



INTERIOR BOARD OF INDIAN APPEALS

Estate of Emily Mae Azure

63 IBIA 293 (08/05/2016)



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 EMILY MAE AZURE)	Order Docketing and Dismissing
)	Appeal
)	
)	Docket No. IBIA 16-065
)	
)	August 5, 2016

Sharon L. Azure (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Reopening entered on April 8, 2016, by Administrative Law Judge (ALJ) R. S. Chester in the estate of Appellant’s mother, Emily Mae Azure (Decedent).¹ The Order Denying Reopening denied petitions for reopening filed by Appellant and her sister, Linda M. Azure, leaving in place the Decision issued by the ALJ on January 30, 2015.

Upon receipt of the appeal, by order dated May 13, 2016, the Board ordered Appellant to complete service of her 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 she had done so. The Board set a deadline of June 10, 2016, 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 Board mailed its May 13, 2016, order to Appellant by certified mail at the address shown on her notice of appeal.² The U.S. Postal Service (USPS) Track-and-Confirm service on its website indicates that Appellant received the Board’s order on May 31, 2016.

On June 16, 2016, the Board issued a Second Order to Serve, requiring Appellant, on or before July 7, 2016, to comply with the service requirements. The Board mailed its June 16, 2016, order to Appellant by certified mail at the same address as before. The

¹ Decedent, who was also known as Emily May Bruguier, was a Fort Peck Indian. The probate number assigned to Decedent’s case in the Department of the Interior’s probate tracking system, ProTrac, is No. P000119015IP.

² The address listed on Appellant’s notice of appeal is also Appellant’s address of record in ProTrac.

USPS Track-and-Confirm service indicates that a notice of the mailing was left for Appellant on June 20, 2016. The Second Order to Serve was returned to the Board as “Unable to Forward.”³

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 docketed but dismisses this appeal for failure to prosecute.

I concur:

// original signed
Thomas A. Blaser
Administrative Judge

//original signed
Robert E. Hall
Administrative Judge

³ In seeking to appeal from the Order Denying Reopening, it was Appellant’s responsibility to provide an address at which she would accept correspondence. *See Estate of William A. Hamilton, Sr.*, 52 IBIA 161, 162 (2010).