



INTERIOR BOARD OF INDIAN APPEALS

Estate of Leonard Old Rock Martin, Sr.

39 IBIA 80 (06/26/2003)

Reconsideration denied:

39 IBIA 86

Related Board cases:

39 IBIA 1

47 IBIA 250



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF LEONARD OLD ROCK : Order Docketing and Dismissing
MARTIN, SR. : Appeal
:
: Docket No. IBIA 03-81
:
: June 26, 2003

Appellant Micki Diserly sought review of an April 11, 2003, order denying reopening issued in the estate of Decedent Leonard Old Rock Martin, Sr., by Administrative Law Judge Robert G. Holt. For the reason discussed below, the Board of Indian Appeals (Board) docketed this appeal but dismisses it for failure to prosecute.

In an order dated April 23, 2003, the Board noted that Judge Holt denied Appellant's petition for reopening on the grounds that Appellant received notice of, participated in, and sought rehearing of the initial probate hearing in Decedent's estate. Because of these facts, the Judge found that Appellant lacked standing to petition for reopening. The Board gave Appellant until May 30, 2003, to show how Judge Holt was wrong in finding that she lacked standing. It informed Appellant that, if she failed to show how Judge Holt erred or to respond to the order, her appeal would be dismissed.

The Board has not received a response from Appellant.

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 from Judge Holt's April 11, 2003, decision is docketed but dismissed for failure to prosecute.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Kathleen R. Supernaw
Acting Administrative Judge