



INTERIOR BOARD OF INDIAN APPEALS

Estate of Gloria Mae Creech

39 IBIA 26 (04/28/2003)



United States Department of the Interior

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

ESTATE OF GLORIA MAE CREECH : Order Affirming Decision
:
: Docket No. IBIA 03-30
:
: April 28, 2003

Appellant Samantha C. Riding-Red Horse sought review of a November 6, 2002, order denying reopening issued by Administrative Law Judge William E. Hammett in the estate of Decedent Gloria Mae Creech. IP SA 072 N 99. For the reason discussed below, the Board of Indian Appeals (Board) affirms Judge Hammett's order.

In her notice of appeal, as before Judge Hammett, Appellant argued that Decedent's surviving spouse should not inherit any of Decedent's estate because he had been convicted of manslaughter in regard to Decedent's death. Judge Hammett found that California statutory law did not preclude a person convicted of manslaughter from inheriting from the deceased person.

By order dated November 27, 2003, the Board gave Appellant an opportunity to show some evidence that Judge Hammett misinterpreted or misapplied California State law. The order stated that, if Appellant failed to respond, it would take appropriate action. Appellant's response was due on or before January 10, 2003.

The Board has not received a response from Appellant.

In light of Appellant's failure to respond to the Board's order, she has failed to prosecute her appeal. Furthermore, in light of her failure to attempt to show that Judge Hammett misinterpreted or misapplied California State law in regard to this situation, she has failed to carry her burden of proof in this case.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Judge Hammett's November 6, 2002, order denying reopening is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Kathleen R. Supernaw
Acting Administrative Judge