

ROBERT J. MADDOX

IBLA 79-240

Decided November 30, 1979

Appeal from a decision of the Wyoming State Office, Bureau of Land Management, rejecting drawing entry card lease offer W-65999.

Reversed.

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

When an offeror prints his name on the front of a drawing entry card oil and gas lease offer as "Maddox, Robert J.," and signs his name on the back of the card as "J. Robert Maddox," his usual manner of signing, the card may not be rejected because he violated no regulation by signing the offer in that manner, and he properly followed instructions on the face of the card by giving his last name first, then his first name and initial.

APPEARANCES: Morris R. Massey, Esq., Brown, Drew, Apostolus, Massey and Sullivan, Casper, Wyoming, for appellant; C. M. Peterson, Esq., Poulson, Odell and Peterson, Denver, Colorado, for Melvin A. Brown.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Robert J. Maddox appeals from a decision of the Wyoming State Office, Bureau of Land Management (BLM), dated February 5, 1979, rejecting his drawing entry card (DEC).

Appellant's DEC was drawn with number one priority for parcel WY 1422 in the October 1978 simultaneous filing. On his DEC the offeror is indicated as "Maddox, Robert J." The signature of the offeror on the reverse of the card is signed as "J. Robert Maddox." There was no information accompanying the card commenting on the difference in the two names. Melvin A. Brown, whose DEC was drawn with second priority, protested the first priority given to the appellant. Brown filed a reply brief to appellant's statement of reasons.

In the decision below the BLM disqualified appellant's lease offer for these reasons:

Regulation 43 CFR 3112.2-1(a) states, "Offers to lease . . . must be submitted on a form approved by the Director, "Simultaneous Oil and Gas Entry Card" signed and fully executed by the applicant or his duly authorized agent in his behalf. . ." The Interior Board of Land Appeals has held on numerous occasions that the drawing entry card must be completed in the manner indicated, i.e., last name, first name, middle initial. See Irving B. Brick, 36 IBLA 235 (1978), George E. Mattison, 37 IBLA 193 (1978), Joseph A. Winkler, 24 IBLA 380 (1976).

On appeal appellant contends that his DEC was completed in conformance with the applicable regulations and instructions on the card, and that no ambiguity existed as to the identity of the offeror. Melvin Brown, the second drawee, argues that BLM correctly rejected appellant's DEC on the ground that the card when filed was ambiguous and that the defect could not be cured subsequent to its filing.

The closest case to the instant one is Geraldine M. McCarthy, 37 IBLA 323 (1978). There, the name "Geraldine M. McCarthy" was printed on the front of the card in the proper order and the signature on the reverse side of the card read "Mrs. Hal McCarthy." In her appeal, Mrs. McCarthy submitted various documents to prove that "Geraldine M." and "Mrs. Hal McCarthy" were the same person and that her customary form of signing legal documents was "Mrs. Hal McCarthy." The Board, Administrative Judge Stuebing dissenting, accepted her DEC as a valid offer.

Although the instant case does not involve a married woman, nevertheless the cases are substantially similar. Thus, appellant, according to his statement of reasons, customarily signs his signature as "J. Robert Maddox." Appellant signed and fully executed the DEC. He printed his name on the front of the card in the proper order. The only discrepancy in his execution of the card, the fact that the letter "J" comes before his first name rather than after it, is explained as a proper legal signature. In these circumstances, unless there is some evidence that the name is not in the proper order on the front of the card or that the signature on the back could not be a proper signature, (see John J. Sexton (On Reconsideration) 20 IBLA 187 (1975)) we shall follow Geraldine M. McCarthy, *supra*. As was stated in Geraldine McCarthy, this approach is in accord with common sense and Departmental precedent, and no regulation has been cited which requires a contrary result. See also Mary Adele Monson, 71 ID 269, 271 (1964).

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 reversed.

Anne Poindexter Lewis
Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Newton Frishberg
Chief Administrative Judge

