



INTERIOR BOARD OF INDIAN APPEALS

Estate of Charles Oatman

35 IBIA 52 (05/16/2000)



United States Department of the Interior

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

ESTATE OF CHARLES OATMAN : Order Docketing and Dismissing
: Appeal
:
: Docket No. IBIA 00-65
:
: May 16, 2000

On May 2, 2000, the Board of Indian Appeals received a notice of appeal from Everett Oatman (Appellant), who seeks review of a February 29, 2000, decision issued by Administrative Law Judge Harvey C. Sweitzer in the Estate of Charles Oatman (Decedent), Nez Perce No. 182U002940. In that decision, Judge Sweitzer denied petitions for rehearing filed by Appellant, who is Decedent's father, and Darla Jackson, Decedent's mother, on the basis that "Petitioners are not presumptive or actual heirs or beneficiaries to this estate and as such [do] not have standing to petition."

In his notice of appeal to the Board, Appellant states that he is appealing on behalf of Decedent's minor sons, Dyllon and Desmond.

It is apparent from the February 29, 2000, decision, as well as from the original decision determining Decedent's heirs, issued by Judge Sweitzer on August 31, 1999, that Dyllon and Desmond have been represented in the probate proceedings by their mother, Karla Bowen Oatman.

Appellant does not show that he has any authority to represent Dyllon and Desmond in this appeal. Nor, as Judge Sweitzer held, does Appellant have standing to appeal on his own behalf.

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 and failure to show authority to represent Decedent's minor sons, Dyllon and Desmond.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge