



INTERIOR BOARD OF INDIAN APPEALS

Estate of Barbara Lorraine Mazzola

59 IBIA 283 (12/19/2014)



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 BARBARA LORRAINE)	Order Docketing and Dismissing
MAZZOLA)	Appeal
)	
)	Docket No. IBIA 15-004
)	
)	December 19, 2014

Ronald Mazzola (Appellant) appealed to the Board of Indian Appeals (Board) from a September 30, 2014, “Order to Modify the October 18, 2013, Decision” (Rehearing Order) issued by Administrative Law Judge (ALJ) Larry M. Donovan in the estate of Appellant’s spouse, Barbara Lorraine Mazzola (Decedent).¹ The Rehearing Order amended the ALJ’s original October 18, 2013, probate decision (Decision) to provide that the remainder for Decedent’s trust real property interests on the Santee Sioux Reservation that are less than 5% of the respective allotments pass solely to Decedent’s eldest surviving child, Joyce Evelyn Gosdin, under the “single heir rule” of the American Indian Probate Reform Act (AIPRA). *See* 25 U.S.C. § 2206(a)(2)(D)(iii)(I). The Rehearing Order did not affect the portion of the Decision in which the ALJ determined that Appellant, as a non-Indian, is only entitled to receive a life estate in Decedent’s trust real property interests.

On receipt of the appeal, the Board ordered Appellant to complete service of his appeal on the ALJ and all 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, the Board ordered Appellant to show cause why his appeal should not be dismissed because the issue he apparently sought to raise—the determination that Appellant is only entitled, by statute, to receive a life estate interest in Decedent’s real property interests—was not within the scope of the Rehearing Order. The Board set a deadline of November 24, 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 Track-and-Confirm service on its website indicates that Appellant received the Board’s order on October 28, 2014.

¹ Decedent was a Santee Sioux Indian. Her probate is assigned Probate No. P000095676IP in the Department of the Interior’s probate tracking system, ProTrac.

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