

DUNCAN MILLER

IBLA 78-648 Decided December 8, 1978

Appeal from decision of the Eastern States Office, Bureau of Land Management, dismissing protest against first-drawn oil and gas lease offers ES 18840 (Michigan) and ES 18864 (Mississippi).

Dismissed.

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

An appeal is properly dismissed where the appellant fails to point out the grounds on which the decision appealed from is in error and the allegations in his statement of reasons are vague and unsupported.

2. Oil and Gas Leases: Generally—Oil and Gas Leases: Applications: Generally—Rules of Practice: Generally
The use of a post office box number as an address is not barred by the oil and gas leasing regulations governing applications or by the Rules of Practice of the Department.

APPEARANCES: Duncan Miller, P.O. Box 728, Boulder City, Nevada 89005, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Duncan Miller has challenged the above-designated first-drawn oil and gas lease offers on the ground that the use of post office box addresses on the entry cards is a violation of the regulation.

The decision appealed from, issued July 31, 1978, by the Eastern States Office of the Bureau of Land Management (BLM), dismissed Miller's protest because nothing in the regulations proscribes the use

of post office box addresses and because the use thereof is a common practice.

The protest, which was dismissed by the decision below reads as follows:

With reference to Parcel No. ES-384 and Parcel No. ES-408 (March '78 oil and gas simultaneous results), the protestant received No. 2 priority for ES-384 and No. 3 priority for ES-408.

However, the No. 1 priority in ES-384, and the No. 1 and No. 2 priorities in ES-408 were all shown with a Post Office Box address only, and it is believed that this is a violation of the regulations and which was put into the regulations to stop the nefarious manipulations of addresses, etc. which has been going on for a long time in the Bureau of Land Management.

Consequently, the protestant sees no reason why he should not fully protest these prior applications as being unlawful and not in accordance with the regulations.

The statement of reasons recites:

The appellant believes that he saw an article in the regulations – the fact that he cannot find the article is immaterial.

The idea that this does not mean "nefarious manipulations of addresses" could very well be true. But, on the other hand, it could be true because there is an enormous amount of "manipulations."

All of this seems to be condoned by the Department of the Interior, which is indeed regrettable [sic].

[1] The appellant's statement of reasons is obscure and does not challenge directly the decision. Taking the view most favorable to appellant, the statement conceivably could be construed charitably to constitute a reiteration of his assertion that the regulations forbid the use of a post office box as an address. Appellant minimally must have his tongue in cheek, and apparently suffers from unmitigated gall 1/ because his address in the record is given as P.O. Box 728, Boulder City, Nevada 89005. We find no cognizable assertion of error in the decision below. Even if we found such an assertion, the regulations do not proscribe the use of a post office box as an address,

1/ Sometimes called chutzpah.

and indeed, appellant for many years, has employed such an address, in his oil and gas dealings with the Department. An appeal is properly dismissed where the appellant fails to point out the grounds on which the decision appealed from is in error, and the allegations in his statement of reasons are irrelevant and immaterial. The regulation, 43 CFR 4.412, requires submission of a statement of reasons for an appeal. Failure to file a statement pointing out the errors in the decision below is treated in the same manner as failure to file any statement at all; the appeal will be dismissed. 43 CFR 4.402(a); Duncan Miller, 37 IBLA 129 (1978); Duncan Miller, 33 IBLA 83 (1977); Duncan Miller, 28 IBLA 62 (1976); United States v. Lewis Maus, 6 IBLA 164 (1972).

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 dismissed.

Frederick Fishman
Administrative Judge

I concur:

Newton Frishberg
Chief Administrative Judge

I concur in the result:

Joseph W. Goss, Administrative Judge

