



INTERIOR BOARD OF INDIAN APPEALS

Estate of Hattie Monroe Anderson

56 IBIA 41 (11/27/2012)



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 HATTIE MONROE)	Order Docketing and Dismissing
ANDERSON)	Appeal
)	
)	Docket No. IBIA 12-151
)	
)	November 27, 2012

Harold F. Anderson, Jr. (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Include Omitted Property (Modification Order) entered on June 13, 2012, by Administrative Law Judge (ALJ) R. S. Chester in the estate of Appellant’s grandmother, Hattie Monroe Anderson (Decedent).¹ The Modification Order added a 0.0002480159 trust interest in Allotment No. 6A36, on the Lac Courte Oreilles Reservation in Wisconsin, to Decedent’s estate inventory, and ordered that it be distributed according to the March 30, 1990, Order Approving Will and Decree of Distribution (1990 Decision).² As provided in the 1990 Decision, the additional property would be distributed to Vivian Marie Benz (Decedent’s daughter and Appellant’s aunt) as the devisee under Decedent’s will.³

On receipt of the appeal, the Board noted that it appeared that Appellant sought to raise issues in his appeal that were outside the scope of an appeal from the Modification Order. Namely, Appellant questioned why he and his brother were not considered beneficiaries of Decedent’s trust property—an issue that was settled in the 1990 Decision. Accordingly, the Board ordered Appellant to show cause why his appeal should not be dismissed. The Board set a deadline of October 17, 2012, for Appellant to comply with the

¹ Decedent was a Blackfoot Indian. Her probate is assigned Probate No. P000086985IP in the Department of the Interior’s probate tracking system, ProTrac. The original number assigned to the probate of Decedent’s estate was IP BI 8A 90.

² The Modification Order was issued after the Bureau of Indian Affairs requested that the estate inventory be modified to add and to distribute property that Decedent inherited from the estate of Francis Rupert Anderson.

³ It appears that Benz is now deceased. *See Estate of Vivian Marie Benz*, IP SL 035F 99. Therefore, under the 1990 Decision, the property added to Decedent’s estate inventory will transfer to Benz’s estate, and be distributed as provided in the probate of her estate.

Board's order, and advised Appellant that if he failed to comply with or respond to the Board's order, his appeal might be dismissed without further notice.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on September 19, 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