



INTERIOR BOARD OF INDIAN APPEALS

Estate of Selwyn Wade Drum

59 IBIA 298 (01/07/2015)

Petition for Reconsideration Denied:

60 IBIA 30



# 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 SELWYN WADE DRUM	)	Order Docketing and Dismissing
	)	Appeal
	)	
	)	Docket No. IBIA 15-015
	)	
	)	January 7, 2015

Lorna Drum (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Reopening entered on September 26, 2014, by Administrative Law Judge (ALJ) Larry M. Donovan in the estate of her husband, Selwyn Wade Drum (Decedent).<sup>1</sup> The ALJ denied a petition for reopening submitted by Appellant, who asserted that she did not receive notice of the initial probate hearing, and that she should be added as an heir in Decedent's trust estate. The ALJ concluded that Appellant received personal and constructive notice of the hearing held on October 24, 1995, and that she failed to show any error in the Order Approving Will and Decree of Distribution issued for Decedent's estate on October 18, 1996.

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 December 1, 2014, 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 November 4, 2014.

The Board has received no response from Appellant.

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<sup>1</sup> Decedent was a Sisseton-Wahpeton Oyate (Lake Traverse) Indian. His probate is assigned Probate No. P000101740IP 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  
Thomas A. Blaser  
Administrative Judge

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