

JACK L. MACDOWELL

IBLA 78-86 Decided March 22, 1978

Appeal from decision of Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer W-61258.

Affirmed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: Applications: Drawings

Strict compliance with 43 CFR 3112.2-1, which provides that simultaneous oil and gas drawing entry cards be signed and fully executed by an applicant or his agent, is required. Where no date of signing appears on an entry card, the offer is properly rejected.

APPEARANCES: Jack L. Macdowell, Dallas, Texas, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Jack L. Macdowell appeals from an October 21, 1977, decision of the Wyoming State Office, Bureau of Land Management (BLM), rejecting his simultaneous oil and gas lease offer W-61258. Macdowell's entry card had been drawn first for Parcel No. WY-96 in the drawing for List No. 9-77.

The State Office, citing 43 CFR 3112.2-1, based its rejection on appellant's failure to date his entry card. Macdowell argues in effect that under the circumstances of this case, no confusion can exist as to the date of his filing of the entry card. Appellant also refers us to an uncited decision in which omission of a Social Security number did not render an applicant's entry card invalid.

[1] We have ruled on numerous occasions on the effect of an applicant's failing to date his entry card. For example, in Thomas C. Moran, 32 IBLA 168, we said:

Even minor deviations and omissions in the information required on a drawing entry card are sufficient to warrant the rejection of the offer. * * * Thus the incomplete entry of the date has been held a proper reason for rejection of the offer * * *. In John R. Mimick, 25 IBLA 107 (1976), the Board stated that the date must be entered on the card in the space provided in order for the card to be fully executed as required by the regulation. The Board further observed that "[t]he date is important because it shows that as of a particular date, the offerors, by their signatures, certify all the statements made on the card," citing Roy Flamm, 24 IBLA 10 (1976). No date having appeared on the entry card and, therefore, there being no certification, the entry card was properly rejected.

Appellant's reference to the holding that the failure to show a social security number does not invalidate an oil and gas offer relates to Harry Reich, 27 IBLA 123 (1976).

Reich held that:

Where it does not appear that the notice required by section 7(b) of the Privacy Act of 1974 [P.L. 93-579, 5 U.S.C. note following § 552(a) (Supp. V, 1975)], regarding the disclosure of a social security number was given, an oil and gas lease offer on a drawing card filed in a simultaneous drawing procedure should not be considered defective solely because the applicant omitted designating the social security number on the card as provided thereon.

Reich also states, following the statute, 1/ that it is unlawful for the Federal Government to withhold any benefit for failure to

1/ Sec. 7 of the Privacy Act provides as follows:

Sec. 7. (a)(1). It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to -

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

give one's social security number unless certain notice is given to the public, which was not done. That is distinguishable from the requirement here to give the date.

We adhere to our previously stated holding regarding omission of the date from the entry card.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Frederick Fishman
Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Edward W. Stuebing
Administrative Judge

(fn.1 (continued))

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

