

UNITED STATES
v.
DAVID F. MANGUM AND DONALD D. DeGUERRE

IBLA 77-538

Decided May 22, 1978

Appeal from decision of the California State Office, Bureau of Land Management, declaring placer mining claim null and void in Contest CA 4243.

Appeal dismissed.

1. Appeals -- Rules of Practice: Appeals: Dismissal -- Rules of Practice: Appeals: Statement of Reasons

A statement of reasons in support of an appeal which does not point out affirmatively in what respect the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed.

APPEARANCES: David F. Mangum and Donald D. DeGuerre, pro sese.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

This appeal is from a decision dated July 26, 1977, by the California State Office, Bureau of Land Management (BLM), declaring the Pick-it Mine (George Pickett) Placer Mining Claim null and void.

The claim is located in Plumas County, California. On September 12, 1975, the claim was examined by Henry W. Jones, a mining engineer of the Department of Agriculture. On his examination, the engineer was accompanied by appellant DeGuerre. Based on the engineer's recommendations, BLM initiated this contest by filing a complaint on May 27, 1977. The complaint charged that there was no discovery of a valuable mineral and that the lands embraced by the claim were nonmineral in character. Appellants responded to the complaint by letter dated June 30, 1977, wherein they waxed indignant over the engineer's sampling of the claim. They did not,

however, take issue with the charges in the complaint, nor did they request a hearing in the matter.

In its decision, BLM considered appellants' failure to respond an admission of the truth of the charges and therefore declared the claim null and void.

In their statement of reasons on appeal to this Board appellants assert no more than a vague disenchantment with the course of this proceeding.

[1] Appellants have failed to state with particularity the exact reasons for appeal, have alleged no error in the decision appealed from, and have not pointed out how they have been deprived of some right. Since the statement of reasons demonstrates no error in the decision appealed from, it does not meet the Department's rules of practice and the appeal may be dismissed. Duncan Miller, 29 IBLA 174 (1977). Even if the appeal were considered on its merits, appellants' failure to answer the contest complaint timely merited the action taken below. United States v. Hagg, 29 IBLA 128 (1977).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Frederick Fishman
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Joseph W. Goss
Administrative Judge

