



## INTERIOR BOARD OF INDIAN APPEALS

Kim D. Hollenbeck, Brad Hollenbeck, and Nellie Hollenbeck v. Acting Great Plains  
Regional Director, Bureau of Indian Affairs

46 IBIA 45 (10/17/2007)



# United States Department of the Interior

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

KIM D. HOLLENBECK, BRAD	)	Order Docketing and Dismissing Appeal
HOLLENBECK, AND NELLIE	)	
HOLLENBECK,	)	
Appellants,	)	
	)	
v.	)	Docket No. IBIA 07-129-A
	)	
ACTING GREAT PLAINS REGIONAL	)	
DIRECTOR, BUREAU OF	)	
INDIAN AFFAIRS,	)	
Appellee.	)	October 17, 2007

On August 27, 2007, the Board of Indian Appeals (Board) received a notice of appeal from Kim D. Hollenbeck, Brad Hollenbeck, and Nellie Hollenbeck (Appellants), seeking review of a July 24, 2007, decision by the Acting Great Plains Regional Director, Bureau of Indian Affairs (Regional Director). The Regional Director’s decision adjusted the grazing rental rate to \$16.21 an Animal Unit Month for individually-owned Indian trust lands on the Cheyenne River Reservation for the 2008 grazing season, pursuant to 25 C.F.R. § 166.408. The Board docketed this appeal, but dismisses it for failure to prosecute.

Appellants filed their notice of appeal without certifying or otherwise indicating that they had served a copy of the notice of appeal on the Assistant Secretary - Indian Affairs and the Regional Director, as required by 43 C.F.R. §§ 4.310(b) and 4.332(a), and as advised in the Regional Director’s decision. On September 5, 2007, the Board ordered Appellants, on or before September 21, 2007, to serve a copy of their notice of appeal on the Assistant Secretary - Indian Affairs and the Regional Director, and by that same date to file a statement with the Board that they had done so. The Board advised Appellants that failure to comply with the order could result in dismissal of their appeal without further notice.

The Board has received no response from Appellants.

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 docketed this appeal, but dismisses it for failure to prosecute.<sup>1</sup>

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
// original signed  
Debra G. Luther  
Administrative Judge

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<sup>1</sup> The Board's dismissal of this appeal does not affect the other appeals from the Regional Director's July 24, 2007, decision that are pending before the Board in *Longbrake, et al. v. Acting Great Plains Regional Director*, Docket Nos. IBIA 07-128-A & consol.