

R. M. BARTON

IBLA 73-49

Decided September 12, 1972

Appeal from a decision of the New Mexico state office, Bureau of Land Management, dismissing protests against oil and gas lease offers NM 16315 etc., 16043 etc.

Affirmed

Rules of Practice: Appeals: Generally

Where the issues on appeal are identical or substantially similar to matters previously considered, and no new evidence or persuasive arguments are advanced for reconsideration or reversal of the prior position, disposition will be made in accordance with prior precedent.

Oil and Gas Leases: Rentals

A protest of a successful drawee's offer in a simultaneous drawing, for the reason that the advance rental payment required under 43 CFR 3112.2-1(a) was submitted in the form of a corporate or other private commercial money order, is properly dismissed where it is determined that such a money order is an acceptable remittance within the meaning of the term "money order" as used in the regulation.

APPEARANCES: R. M. Barton, pro se, Jennings, Christy & Copple, Attorneys, for Central Southwest Oil Corporation et al.; Ed L. Clinkenbeard, appellee.

OPINION BY MR. FRISHBERG

The appellant protested the issuance of oil and gas leases to the successful applicants in drawings conducted for that purpose in accordance with the simultaneous filing provisions of 43 CFR Subpart 3112. The successful applicants are listed in the Appendix hereof. In his protests and appeal from the dismissal thereof, the appellant repeated identical or substantially similar arguments previously advanced and considered in R. M. Barton, 4 IBLA 229 (1972), 5 IBLA 1 (1972), and 7 IBLA 68 (1972). In each case the dismissal

of the appellant's protest was affirmed. The appellant initiated suit to test the validity of those decisions in R. M. Barton v. Morton et al., Civil 9322, U.S.D.C., N.M.

We will not blindly or inflexibly adhere to prior decisions and stand ready to correct error, even if it be of long standing. In the instant case, however, appellant has failed to present any new argument indicating error in the earlier decisions or other persuasive reason why we should not adhere to them. Under such circumstances our prior decisions and the New Mexico state office decisions which are premised thereon will not be disturbed.

Therefore, 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 decisions appealed from are affirmed.

Newton Frishberg  
Chairman

We concur:

Joseph W. Goss  
Member

Douglas E. Henriques  
Member

## APPENDIX

NM 16315 Gordon M. Cone	NM 16095 Patricia B. Richardson
16043 R. E. Puckett	16096 Elzalene Sullivan
16127 Tom L. Ingram	16097 Betty J. Egert
16128 Edward R. Hudson	16104 Polly V. Thorp
& William A. Hudson	16121 Nola G. Ptasynski
16130 Boyd A. Stevens	16329 Howell Spear
16138 Samedan Oil Corp.	16337 Ulster Petroleums, Inc.
16139 R. H. C. Cotter	16347 Mrs. Mozelle A. Domning
& J. L. Felter	16348 K. M. Johnston
16148 Margaret M. McPheron	16353 Ed. L. Clinkenbeard
16152 D. W. Hill	16365 Sherrie R. Strange
16153 Euel A. Hammett	16376 Walter Duncan III
16076 Ira Elliott	16377 B. J. Bradshaw
16077 K. L. Huger, Jr.	16045 J. K. Harrold
16079 Rose M. McIntyre, Trustee	Arlyne Lansdale, Atty.
16080 Bryd L. Burlison	16046 Basil P. Andrikopoulos
16085 Seymour S. Smith	16049 Laurence C. Harris
16091) John A. Yates	16066 Harold C. Bosold
16116)	

