

ANN MINER  
MARIE MINER

IBLA 70-653

Decided February 23, 1972

Appeal from a decision of the Nevada land office rejecting a Class I Color of Title application filed under the Color of Title Act of December 22, 1928, as amended, 43 U.S.C. sec. 1068 (1970).

Dismissed.

Rules of Practice: Appeals: Dismissal

An appeal to the Board of Land Appeals will be dismissed when the appellant fails to file a statement of reasons in support of his appeal within the time required.

APPEARANCES: Ann Miner, pro se.

By The Board.

On July 6, 1970, Ann Miner filed notice of appeal from the June 8, 1970, decision of the Nevada land office, rejecting her Class I Color of Title application filed on April 28, 1970, pursuant to the Color of Title Act of December 22, 1928, as amended, 43 U.S.C. sec. 1068 (1970), to acquire sections 29, 31 and 32 of T. 32 N., R. 29 E., M.D.M., consisting of approximately 160 acres.

The notice of appeal gave no reasons for the appeal. Consequently, appellant was required to file a statement of reasons in support of her appeal within 30 days after filing of the notice of appeal. 43 CFR 4.412. The appellant was informed of this requirement in the decision being appealed and in the land office's July 10, 1970, acknowledgment of the receipt of her notice of appeal.

The 30-day period following June 8, 1970, has expired, and the 10-day grace period afforded by 43 CFR 4.401(a), has since elapsed, but no statement of reasons has been filed, and no explanation of appellant's failure to comply with the regulations has been submitted. Therefore, the appeal is subject to summary dismissal. 43 CFR 4.402(a).

Accordingly, 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 appeal is dismissed.

