

THEODORE R. KUHN

IBLA 78-587

Decided November 29, 1978

Appeal from decision of the Nevada State Office, Bureau of Land Management, rejecting oil and gas offer N 20309.

Affirmed.

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

A drawing entry card which is not dated in the space provided on the card is not "fully executed," as required by 43 CFR 3112.2-1, and must be rejected, notwithstanding an allegation that the date of signing might have been deduced from a check accompanying the offer or from the postmark of the envelope in which the offer was submitted.

APPEARANCES: William P. Franzese, Esq., Boston, Massachusetts, for appellant.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Theodore R. Kuhn filed a simultaneous oil and gas drawing entry card lease offer for parcel NV 303 in the July 1978 drawing in the Nevada State Office, Bureau of Land Management (BLM). On July 27, 1978, BLM issued a decision rejecting this offer because the drawing entry card was not dated, from which decision Kuhn (appellant) filed a notice of appeal.

[1] It is well established that a drawing entry card which is not dated in the space provided on the card is not "fully executed," as required by 43 CFR 3112.2-1, and must be rejected. Jack L. Macdowell, 34 IBLA 202 (1978); Anchors and Holes, Inc., 33 IBLA 339 (1978); Thomas C. Moran, 32 IBLA 168 (1977); John Willard Dixon, 28 IBLA 275

(1976); Frank DeJong, 27 IBLA 313 (1976); Herbert W. Schollmeyer, 25 IBLA 393 (1976); John R. Mimick, 25 IBLA 107 (1976); Roy Flamm, 24 IBLA 10 (1976). Moreover, even if the entry card bears a partial date (the month and year), it is not "fully executed" as required and must be rejected. Walter M. Sorensen, 32 IBLA 345, 347 (1977), aff'd, Sorensen v. Andrus, No. C 77-250K (D. Wyo. September 12, 1978). The date is important because it shows that, as of a particular date, the offeror, by his signature, certifies all the statements made on the card. If no date appears on the card, there is no certification, and the entry card must be rejected. Thomas C. Moran, supra, and cases cited; see Walter M. Sorensen, supra.

Appellant asserts that the failure to date the card is immaterial, as the envelope in which the card was mailed was postmarked, and as there was a date on the check which accompanied the offer. Even if the date might have been deduced from the check or postmark, the mandatory requirement of the regulation would not have been satisfied. Frank DeJong, supra at 314; Herbert W. Schollmeyer, supra at 394.

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.

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Edward W. Stuebing  
Administrative Judge

We concur.

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Joseph W. Goss  
Administrative Judge

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Anne Poindexter Lewis  
Administrative Judge

