



INTERIOR BOARD OF INDIAN APPEALS

Estate of Helen L. Riggs

51 IBIA 280 (06/03/2010)



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 HELEN L. RIGGS) Order Docketing and Dismissing Appeal
)
) Docket No. IBIA 10-046
)
) June 3, 2010

Lena Rose Walker Peshlakai (Appellant) appealed to the Board of Indian Appeals (Board) from an “Order Denying Petition for Rehearing, Lifting Stay, and Affirming Decision of July 31, 2009” entered on January 8, 2010, by Indian Probate Judge (IPJ) Roberta Dee Joe in the estate of Helen L. Riggs (Decedent), deceased Navajo Indian, Probate No. P000031860IP. Appellant asserts that she and her two sisters, Emma Walker Chatter and Lillie Walker Endischee, were adopted by Decedent, and therefore should share in Decedent’s estate as her daughters. The Board docketed this appeal, but dismisses it for failure to prosecute.

Appellant filed her notice of appeal without certifying or otherwise indicating that she had served a copy of her notice of appeal on all interested parties, as required by 43 C.F.R. § 4.310(b). On February 4, 2010, the Board ordered Appellant to complete these service requirements on or before February 19, 2010, and by that same date to file a statement with the Board that she had done so. The Board advised Appellant that if she did not comply with the order, her “appeal may be dismissed without further notice.” Pre-Docketing Notice and Order Concerning Service, Feb. 4, 2010, at 2 (emphasis omitted). Appellant did not respond.

The Board discovered that its February 4 order was not delivered to Appellant until February 17, thus leaving her only 2 days to comply with the Board’s order. Therefore, on April 6, 2010, the Board sua sponte extended the time to April 26, 2010, for Appellant to comply with the Board’s order to serve. The Board again advised Appellant that her “appeal may be dismissed without further notice” if she did not comply with the order. This order was delivered to Appellant on April 12, 2010.

The Board has received no response from Appellant to either of its orders.

Therefore, pursuant to the authority delegated to the Board by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed this appeal but dismisses it for failure to prosecute.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge