



INTERIOR BOARD OF INDIAN APPEALS

Estate of Daniel Charles Boggs

56 IBIA 116 (01/16/2013)



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 DANIEL CHARLES)	Order Docketing and Dismissing
BOGGS)	Appeal
)	
)	Docket No. IBIA 13-018
)	
)	January 16, 2013

Cameron Boggs (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Add Property to Estate Inventory (Modification Order) entered on September 25, 2012, by Administrative Law Judge (ALJ) R. S. Chester in the estate of Appellant’s father, Daniel Charles Boggs (Decedent).¹ The Modification Order added fractional trust interests in 41 allotments on the Blackfeet Reservation in Montana to Decedent’s estate inventory, and ordered that those interests be distributed to Decedent’s daughter, Odessa Marie Boggs (Odessa), in accordance with the Decision issued for Decedent’s estate on May 27, 2010. The Decision concluded that Decedent’s eldest child, Odessa, was entitled under the “single heir rule” of the American Indian Probate Reform Act, 25 U.S.C. § 2206(a)(2)(D)(iii), to inherit Decedent’s trust real property interests that constituted less than 5% in any allotment.²

On receipt of the appeal, the Board ordered Appellant to complete service of his appeal on the interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that he had done so. In addition, the Board issued an order for Appellant to show cause why the Modification Order should not be summarily affirmed (because it appeared that Appellant was seeking to raise issues for the first time on appeal, which the Board generally does not allow), or why the appeal should not be summarily dismissed (because the issues he was raising appeared to be outside the scope of an appeal from the Modification Order).

¹ Decedent was a Blackfeet Indian. His probate is assigned Probate No. P000065515IP in the Department of the Interior’s probate tracking system, ProTrac.

² All 41 of the interests added to Decedent’s estate inventory were less than 5% of the respective allotments. Their addition to several interests already included in Decedent’s estate for some of the same allotments did not result in Decedent’s ownership of a greater-than-5% interest in any of those allotments.

The Board set a deadline of December 3, 2012, for Appellant to comply with the 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 November 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