



INTERIOR BOARD OF INDIAN APPEALS

Estate of Clayton Raymond LaCroix

56 IBIA 287 (04/18/2013)



# 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 CLAYTON RAYMOND )  
LaCROIX ) Order Docketing and Dismissing  
) Appeal  
)  
) Docket No. IBIA 13-047  
)  
) April 18, 2013

Ron Grobe (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Reopening entered on December 19, 2012, by Administrative Law Judge (ALJ) Larry M. Donovan in the estate of his father, Clayton Raymond LaCroix (Decedent).<sup>1</sup> In the Order Denying Reopening, the ALJ denied a petition filed by Diane M. Hemsworth-LaCroix (Diane), a daughter of Decedent, in which she sought to contest Decedent's will, dated May 20, 1988, which was approved in a September 15, 1998, Order Approving Will and Decree of Distribution (Order Approving Will).<sup>2</sup>

Because it appeared that Appellant was not adversely affected by the Order Denying Reopening, and therefore lacked standing to appeal that order to the Board, the Board ordered Appellant to show cause why his appeal should not be dismissed. *See* Order to Show Cause (OSC), Feb. 6, 2013.<sup>3</sup> The Board set a deadline of March 7, 2013, for Appellant to comply with the Board's order, and advised Appellant that if he failed to respond to the Board's OSC, his appeal might be dismissed without further notice.

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<sup>1</sup> Decedent was a Santee Sioux. The probate number assigned to Decedent's case in the Department of the Interior's probate tracking system, ProTrac, is No. P000097235IP. The original number assigned to the probate of Decedent's estate was IP OK 357 P 97.

<sup>2</sup> The Order Approving Will was issued by ALJ Richard L. Reeh. Orders were subsequently entered to make minor corrections to the Order Approving Will on May 24, 2000, and June 18, 2007. Diane's petition to contest Decedent's will apparently was prompted by a Modification to Add and Distribute Omitted Property, dated August 10, 2012, which was issued by ALJ Donovan to add certain property interests from Lilian Hallberg's estate to Decedent's estate and distribute them according to the approved will.

<sup>3</sup> Under the will, Appellant receives a greater share in Decedent's estate than he would if the will were set aside.

Appellant did not respond to the order for him to explain why his appeal should not be dismissed for lack of standing.<sup>4</sup> Accordingly, the Board will dismiss this appeal for failure to demonstrate standing and failure to prosecute. *See Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas v. Acting Southern Plains Regional Director*, 56 IBIA 267, 268 (2013); *Estate of Glade Sylvia Willis*, 54 IBIA 316, 317 (2012).

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 demonstrate standing and failure to prosecute.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Thomas A. Blaser  
Administrative Judge

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<sup>4</sup> Appellant did comply with an order from the Board to complete service of his notice of appeal on other interested parties, but he did not respond to the Board's order to show standing.