

RUPERT HICKMAN, ET UX.

IBLA 78-438

Decided August 28, 1978

Appeal from decision of Colorado State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer C 26651.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

When a person files two oil and gas lease offers for a single parcel in the simultaneous oil and gas leasing procedure, one as a joint applicant with the spouse and another as the sole applicant, the applicable regulation, 43 CFR 3112.2-1(a)(2), requires rejection of both offers regardless of whether there was any intent to file more than one offer or to profit from any multiple filing.

APPEARANCES: Doris J. Hickman and Rupert Hickman, pro sese.

OPINION BY ADMINISTRATIVE JUDGE BURSKI

Doris J. Hickman and Rupert Hickman have appealed from a decision of the Colorado State Office, Bureau of Land Management (BLM), dated May 15, 1978, rejecting their simultaneous oil and gas lease offer, C 26651, because it was discovered that appellant Rupert Hickman had filed another drawing entry card in his own name with respect to the subject parcel.

[1] The pertinent regulation, 43 CFR 3112.2-1(a)(2), provides that:

An offeror (applicant) is permitted to file only one offer to lease (entry card) for each numbered parcel on the posted list. Submission of more than one entry card by or on behalf of the offeror for any parcel on the posted list will result in the disqualification of all the offers submitted by that applicant for that particular parcel.

Appellant Rupert Hickman failed to comply with the clear mandate of the regulation when he submitted two drawing entry cards, one in which he was a joint applicant with his wife (appellant Doris Hickman) and another in which he was the sole applicant. This had the effect of invalidating both offers, including the one at issue. See Arthur H. Davison, 23 IBLA 15 (1975). Cf. McKay v. Wahlenmaier, 226 F.2d 35 (D.C. Cir. 1955).

In their statement of reasons for appeal, appellants contend that they believed appellant Rupert Hickman had to sign any drawing entry card filed by his wife and that he did not intend to "profit" by his signature. Nevertheless, the result of their actions is that appellant Rupert Hickman appears as an applicant on both drawing entry cards. This gave him an unfair advantage over the other applicants by increasing his chances of being awarded the lease. In this situation, the regulation mandates rejection of the offer regardless of whether there was any intent to file more than one card or to profit from any multiple filing. See Arthur H. Davison, *supra*. The State Office properly rejected the offer.

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.

James L. Burski
Administrative Judge

We concur:

Newton Frishberg
Chief Administrative Judge

Frederick Fishman
Administrative Judge

