

LOUIS ALFORD
PRESCOTT A. SHERMAN

IBLA 70-128

Decided January 27, 1972

Appeal from decision in ES 6538 La., ES 6552 Miss., ES 6555 Miss., and ES 6559 Miss., by Chief, Branch of Mineral Appeals, Bureau of Land Management, rejecting noncompetitive oil and gas offers.

Vacated and remanded.

Words and Phrases

"Signed and Fully Executed". The term "signed and fully executed" as used in 43 CFR 3112.2-1(a) (1971) allows the use of rubber stamp to affix a signature to a drawing entry card, provided that it is the applicant's intention that the stamp be his signature.

Oil and Gas Leases: Application: Generally --Regulations: Applicability -- Regulations: Interpretation

Regulations should be so clear that there is no basis for an oil and gas lease applicant's noncompliance with them before they are interpreted so as to deprive him of a statutory preference right to a lease.

APPEARANCES: James W. McDade and Georgette B. Lee for the appellants.

OPINION BY MR. FISHMAN

Louis Alford and Prescott A. Sherman have filed separate, identical appeals to the Secretary of the Interior from a decision by the Chief, Branch of Mineral Appeals, Bureau of Land Management, dated February 18, 1970, which affirmed an Eastern States land office decision of December 4, 1969. Alford's drawing entry cards were drawn for Parcel No. 9 (ES 6538 La.) and Parcel No. 32 (ES 6559 Miss.). Sherman's drawing entry cards were drawn for Parcel No. 25 (ES 6552 Miss.) and Parcel No. 28 (ES 6555 Miss.). Each lease offer was rejected because Alford and Sherman affixed their signatures on the drawing cards with a rubber stamp.

For the reasons cited in Mary I. Arata, 4 IBLA 201 (1971); 78 I.D. , and, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision of the Bureau of Land Management is set aside and these cases remanded for further proceedings consistent herewith.

Frederick Fishman, Member

We concur:

Edward W. Stuebing, Member

Newton Frishberg, Chairman

