



INTERIOR BOARD OF INDIAN APPEALS

Estate of Joaney Ernestine Holds

61 IBIA 165 (08/06/2015)



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 JOANEY ERNESTINE)	Order Docketing and Dismissing
HOLDS)	Appeal
)	
)	Docket No. IBIA 15-085
)	
)	August 6, 2015

Melvin D. Champ (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Delete Property (Modification Order) entered on April 30, 2015, by Indian Probate Judge (IPJ) Albert C. Jones in the estate of Appellant’s wife, Joaney Ernestine Holds (Decedent).¹ The Modification Order accepted a petition for reopening from the Crow Agency Superintendent, Bureau of Indian Affairs (BIA), which reported that BIA had identified trust or restricted property interests that were erroneously included in Decedent’s estate, and deleted mineral interests in Crow Allotment 202-879 from Decedent’s estate inventory.

Upon receipt of the appeal, the Board ordered Appellant to complete service of his notice of appeal on the IPJ 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. In addition, the Board ordered Appellant to show cause why the Board should not dismiss the appeal or summarily affirm the Modification Order because Appellant failed to object to the proposed modification when provided an opportunity by the IPJ. The Board set a deadline of July 6, 2015, 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, this 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 June 15, 2015.

The Board has received no response from Appellant.

¹ Decedent was a Crow Indian, Probate No. P000082807IP. The original number assigned to the probate of Decedent’s estate was RM-202-0040.

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
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge