

CLARK CANYON LUMBER COMPANY

IBLA 72-365

Decided May 18, 1972

Appeal from a decision of a district manager, Bureau of Land Management, denying refund of the purchase monies paid in advance for timber sale contract 14 11-0001(8)-2505-TSO-03).

Vacated and remanded.

Rules of Practice: Generally

Where the BLM advises that the decision appealed from is in error, and it so requests, the decision appealed from will be vacated and the case remanded.

APPEARANCES: Alexander A. George, Esq.

BY THE BOARD

Clark Canyon Lumber Company made full advance payment under a timber sale contract but failed to remove any of the timber during the period provided therefor. Ordinarily, the BLM would then resell the timber and retain the difference in purchase price, if less than the original sale price, as damages. But in the instant case environmental considerations dictated that the timber would not be resold. A request for return of the purchase price was thereafter refused by the district manager. However, the Office of the Director has advised that the refusal to refund was erroneous and that a full refund will be made.

Therefore, pursuant to the authority delegated to the Board of Land Appeals, 211 DM 13.5, the decision below is vacated and the case is remanded for appropriate action.

