INTERIOR BOARD OF INDIAN APPEALS

Alvin B. Iron v. Acting Rocky Mountain Regional Director, Bureau of Indian Affairs

63 IBIA 28 (04/21/2016)

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

ALVIN B. IRON,	)	Order Dismissing Appeal
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 15-042
ACTING ROCKY MOUNTAIN	)	
REGIONAL DIRECTOR, BUREAU	)	
OF INDIAN AFFAIRS,	)	
Appellee.	)	April 21, 2016

Alvin B. Iron (Appellant) held three agricultural leases,[1] which were cancelled by the Crow Agency Superintendent (Superintendent), Bureau of Indian Affairs (BIA), for nonpayment of rent and failure to respond to a notice of violation. The Acting Rocky Mountain Regional Director (Regional Director), BIA, affirmed the cancellation in an October 15, 2014, decision (Decision). Appellant's leases expired by their own terms on October 31, 2014. Appellant asks us to review the Regional Director's decision. The Board of Indian Appeals (Board) "does not consider appeals that are moot — i.e., where nothing turns on the outcome and no relief is available." *Schmidt v. Bureau of Indian Affairs*, 54 IBIA 173, 177 (2011). Hence, we dismiss Appellant's appeal.

The doctrine of mootness is based on the requirement that an active case or controversy must be present at all stages of the proceedings. *Alcantra v. Pacific Regional Director*, 58 IBIA 252, 253 (2014). The Board adheres to the doctrine of mootness as a matter of prudence and in the interest of administrative economy. *See, e.g.*, *Bighorse v. Southern Plains Regional Director*, 59 IBIA 1, 13 (2014) (citations omitted).

Here, each of Appellant's leases was for a 5-year term ending on October 31, 2014. AR 12. Because the leases have expired, nothing turns on a decision by the Board and we dismiss the appeal as moot. *See Redman v. Rocky Mountain Regional Director*, 46 IBIA 283,

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[1] *See* Contract No. 1209600914 (Allotment No. T-3100-H), Contract No. 1209690914 (Allotment No. T-1522), and Contract No. 1209700914 (Allotment No. T-1758-A) (Administrative Record (AR) 12).

284 (2008) (dismissing appeal as moot based on expiration of lease by its own terms); *Horn v. Rocky Mountain Regional Director*, 45 IBIA 131, 132 (2007) (same).

If the appeal were not moot, we would affirm the Regional Director's decision. An appellant who fails to make any allegation of error in a regional director's decision does not carry his burden of proof on appeal. *Pergson v. Eastern Regional Director*, 62 IBIA 248, 249 (2016). Appellant filed only a notice of appeal in which he states that he is appealing the Regional Director's decision, without alleging any error. So, in the alternative, we would affirm the Decision. *See Roberts County, South Dakota v. Acting Great Plains Regional Director*, 58 IBIA 320, 320-21 (2014) ("The Board may affirm a regional director's decision where the notice of appeal does not identify any error in the decision being appealed and the appellant submits no brief or other statement of reasons in opposition to the regional director's decision. " (citation omitted)).

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 as moot.

I concur:

// original signed	//original signed
Thomas A. Blaser	Steven K. Linscheid
Administrative Judge	Chief Administrative Judge