



INTERIOR BOARD OF INDIAN APPEALS

Linda Meyers v. Acting Great Plains Regional Director, Bureau of Indian Affairs

54 IBIA 268 (02/21/2012)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

LINDA MEYERS,)	Order Vacating Decisions
Appellant,)	
)	
v.)	
)	Docket No. IBIA 11-156
ACTING GREAT PLAINS REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	February 21, 2012

Linda Meyers (Appellant) appealed to the Board of Indian Appeals (Board) from a decision (Decision) of the Acting Great Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA), declining to change or rescind seven gift deeds through which Appellant had previously conveyed various interests in trust property to her son, Michael Meyers.¹ On November 23, 2011, the Board received notification from the Regional Director that Appellant died on November 3, 2011. In light of Appellant’s death, and with the Regional Director’s concurrence, the Board vacates BIA’s decisions without expressing any view on the underlying merits of the appeal.

After receiving notification of Appellant’s death, and given the uncertainty, pending completion of probate proceedings, of the identity of any potential successor(s)-in-interest to any right or interest claimed by Appellant in this matter, the Board solicited briefing concerning further proceedings. *See* Order Soliciting Briefing on Further Proceedings, Dec. 2, 2011. The Board proposed vacating the BIA decisions, explaining that “[t]he sole purpose of an order of vacatur would be to return the matter to the status that existed before Appellant asked BIA to rescind the deeds, and would not constitute any finding on the merits of the underlying BIA decisions.” *Id.* at 2. The Board noted that if an heir or devisee of Appellant, as a successor-in-interest to her request to change or rescind the deeds,

¹ The Decision, dated July 25, 2011, affirmed a September 30, 2010, decision of BIA’s Fort Berthold Agency Superintendent (Superintendent). In each deed, Appellant reserved certain specific life estate interests. The deeds were executed by Appellant in 2005, approved by BIA in 2006, and recorded in January 2007.

were to pursue the matter as an inventory dispute, *see* 43 C.F.R. § 30.128, BIA could then issue another decision, with an ultimate right of appeal to the Board. *Id.*

In response, the Regional Director concurs with the Board's proposal to vacate the BIA decisions.²

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 vacates the Superintendent's September 30, 2010, decision and the Regional Director's July 25, 2011, decision.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge

² Roger Birdbear, who is not an attorney but who assisted Appellant with her appeal was allowed to respond as amicus curiae. Birdbear does not claim any personal right or interest in the subject of this appeal, but suggested that the Board should enjoin BIA from transferring any property interest held in trust for Appellant. Birdbear's proposal appears to presume the merits of Appellant's appeal, which we decline to do.