



INTERIOR BOARD OF INDIAN APPEALS

Estate of Horace J. Poolaw

58 IBIA 125 (11/19/2013)



# 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 HORACE J. POOLAW	)	Order Docketing and Dismissing
	)	Appeal
	)	
	)	Docket No. IBIA 13-132
	)	
	)	November 19, 2013

Peggy Poolaw (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Petition for Rehearing (Order Denying Rehearing) entered on July 22, 2013, by Administrative Law Judge (ALJ) Richard L. Reeh in the estate of Horace J. Poolaw (Decedent).<sup>1</sup> The Order Denying Rehearing left in place the ALJ's June 7, 2013, Order Determining Heirs and Decree of Distribution, which determined that Appellant was not married to Decedent at the time of his death. In her notice of appeal, Appellant contended that she was married to Decedent at the time of his death and that she has additional evidence to prove that assertion.

On receipt of the appeal, the Board ordered Appellant to complete service of her 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 she had done so. The Board set a deadline of September 30, 2013, 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.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on September 5, 2013.

The Board has received no response from Appellant.

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<sup>1</sup> Decedent was a Kiowa Indian. His probate is assigned Probate No. P000101504IP in the Department of the Interior's probate tracking system, ProTrac.

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:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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//original signed  
Thomas A. Blaser  
Administrative Judge