



INTERIOR BOARD OF INDIAN APPEALS

Estate of Betty E. Antonio

62 IBIA 31 (12/08/2015)



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 BETTY E. ANTONIO)	Order Docketing and Dismissing
)	Appeal
)	
)	Docket No. IBIA 15-111
)	
)	December 8, 2015

Ernest Antonio (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Petition to Reopen (Order Denying Reopening) entered on August 17, 2015, by Administrative Law Judge (ALJ) James Yellowtail in the estate of Betty E. Antonio (Decedent).¹ The appeal was addressed to ALJ Earl J. Waits, whose office transmitted it to the Board as a possible appeal from the Order Denying Reopening issued by ALJ Yellowtail. The Order Denying Reopening denied a petition for reopening filed by Appellant, who sought to be included as an heir of Decedent's estate.²

Upon receipt of the appeal, the Board ordered Appellant to complete service of his notice of appeal on ALJ Yellowtail 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 Order Denying Reopening because Appellant failed to object when the ALJ issued it as a proposed order and allowed objections. The Board set a deadline of November 9, 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.

¹ Decedent was also known as Betty Etcitty Antonio and was a Navajo Indian. Her probate is assigned Probate No. P000124869IP in the Department of the Interior's Probate Tracking System, ProTrac.

² An Order Determining Heirs was issued for Decedent's estate by ALJ Patricia McDonald on December 22, 1981, and modified by her in an Order Upon Order to Show Cause issued on April 14, 2000.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on October 14, 2015.

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 dismisses this appeal for failure to prosecute.

I concur:

// original signed
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge