

ED PENDLETON

IBLA 78-77 Decided March 27, 1979

Appeal from an October 21, 1977, decision of the Wyoming State Office, Bureau of Land Management rejecting simultaneously-filed oil and gas lease offer. W 61230.

Reversed and remanded.

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

A drawing entry card in a simultaneous oil and gas lease filing need not be rejected where the card sets out as part of the parcel designation the complete name of the state in which the parcel is located instead of the abbreviated state code prefix.

APPEARANCES: Ed Pendleton, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Ed Pendleton appeals from a decision of the Wyoming State Office, Bureau of Land Management (BLM), rejecting his simultaneously filed oil and gas offer to lease for Parcel No. WY-68. Pendleton's offer, submitted on a drawing entry card (DEC) offer form, was rejected because he stamped the word "Wyoming" immediately above the box on the DEC marked "Parcel number applied for" rather than printing the state prefix "WY" within the box. The decision below held that the card, thus completed, was not "fully executed" within the meaning of 43 CFR 3112.1-2(a). Pendleton's offer was rejected after being drawn with first priority.

[1] In Clayton Chessman, 34 IBLA 263 (1978), the Board held that a DEC need not be rejected where the card sets out in the parcel designation the complete name of the state in which the parcel is

located instead of the state code prefix or abbreviation. The DEC at issue in Chessman was completed in a manner identical to the DEC now before us. As we noted in Chessman:

An examination of appellant's entry card, the first drawn for Parcel WY-66, discloses he submitted the February 1976 version of Form 3112-1. In the six small boxes labelled "Parcel number applied for" appears only the numeral 66 rather than "WY-66." Just above the six small boxes, however, is the rubber stamped word "Wyoming."

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In the absence of any possible confusion or administrative burden resulting from or imposed by the added letters in the complete state name, we find that they constitute mere surplusage and, as such, they will be disregarded and the prefix held proper and the entry card to have been "fully executed."

We cannot see that serious difficulties will arise because an applicant uses the full name of a state instead of its abbreviation. Appellant's intent to lease WY-66 cannot seriously be questioned. Nor have we been shown any stages in the processing of the applications that would be impaired by use of the full name. [Footnote omitted.]

For the reasons set forth in Chessman, *supra*, we find that appellant's DEC was improperly rejected.

Accordingly, pursuant to the authority delegated to Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is reversed and the case remanded for further consideration.

Joseph W. Goss
Administrative Judge

I concur.

Joan B. Thompson
Administrative Judge

ADMINISTRATIVE JUDGE HENRIQUES CONCURRING UNWILLINGLY:

I dissented from the majority views expressed in Clayton Chessman, 34 IBLA 263 (1978), because I thought them to be a serious departure from the rules of strict construction earlier expressed by this Board in cases involving minor errors in the drawing entry cards submitted in BLM's simultaneous filing procedures. My personal opinion has not changed. However, I feel that further dissent would be futile. I am constrained, therefore, to follow the majority holding, even though I feel it is incorrect.

Douglas E. Henriques
Administrative Judge

