



INTERIOR BOARD OF INDIAN APPEALS

Mannix Oil Co., Inc. v. Acting Muskogee Area Director, Bureau of Indian Affairs

33 IBIA 24 (09/25/1998)



United States Department of the Interior

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

MANNIX OIL COMPANY, INC., Appellant	:	Order Docketing and Dismissing Appeal
	:	
v.	:	
	:	Docket No. IBIA 98-107-A
ACTING MUSKOGEE AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	September 25, 1998

This is an appeal from a May 19, 1998, decision of the Acting Muskogee Area Director, Bureau of Indian Affairs, finding that Oil and Gas Lease No. 503-7781 (69727), Louisa Island Creek NB-1041, had expired for failure to produce oil and/or gas in paying quantities.

Appellant stated that it had recently purchased Halgas, Inc., which, it further stated, was the operator of this lease. However, BIA's notice of lease expiration was addressed to Brice Raper, Yale, Oklahoma, with no indication that Raper had any connection to either Halgas or Appellant.

The administrative record showed that the last approved assignment of the lease was an assignment to Brice Raper, approved by BIA on September 15, 1993. The record also showed that an assignment dated July 5, 1996, from Brice C. Raper to Halgas had been submitted to BIA on April 24, 1997, but had not been approved because Halgas had not submitted a bond. Included in the record were May 8, 1997, and July 10, 1997, letters from BIA to Halgas, stating that the assignment could not be approved until the bond was submitted.

The Board has held that an unapproved assignee lacks standing to appeal a BIA notice of lease expiration to the Board. Uinta Oil & Gas, Inc. v. Phoenix Area Director, 27 IBIA 3 (1994); HCB Industries, Inc. v. Acting Phoenix Area Director, 18 IBIA 222 (1990). By order dated June 30, 1998, the Board furnished Appellant with copies of these decisions and gave it an opportunity to show that this appeal is not controlled by those decisions. On August 21, 1998, the Board extended Appellant's time for responding to the June 30, 1998, order until September 23, 1998.

Appellant's response was received by the Board on September 24, 1998. Appellant fails entirely to address the question of its standing to bring this appeal. The Board finds that Appellant has failed to show that it has standing here.

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 lack of standing.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge