



INTERIOR BOARD OF INDIAN APPEALS

Estate of Shauna Vonae Tapoof

40 IBIA 204 (01/10/2005)



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 SHAUNA VONAE : Order Dismissing Appeal
TAPOOF :
:
: Docket No. IBIA 05-11
:
:
: January 10, 2005

Appellant Hilda Tapoof, pro se, sought review by the Board of Indian Appeals (Board) of a September 29, 2004, order denying a petition for rehearing in the Estate of Shauna Vonae Tapoof, 687U001791, a deceased Ute Indian (Probate No. WS-687-0076). The Board dismisses the appeal for failure to prosecute.

Pursuant to 43 C.F.R. § 4.320(a), only “[a] party in interest has a right to appeal to the Board.” Appellant is decedent’s sister and did not appear to be a party in interest. The underlying issue appears to be whether decedent was married to Terry Lee Carey, Sr. at the time of her death. Thus, the potential conflicting inheritance claims at issue appear to be solely between Terry Lee Carey, Sr. and the six children of the marriage between Shauna Vonae Tapoof and Terry Lee Carey, Sr.

If Appellant brought this appeal on her own behalf, she might not have standing since her own interests do not appear to be at stake. If, however, Appellant were representing with authorization the interests of one or more of decedent’s six children, then she might have been permitted to bring an appeal, but on their behalf. If that were the case, then the child or children would be considered the Appellant(s) and would have standing to bring an appeal.

On November 4, 2004, the Board of Indian Appeals (Board) ordered Appellant to file a statement with the Board clarifying her intent in filing this appeal and indicating how she is adversely affected by the ALJ’s September 29, 2004, decision or whether she has the authority to represent the interests of those who might be adversely affected by the decision. The Board advised her that failure to comply by December 7, 2004, may result in dismissal of this appeal. The Board has received no 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, the Board dismisses this appeal for failure to prosecute.

// original signed
Colette J. Winston
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge