



INTERIOR BOARD OF INDIAN APPEALS

Estate of Ida Janet Watts

59 IBIA 69 (08/01/2014)



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

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|---------------------------|---|--------------------------------|
| ESTATE OF IDA JANET WATTS |) | Order Docketing and Dismissing |
| |) | Appeals |
| |) | |
| |) | Docket Nos. IBIA 14-092 |
| |) | 14-097 |
| |) | 14-098 |
| |) | 14-099 |
| |) | |
| |) | August 1, 2014 |

Margaret L. Oliver, Sheila June Shepherd, Jesse Wayne Arroyo, and Juanita Elaine Howell (collectively, Appellants)¹ appealed to the Board of Indian Appeals (Board) from an April 21, 2014, Modification Order to Include Omitted Property (Modification Order), issued by Administrative Law Judge (ALJ) R.S. Chester, in the estate of Appellants' mother, Ida Janet Watts (Decedent).² The Modification Order added a 1/1386 (0.0007215007) trust interest in Allotment No. 302 M 1545 (minerals only) on the Standing Rock Reservation to Decedent's estate inventory, and ordered that it be distributed pursuant to the Decision issued for Decedent's estate on December 8, 2009, as modified in an order dated April 24, 2013. The Decision approved Decedent's will and ordered that her trust estate be distributed pursuant to the will, in which a residuary clause devised to Lucinda LaRoche (Lucinda), another child of Decedent, the rest and residue of Decedent's estate.³ Appellants each stated in their notices of appeal that, as a birth child of Ida Janet Rowe Watts, she or he is appealing "the decision to grant" Lucinda the right to inherit Decedent's Standing Rock trust property.

¹ Oliver's appeal was assigned Docket No. IBIA 14-092, Shepherd's appeal was assigned Docket No. 14-097, Arroyo's appeal was assigned Docket No. IBIA 14-098, and Howell's appeal was assigned Docket No. IBIA 14-099.

² Decedent, who was also known as Ida Janet Rowe, was a Fort Peck Indian. Her probate is assigned Probate No. P000076875IP in the Department of the Interior's probate tracking system, ProTrac.

³ Both the Decision and the April 24, 2013, order concluded that Lucinda was eligible to receive Decedent's Standing Rock trust interests. The Modification Order did not reopen the determinations made in the Decision or the April 24, 2013, order.

On receipt of the appeals, the Board ordered Appellants to complete service of their notices of 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 they had done so. The Board also ordered Appellants to show cause (i.e., explain) why their appeals should not be summarily dismissed, either as an improper attempt to appeal from the Decision, or an improper attempt to raise an issue that is outside the scope of the Modification Order, and thus outside the scope of an appeal from the Modification Order.

The Board set a deadline of June 16, 2014, for Appellant Oliver and a deadline of June 27, 2014, for Appellants Shepherd, Arroyo, and Howell to comply with the Board's respective orders, and advised Appellants that if they failed to comply with or respond to the Board's orders, their appeals might be dismissed without further notice.

The U.S. Postal Service (USPS) Track-and-Confirm service on its website indicates that Oliver received the Board's order on May 17, 2014. The USPS service indicates that Shepherd, Arroyo, and Howell each received the Board's order on June 2, 2014.

The Board has received no response from Appellants.⁴

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 the appeals for failure to prosecute.

I concur:

// original signed
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge

⁴ The Board received from the Land Title and Records Office of the Bureau of Indian Affairs, Rocky Mountain Region, copies of notices of appeal apparently served on that office by Shepherd, Arroyo, and Howell, and thus it appears that they may have complied with Board's order to complete service, but failed to notify the Board accordingly. We assume, for purposes of this decision, that Appellants complied with the Board's order to complete service, but dismiss for failure to respond to the Board's order to show cause.