



INTERIOR BOARD OF INDIAN APPEALS

Frank Papse, Jr. v. Acting Portland Area Director, Bureau of Indian Affairs

32 IBIA 185 (05/19/1998)



United States Department of the Interior

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

FRANK PAPSE, JR.,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 98-73-A
ACTING PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	May 19, 1998

This is an appeal from a February 18, 1998, decision of the Acting Portland Area Director, Bureau of Indian Affairs, which, inter alia, declined to cancel Fort Hall Lease No. 97-38. The appeal was filed initially by Frank Papse, Sr., and was received by the Board on March 5, 1998. Papse's notice of appeal failed to show that he had standing to pursue this appeal. In addition, the notice failed to show that it had been served on the interested parties.

By order dated March 6, 1998, the Board ordered Papse to show that he owned an interest in the land covered by the lease or otherwise had standing here. In the same order, the Board advised him that, if his appeal continued, he would be required to serve his notice of appeal on the interested parties.

In his response, Papse conceded that he did not own an interest in the leased land. He stated, however, that he wished to represent his son, Frank Papse, Jr., who does own an interest.

On March 31, 1998, the Board determined that Papse, Sr., was a qualified representative under 43 C.F.R. § 1.3 and that his response to the Board's March 6, 1998, order, if construed as a notice of appeal from Papse, Jr., was timely. Accordingly, the Board substituted Papse, Jr., as Appellant in this matter and ordered him, through his representative, to serve his notice of appeal on the interested parties by April 24, 1998.

Because of an apparent misunderstanding on the part of Appellant's representative as to the regulations applicable to this proceeding, the Board extended Appellant's time for completing service until May 18, 1998.

On May 14, 1998, the Board received notice from Appellant's representative that he would not be completing service.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for failure to prosecute.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge