



INTERIOR BOARD OF INDIAN APPEALS

Sharon Little v. Acting Southern Plains Regional Director, Bureau of Indian Affairs

50 IBIA 248 (10/01/2009)



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

SHARON LITTLE,)	Order Affirming Decision
Appellant,)	
)	
v.)	
)	Docket No. IBIA 09-069
ACTING SOUTHERN PLAINS)	
REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	October 1, 2009

Sharon Little (Appellant) appealed to the Board of Indian Appeals (Board) from a January 22, 2009, decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director), to cancel Appellant’s residential lease, Contract No. 0-20-0208-17577, for nonpayment of rent.¹ We summarily affirm the Regional Director’s decision because Appellant bears the burden of proving that the Regional Director erred, and she makes no allegations of error in her appeal to the Board.

In her Notice of Appeal, Appellant made no allegation of error in the Regional Director’s decision. Instead, she stated that she was having financial difficulties and was supporting various relatives, and she asked that she be permitted to continue to rent the property. She stated, “I hope you will let me lease this place again,” Notice of Appeal at 2 (unpaginated), arguably accepting the lease cancellation decision but asking for another chance to lease the property. Appellant did not file an opening brief, although the Board advised her in the Notice of Docketing and Order Setting Briefing Schedule that she bore the burden of proving error in the Regional Director’s decision.

The Board has consistently held that an appellant who fails to make any allegation of error in a Regional Director’s decision, let alone any argument in support of such an allegation, has not carried her burden of proof. *See Steve Her Many Horses v. Acting Great*

¹ The lease cancellation decision was made under 25 C.F.R. § 162.619. The property subject to the lease is described as the SE¼SE¼NE¼NE¼ of Section 10, Township 11 North, Range 5 East, of the Indian Meridian, Pottawatomie County, Oklahoma, containing 2.5 acres more or less, on Sac and Fox Allotment #325-C.

Plains Regional Director, 47 IBIA 71, 71-72 (2008); *see also Johnson v. Rocky Mountain Regional Director*, 38 IBIA 64, 67 (2002). Because Appellant has made no allegations of error in the Regional Director's decision, she has not carried her burden of proof.

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 Regional Director's January 22, 2009, decision is affirmed.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge