

GAVINO SAN DIEGO

IBLA 78-445

Decided August 21, 1978

Appeal from decision of the Wyoming State Office, Bureau of Land Management, disqualifying oil and gas lease offer W 63457.

Affirmed.

1. Oil and Gas Leases: Rentals

A successful offeror in a BLM simultaneous filing procedure who fails to pay the first year's advance rental within 15 days from the receipt of notice that such payment is due is properly disqualified as an offeror.

APPEARANCES: Alan M. Kaufman, Esq., San Francisco, California, for appellant.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

This appeal is taken from a letter decision dated May 9, 1978, by the Wyoming State Office, Bureau of Land Management (BLM), which disqualified appellant's offer W 63457 on the ground that the rental was not timely paid.

Appellant received and signed for the "Notice of Rental Due" on April 17, 1978. The notice advises the offeror that under 43 CFR 3112.4-1 payment of the first year's rental must be received in the BLM office 15 days from receipt of the notice, and if payment is not received within the allowed time, the offeror is automatically disqualified to receive the lease. Thus, the rental had to be received on or before May 2, 1978; it was not received until May 5, 1978.

Counsel for appellant states that appellant was out of the country when payment was due; that his wife received the notice but was unfamiliar with her husband's oil and gas transactions; and that she therefore delayed in forwarding the rental payment to the BLM office.

[1] The Board consistently has upheld strict application of the 15-day deadline set forth in 43 CFR 3112.4-1. Susan Dawson, 35 IBLA 123 (1978); Charles M. Brady, 33 IBLA 375 (1978). The result is neither unduly harsh or unreasonable. In Jack V. Koegel, 30 IBLA 143, 144 (1977), we stated: "The conduct of Government business cannot be compelled to wait the pleasure or convenience of those persons who seek to deal with it. Failure to comply within mandatory time limits following service compels rejection of the offer." (Citing Robert D. Nininger, 16 IBLA 200 (1974), aff d, Nininger v. Morton, Civ. No. 74-1246 (D.D.C., March 25, 1975).)

Accordingly, pursuant to the authority vested in 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

Douglas E. Henriques  
Administrative Judge

