



INTERIOR BOARD OF INDIAN APPEALS

Estate of Irvin Louis Falcon

40 IBIA 106 (09/22/2004)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

ESTATE OF IRVIN LOUIS FALCON : Order Dismissing Appeal
:
: Docket No. IBIA 03-49
:
: September 22, 2004

Appellant Diana Falcon Lee sought review of a December 9, 2002, Order Denying Petition for Rehearing, entered in the Estate of Irvin Louis Falcon, deceased Coeur d'Alene, Enrollment No. 181U000121, Probate Nos. IP SL 187 H 98 and 000-181-045B, by Administrative Law Judge Richard L. Reeh. The underlying Order Determining Heirs and Decree of Distribution was entered on October 12, 2001. The decedent died intestate, and the probate orders set aside an equal share of the decedent's estate for a potential additional heir, a probable, but unconfirmed and unidentified, child of the decedent. Appellant, a daughter of the decedent, sought review of that determination.

On September 20, 2004, the Board of Indian Appeals (Board) received a motion from Appellant to dismiss this appeal, based on the ground that Appellant wishes to have her father's estate distributed consistent with Judge Reeh's October 12, 2001, order, including the reservation of a share for the additional potential heir. 1/

Appellant's motion to dismiss is granted.

Therefore, pursuant to the authority delegated to the Board by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed. Judge Reeh's orders are final for the

1/ Separately, the Board received from the Coeur d'Alene Tribe copies of documents offered as evidence relevant to the issue of a possible additional heir. Although that submission is now part of the administrative record for this appeal, the Board makes no factual or legal findings concerning the existence or identity of a potential additional heir. Judge Reeh's order denying rehearing stated that when adequate information about issues relating to the potential additional heir is developed, a petition for reopening should be submitted to him.

Department, and the shares of the estate for the heirs identified in the Order Determining Heirs and Decree of Distribution may be distributed pursuant to that order without further delay.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Colette J. Winston
Administrative Judge