



INTERIOR BOARD OF INDIAN APPEALS

Estate of Thomas Eugene Iron

58 IBIA 123 (11/19/2013)



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

ESTATE OF THOMAS EUGENE)	Order Docketing and Dismissing
IRON)	Appeal
)	
)	Docket No. IBIA 13-127
)	
)	November 19, 2013

Michael O. Iron (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Include Omitted Property (Modification Order) entered on July 16, 2013, by Administrative Law Judge (ALJ) R. S. Chester in the estate of Thomas Eugene Iron (Decedent).¹ On receipt of the appeal, the Board ordered Appellant to complete service of his appeal on the ALJ and 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, it appeared that Appellant was attempting to seek the Board’s direct review of the ALJ’s initial January 28, 2013, Decision, and to raise an issue that is outside the scope of an appeal from the Modification Order. Therefore, the Board ordered Appellant to show cause (i.e., explain) why his appeal should not be dismissed.²

The Board set a deadline of September 25, 2013, 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.

¹ Decedent was a Standing Rock Sioux. His probate is assigned Probate No. P000105530IP in the Department of the Interior’s probate tracking system, ProTrac.

² The Board does not have jurisdiction to review directly an initial probate decision determining heirs or beneficiaries; a party must first exhaust remedies with the probate judge by seeking rehearing or reopening. *See* 43 C.F.R. § 4.320.

In the Decision, the ALJ determined that Decedent was the father of four children, including Appellant and Lori Ann Iron (Lori), and he ordered that Decedent’s trust estate be divided equally among the four. The Modification Order accepted the addition of trust real property interests on the Standing Rock Indian Reservation in South Dakota to Decedent’s estate inventory, and ordered that the interests be distributed as provided in the Decision. In his notice of appeal, Appellant asserted that Lori is not Decedent’s biological daughter, and that he was appealing her right to inherit from Decedent’s estate.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on September 3, 2013.

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
Thomas A. Blaser
Administrative Judge