



INTERIOR BOARD OF INDIAN APPEALS

Estate of Willis Tyrone Greene

37 IBIA 93 (01/02/2002)



## United States Department of the Interior

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

ESTATE OF WILLIS TYRONE GREENE : Order Docketing Appeal and  
: Affirming Decision  
:  
: Docket No. IBIA 01-154  
:  
: January 2, 2002

This appeal was filed by Ryan M. Greene, Avon K. Greene, Rhonda L. Greene, and Roselle D. Greene (Appellants) and seeks review of a May 31, 2001, order titled "Modification of Decision" issued by Administrative Law Judge Harvey C. Sweitzer in the Estate of Willis Tyrone Greene (Decedent). The May 31, 2001, order modified Judge Sweitzer's February 29, 2000, decision in this estate to apply the Umatilla Inheritance Act, 25 U.S.C. § 463d note, to Decedent's property in the State of Oregon.

In their notice of appeal, Appellants stated that they "appeal the description of Debra Henry as a surviving wife." They also stated: "A prior appeal was not filed because our father Richard M. Greene had died the previous week when the notice dated Feb 29, 2000 was sent out."

Upon receipt of the probate record, the Board issued an Order to Show Cause, stating:

The only change made by the modification order was the recognition of the applicability of the Umatilla Inheritance Act to this estate. As it affected Debra Henry, the order reduced her interest in Decedent's property located in Oregon from a 100% interest to a ½ life estate.

Judge Sweitzer's finding concerning Debra Henry's status as Decedent's surviving wife was made in his February 29, 2000, decision, not his May 31, 2001, modification order.

On or before November 19, 2001, Appellants shall show why Judge Sweitzer's finding as to the status of Debra Henry should not be summarily affirmed because of the failure of Appellants to file a timely petition for rehearing from the February 29, 2000, decision.

Only Appellant Roselle Greene filed a response. She contends that neither she nor her father Richard M. Greene received notice of Judge Sweitzer's February 29, 2000, decision. She also appears to contend that she did not receive notice of the July 29, 1999, hearing in this estate.

The probate record shows that notice of Judge Sweitzer's February 29, 2000, decision was sent to Richard M. Greene and to all four Appellants, including Roselle Greene. It also shows that notice of the July 29, 1999, hearing was sent to all of these parties.

The Board finds that Appellants have failed to show any valid reason for their failure to seek rehearing of Judge Sweitzer's February 29, 2000, decision.

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, and Judge Sweitzer's February 29, 2000, decision is affirmed as modified by his May 31, 2001, order.

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//original signed

Anita Vogt  
Administrative Judge

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge