



INTERIOR BOARD OF INDIAN APPEALS

Sarah Jabeth, et al.; and Mr. and Mrs. George Locke-Paddon v.  
Acting Northwest Regional Director, Bureau of Indian Affairs

36 IBIA 213 (07/16/2001)



# United States Department of the Interior

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

SARAH JABETH et al., Appellants	:	Order Dismissing Appeals
	:	
	:	
MR. AND MRS. GEORGE LOCKE-PADDON, Appellants	:	Docket Nos. IBIA 01-23-A
	:	IBIA 01-24-A
	:	IBIA 01-25-A
v.	:	IBIA 01-26-A
	:	IBIA 01-33-A
	:	
ACTING NORTHWEST REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	
	:	
SARAH JABETH et al., Appellants	:	Docket No. IBIA 01-49-A
	:	
	:	
v.	:	
	:	
	:	
NORTHWEST REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	July 16, 2001

These are appeals from four decisions issued by the Acting Northwest Regional Director and one decision issued by the Northwest Regional Director, 1/ Bureau of Indian Affairs, all assessing trespass damages for past use and occupancy of Nez Perce Allotment 1417. 2/ The first four decisions were dated October 13, 2000, and were addressed to Robert L. Hammer (Docket No. IBIA 01-23-A); Mr. and Mrs. George Locke-Paddon (Docket Nos. IBIA 01-24-A and 01-33-A); Jerry Micka (Docket No. IBIA 01-25-A); and Warren Staats (Docket No. IBIA 01-26-A). The fifth decision was dated December 4, 2000, and was addressed to Reynold L. Allgood (Docket No. IBIA 01-49-A). The appeals were docketed and consolidated on January 22, 2001.

1/ Both officials are hereafter referred to as "Regional Director."

2/ Appellants in Docket Nos. IBIA 01-23-A through 01-26-A and 01-49-A are Sarah Jabeth, Sheila Taylor, Randall Higheagle, Robert Stafford, Victor Parsons, Jr., Doneta Higheagle, Shelly Agapith, Harrison Jabeth, and William Reich. All of these Appellants own interests in Nez Perce Allotment 1417.

On May 15, 2001, the Board received a settlement agreement pertaining to the appeals in Docket Nos. IBIA 01-23-A through 01-26-A and 01-49-A. The agreement showed that the Appellants in those five appeals had reached agreement with the Regional Director concerning the matters in dispute. However, it did not show participation by other interested parties, *i.e.*, the individuals who had been assessed trespass damages. The Board therefore gave those parties an opportunity to comment on the settlement agreement.

No responses have been received. Therefore, the appeals in Docket Nos. IBIA 01-23-A through 01-26-A and 01-49-A will be dismissed.

The Regional Director seeks dismissal of the appeal in Docket No. IBIA 01-33-A for failure of the Appellants, Mr. and Mrs. George Locke-Paddon, to support their appeal.

The notice of appeal filed by these Appellants stated in its entirety: "COMES NOW, Mr. and Mrs. George Lock-Paddon and hereby give notice that they are appealing that certain decision, dated October 13, 2000, of the Bureau of Indian Affairs, (Portland Area Office [*i.e.*, Northwest Regional Office]), a copy of said decision is attached hereto." The Locke-Paddons did not file a brief.

The Board has consistently held that appellants who fail to make any allegation of error in the decision under appeal, let alone any argument in support of such an allegation, have not carried their burden of proof. *E.g.*, OK Tank Trucks, Inc. v. Acting Muskogee Area Director, 33 IBIA 119 (1999), and cases cited therein. Therefore, the appeal in Docket No. IBIA 01-33-A must be dismissed for failure of the Appellants to carry their burden of proof.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, these six appeals are dismissed for the reasons stated above.

//original signed

Anita Vogt  
Administrative Judge

//original signed

Kathryn A. Lynn  
Chief Administrative Judge