



INTERIOR BOARD OF INDIAN APPEALS

Estate of Ethel Betty Morgan

55 IBIA 165 (06/26/2012)



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 ETHEL BETTY)
MORGAN) Order Docketing and Dismissing
) Appeal
)
) Docket No. IBIA 12-090
)
)
) June 26, 2012

Helena Melendez (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Petition for Rehearing (Rehearing Order) entered on March 8, 2012, by Administrative Law Judge (ALJ) Thomas F. Gordon in the estate of Appellant's mother, Ethel Betty Morgan (Decedent).¹ The Rehearing Order left in place the ALJ's June 21, 2011, Decision distributing Decedent's estate according to her June 21, 1977, will. Decedent's will devised equal parts of Walker River Allotment No. 19 to Appellant and Appellant's adoptive sister Eileen Morgan (who is also Decedent's biological granddaughter), and devised other properties to Morgan and to several of Decedent's grandchildren. Appellant's notice of appeal asserted that Morgan improperly benefitted from the monies Decedent received from Social Security, water rights for Walker River Allotment No. 19, and the leasing of the land. Appellant also contended that Morgan "manipulated to change all the paperwork to her standard." Notice of Appeal.

As a preliminary matter, the Board ordered Appellant to complete service of her appeal on the ALJ and other interested parties in this matter, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that she had done so. Because it was not clear whether Appellant's complaints were directed at the Rehearing Order, and because Appellant did not identify any errors committed by the ALJ in the Rehearing Order, the Board also ordered Appellant to submit a statement of reasons setting forth the grounds for her appeal to the Board. The Board set a deadline of May 18, 2012, for Appellant to comply with the Board's order, and advised Appellant that if she failed to comply with or respond to the Board's order, her appeal might be dismissed without further notice.

¹ Decedent, a.k.a. Ethel B. Jones, was a Walker River Paiute. The probate number assigned to Decedent's case in the Department of the Interior's probate tracking system, ProTrac, is No. P000081664IP.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on April 17, 2012.

The Board has received no response from Appellant.

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 but dismisses this appeal for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Debora G. Luther
Administrative Judge