



INTERIOR BOARD OF INDIAN APPEALS

Terry Langstraat v. Rocky Mountain Regional Director, Bureau of Indian Affairs

47 IBIA 248 (09/29/2008)



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

TERRY LANGSTRAAT,)	Order Affirming Decision
Appellant,)	
)	
v.)	
)	Docket No. IBIA 07-30-A
ROCKY MOUNTAIN REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	September 29, 2008

Terry Langstraat (Appellant) appealed to the Board of Indian Appeals (Board) from a September 13, 2006, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director affirmed the Crow Agency Superintendent's May 1, 2006, decision to cancel Agricultural Lease No. 0-15518, between the Crow Tribe of Indians (Tribe) as lessor and Appellant and Coral Langstraat as lessees for breach of contract and non-compliance.¹

Appellant's notice of appeal to the Board did not identify any grounds for finding error in the Regional Director's decision. After the Board scheduled briefing for the appeal, Appellant requested a stay, indicating that he had presented an offer to settle to the Regional Director, who had neither accepted nor rejected it. The Board denied Appellant's request for a stay, but granted him additional time to file an opening brief. Appellant did not file an opening brief. On June 11, 2007, the Board requested a status report from Appellant, noting that no briefs had been filed, nor had the Board been advised that a settlement had been reached. The Board's order for a status report stated that if no

¹ The Superintendent gave the following reasons for the lease cancellation: the Langstraats owed back rent; the Langstraats committed waste by overgrazing; the Langstraats used the land set aside for hay land as a pasture; the Langstraats did not prevent or control noxious weeds on the property; the Langstraats did not maintain the property fences; and the Langstraats subleased the property without permission. The Superintendent stated that the Tribe had asked for a mutual cancellation of the lease, but was ignored by the Langstraats.

response was received from Appellant, the Board would assume that no settlement had been reached. The Board received no response from Appellant.²

The Board has consistently held that an appellant who makes no allegation of error, let alone any arguments in support of such an allegation, has not carried his burden of proof. See *Johnson v. Rocky Mountain Regional Director*, 38 IBIA 64, 67 (2002). Where the notice of appeal does not identify any error in the decision being appealed and the appellant submits no brief or other statement of reasons in opposition to the Regional Director's decision, the Board may summarily affirm that decision. *Her Many Horses v. Acting Great Plains Regional Director*, 47 IBIA 71, 72 (2008).

Appellant's notice of appeal did not identify any alleged error in the Regional Director's decision, and he did not file either a statement of reasons³ or a brief with the Board. Therefore, Appellant has not met his burden of proving error in the Regional Director's decision.⁴

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 affirms the Regional Director's September 13, 2006, decision.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 // original signed
Debora G. Luther
Administrative Judge

² On February 26, 2007, the Board received a notice of withdrawal from Appellant's counsel.

³ Appellant's notice of appeal stated that he would file a statement of reasons within 30 days. No statement of reasons was filed with the Board, although the record suggests that Appellant may have presented a statement of reasons to the Regional Director as part of an offer to settle.

⁴ The term of the lease was through November 29, 2007, and therefore this appeal may be moot. However, the lease also gave the Langstraats a right of renewal, and therefore the Board issues this decision to avoid any question about any rights that the Langstraats might otherwise have had under the lease, had we not affirmed BIA's cancellation decision.