



INTERIOR BOARD OF INDIAN APPEALS

Flora Blacktail and Deb'e Bell v. Acting Billings Area Director,  
Bureau of Indian Affairs

29 IBIA 172 (04/15/1996)

Reconsideration denied:  
29 IBIA 191



# United States Department of the Interior

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

FLORA BLACKTAIL and DEB'E BELL,	:	Order Affirming Decision
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 96-39-A
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 15, 1996

This is an appeal from a December 11, 1995, decision of the Acting Billings Area Director, Bureau of Indian Affairs, requiring appellants to remove a mobile home from Fort Peck Allotment 1527-B, which is leased to Wallis R. White Hawk Schaeffer, and requiring the Superintendent, Fort Peck Agency, to assess damages due to the landowners for unauthorized use of the allotment.

Appellants' notice of appeal stated in its entirety:

This letter is a Notice of Appeal by Flora Blacktail and Deb'e Bell regarding the decision of the Bureau of Indian Affairs, United States Department of the Interior, dated December 11, 1995. A copy of that decision is attached to this letter.

Pursuant to the decision appealed, we are awaiting further appeal procedures from the Board of Indian Appeals.

On February 6, 1996, the Board issued a notice of docketing, informing appellants of their briefing privileges and of the fact that they bore the burden of proving error in the Area Director's decision.

Appellants did not file a brief.

Appellants who fail to make any allegation of error, let alone any argument in support of such an allegation, have not carried their burden of proof. See, e.g., Trevino v. Anadarko Area Director, 28 IBIA 129 (1995), and cases cited therein. Appellants have not carried their 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 Area Director's December 11, 1995, decision is affirmed.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge