

Appeal from decision of the Utah State Office, Bureau of Land Management, rejecting simultaneous noncompetitive oil and gas lease offers U 43770 and U 43775.

Affirmed.

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

A drawing entry card which does not contain the full designation of the parcel applied for, including the alphabetical state office code as prefix, is not fully executed and must be rejected.

APPEARANCES: Lee M. Messinger, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Lee M. Messinger (appellant) has appealed from a decision of the Utah State Office, Bureau of Land Management (BLM), rejecting two simultaneous noncompetitive oil and gas lease offers, U 43770 and U 43775, on account of his failure to include the prefix "UT" in the descriptions of the parcels applied for. Appellant submitted two cards, presumably one each for parcels UT 40 and UT 45. The record contains both of the cards, which bear neither "UT," the alphabetical state office code, nor "Utah," the name of the State in which is located the BLM office governing the tracts applied for. The only entries in the spaces on the cards designated as "Parcel number applied for" are "40" and "45."

[1] The letter prefix is an integral part of each parcel designation. It is established that a drawing entry card which does not contain the full designation of the parcel applied for, including the

alphabetical state office code as prefix to this parcel designation, is not "fully executed" as required by 43 CFR 3112.2-1(a), and that it must accordingly be rejected. C. H. Coster Gerard, 41 IBLA 74 (1979); Richard Wheeler, Jr., 34 IBLA 359 (1978); Gerald L. Christensen, 30 IBLA 303 (1977); Ernest T. Squires, 30 IBLA 288 (1977); John Levycky, 30 IBLA 127 (1977); Etta D. Harris, 29 IBLA 259 (1977); E. Fenton Carey, 29 IBLA 196 (1977). Accordingly, BLM properly rejected appellant's offers.

The filing requirements for drawing entry cards set out in 43 CFR 3112.2-1(a) are subject to strict construction and are rigidly enforced. Gerald K. Christensen, *supra* at 305. There is no margin for error in preparing these cards because of the large number of filings in the simultaneous drawing system, and as a matter of administrative convenience. Albert H. Mitchell III, 20 IBLA 320 (1975). The Federal Register notice which designated BLM Form 3112-1 as the correct form of lease offer for simultaneous filing, 39 FR 24523 (July 1, 1974), contains this statement: "Failure to complete any part of the card will disqualify the applicant for participation in the drawing and will result in the retention of the \$10 filing fee by the Federal Government as a service charge."

This policy has been uniformly applied by this Board in all cases where drawing entry cards are not fully completed. Gerald L. Christensen, and other cases cited *supra* (failure to include alphabetical state prefix); Walter B. Moore, Jr., 41 IBLA 95 (1979), C. H. Coster Gerard, *supra*; Donald Miller, 40 IBLA 193 (1979); Anchors and Holes, Inc., 33 IBLA 339 (1978); and John R. Mimick, 23 IBLA 107 (1976) (failure to include date on which signature of applicant was affixed); Robert J. Burkhill, 28 IBLA 76 (1976); and Helen E. Ferris, 26 IBLA 382 (1976) (failure to supply complete date, that is month, day, and year on which signature was affixed); Robert B. Coen, 41 IBLA 55 (1979); Pamela W. Kay, 40 IBLA 240 (1979); and Thomas V. Gullo, 29 IBLA 126 (1977) (failure to include both dates on which signatures of two multiple applicants were affixed); Amy H. Hanthorn, 27 IBLA 369 (1976), and Beverly J. Steinbeck, 27 IBLA 249 (1976) (failure to include Zip code); Darrell J. Sekin, 40 IBLA 156 (1979); John Willard Dixon, 28 IBLA 275 (1976), Frank DeJorg, 27 IBLA 313 (1976), and Herbert W. Schollmeyer, 25 IBLA 393 (1976) (failure to sign offer card). The rule is that an applicant must use the complete parcel designation, including the letter prefix. Although we have held that a violation of this rule will not disqualify the offer where the applicant writes the full name of the state rather than the abbreviated letter prefix, this does not alter the rule so as to create a free choice in the applicant to elect either method, as implied by Judge Goss. In any event, the question is immaterial to this case, as this appellant used neither method.

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.

Edward W. Stuebing
Administrative Judge

I concur:

Douglas E. Henriques
Administrative Judge

ADMINISTRATIVE JUDGE GOSS CONCURRING:

I concur in the result, but differ with headnote wording in the majority that a drawing entry card must in all cases be rejected unless it includes the proper alphabetical state office code. In this respect, the decision is contrary to Joe L. Frazier, 44 IBLA 233 (1979), wherein the Board permits drawing entry cards if there is listed elsewhere on the card the name of the state wherein the land is located.

Here, appellant nowhere on the card did list the location of the land as either UT or Utah. Departmental regulation 43 CFR 3112.2-1(a) requires that the card be fully executed. I conclude under McKay v. Wahlenmaier, 226 F.2d 35 (D.C. Cir. 1955), that for purposes of establishing priority of offers, the omission is a matter of substance. See Frazier, supra at 235 (concurrence), applying Winkler v. Andrus, 594 F.2d 775, 777 (10th Cir. 1979).

Joseph W. Goss
Administrative Judge

