



INTERIOR BOARD OF INDIAN APPEALS

Estate of Frederick Gunn, Jr.

62 IBIA 4 (11/17/2015)



# 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 FREDERICK GUNN, JR.	)	Order Docketing and Dismissing
	)	Appeal
	)	
	)	Docket No. IBIA 15-104
	)	
	)	November 17, 2015

Fred M. Gunn III and Faron T. Gunn (collectively, Appellants) appealed to the Board of Indian Appeals (Board) from a Modification Order to Delete Property (Modification Order) entered on July 10, 2015, by Indian Probate Judge (IPJ) Albert C. Jones in the estate of Appellants' father, Frederick Gunn, Jr. (Decedent).<sup>1</sup> The Modification Order accepted a petition for reopening from the Fort Berthold Agency Superintendent (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-M696 from Decedent's estate inventory.

Upon receipt of the appeal, the Board ordered Appellants to complete service of their notice of appeal on the 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. In addition, the Board ordered Appellants to show cause why the Board should not dismiss the appeal or summarily affirm the Modification Order because Appellants failed to object to the proposed modification when provided an opportunity by the IPJ. The Board set a deadline of September 25, 2015, for Appellants to comply with the Board's order, and advised Appellants that if they 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 Fred M. Gunn III received the Board's order on September 8, 2015. The Board's order was also mailed by certified mail to the address listed on Appellants' notice of appeal for Appellant Faron T. Gunn. That certified mailing was returned to the Board by

---

<sup>1</sup> Decedent was a Three Affiliated Tribes Indian. His probate case is assigned Probate No. P000067139IP in the Department of the Interior's probate tracking system, ProTrac.

the Postal Service as “unclaimed.” The Board resent the Board’s order to the same address by regular U.S. mail and it has not been returned to the Board.<sup>2</sup>

The Board has received no response from Appellants.

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

---

<sup>2</sup> In seeking to appeal from the Modification Order, it was Appellant’s responsibility to provide an address at which he would receive correspondence. *See Estate of William Hamilton, Sr.*, 52 IBIA 161, 162 (2010).