detail analysis of this lease now and will forward it to you in the next few days."

The appeal was docketed on September 19, 1995, following receipt of the administrative record. The notice of docketing informed appellant that he bore the burden of proving error in the decision being appealed. Appellant did not file a brief. Nor did he forward the analysis mentioned in his notice of appeal.

The Board has frequently stated that an appellant bears the burden of proving error in the decision being appealed. An appellant who fails to make any allegation of error, let alone any argument in support of such an allegation, has not carried his burden of proof. See, e.g., Trevino v. Anadarko Area Director, 28 IBIA 129 (1995), and cases cited therein. Appellant has not carried his burden of proof here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Muskogee Area Director's July 13, 1995, decision is affirmed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge