



INTERIOR BOARD OF INDIAN APPEALS

Estate of Jimmy Chris Vaile

59 IBIA 72 (08/12/2014)



# 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

|                             |   |                                |
|-----------------------------|---|--------------------------------|
| ESTATE OF JIMMY CHRIS VAILE | ) | Order Docketing and Dismissing |
|                             | ) | Appeal                         |
|                             | ) |                                |
|                             | ) | Docket No. IBIA 14-102         |
|                             | ) |                                |
|                             | ) | August 12, 2014                |

Gerald Wayne Reevis (Appellant) appealed to the Board of Indian Appeals (Board) from a May 21, 2014, Order Denying Rehearing issued by Administrative Law Judge (ALJ) R. S. Chester in the estate of Jimmy Chris Vaile (Decedent),<sup>1</sup> who was the spouse of Appellant’s cousin, Phyllis Vaile, who predeceased Decedent. In his original Decision, dated January 28, 2013, the ALJ determined that Decedent’s trust estate passed to his three children, Raquel Vaile, Marnie Vaile, and Chris Vaile, and to a granddaughter, Carla Marie Rider. In the Order Denying Rehearing, the ALJ denied a petition by Appellant in which he argued that the property Decedent had inherited from Phyllis should not pass to Decedent’s children but instead should pass to Phyllis’s children. The ALJ concluded that because the property was no longer owned by Phyllis, and had passed to Decedent’s ownership, it passes to Decedent’s heirs (not Phyllis’s). And to the extent Appellant wished to challenge Decedent’s inheritance of the property from Phyllis, the time and place to do so would have been during the probate of Phyllis’s trust estate. In his notice of appeal to the Board, Appellant reiterates his contention that Phyllis’s children (or possibly Appellant) should receive the property originally owned by Phyllis, and Appellant asserts that he has standing because he is a co-owner of the allotments at issue.

On receipt of the appeal, the Board ordered Appellant to complete service of his notice 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 he had done so. The Board also ordered Appellant to show cause (i.e., explain) why his appeal should not be dismissed for lack of standing or the Order Denying Rehearing summarily affirmed.

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<sup>1</sup> Decedent was a Blackfeet Indian. His probate is assigned Probate No. P000099394IP in the Department of the Interior’s probate tracking system, ProTrac.

The Board set a deadline of July 11, 2014, 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 (USPS) Track-and-Confirm service on its website indicates that Appellant received the Board's order on June 10, 2014.

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 the appeal for failure to prosecute.

I concur:

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// original signed  
Thomas A. Blaser  
Administrative Judge

\_\_\_\_\_  
//original signed  
Steven K. Linscheid  
Chief Administrative Judge