

L. E. DIEFENDERFER

IBLA 80-10

Decided January 17, 1980

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer W-68663.

Affirmed.

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

It is proper to reject a drawing entry card where the offeror affixes his name to the front of the card in disregard of the instructions instead of inserting it in the appropriate spaces on the card in the order specified thereon (last name, first name, middle initial).

APPEARANCES: C. M. Peterson, Esq., Denver, Colorado, for appellant.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The simultaneous noncompetitive drawing entry card oil and gas lease offer of L. E. Diefenderfer was drawn with first priority in the June 1979 drawing for parcel WY 1141 in the Wyoming State Office, Bureau of Land Management (BLM). On August 27, 1979, BLM issued a decision rejecting this offer because the offeror's name was affixed to the front of the card in disregard of the instructions, which require that it be inserted into the appropriate spaces on the cards in this order: last name, first name, and middle initial. Diefenderfer has appealed from this decision.

[1] As BLM observed, this Board has recently held that it is proper to reject a drawing card completed in this manner. Gordon N. Blair, 41 IBLA 288 (1979). We adhere to and reconfirm our holding there. Under 43 CFR 3112.2-1(a), drawing entry cards must be "fully

executed." It is implicit in this requirement that the cards be correctly completed. Amerada Hess Corp., 34 IBLA 64 (1978); see Anchors and Holes, Inc., 33 IBLA 339 (1977); Marcia P. Lane, 33 IBLA 68 (1977). The entry of the offeror's name on the card is erroneous in that it is not in the order clearly specified on the drawing entry card, that is, last name, first name, and middle initial. Accordingly, BLM properly rejected it.

The demands of the drawing entry card system, which handles thousands of offers each month, are such that uniformity of offer cards is essential. Wyoming's use of a computerized system may require the orderly transferral of data from the card to computer data banks. It will doubtless be helpful for the BLM employees who must transcribe this information to have it presented in a completely uniform fashion from card to card. Moreover, uniform presentation of names from card to card will insure that there is no ambiguity as to individual offerors' names and will avoid confusion where names are such that they might be equally plausible in either order, e.g., "Miller Jordan."

The United States District Court for the District of Columbia has recently dismissed an appeal of a decision by the Board in a case involving a similar situation. Brick v. Andrus, Civ. No. 78-1814 (D.D.C. June 7, 1979), aff'g, Irving B. Brick, 36 IBLA 235 (1978). In Brick, the offeror had affixed an adhesive address label on the drawing entry card, which label bore his name in the improper order, as does appellants' rubber stamp used in this case. In its order, the court stated as follows:

[T]he Court finds that the decision of the Interior Board of Land Appeals on August 8, 1978 -- determining that plaintiff's drawing entry card for parcel WY-76 was "prima facie defective in that the expression of the name of the offeror by means of an address label [listing plaintiff's first name, first, and last name, last] is not in conformance with the printed instructions on the card ['last name, first name, and middle initial'] "-- was not arbitrary, irrational, or an abuse of discretion, and is entitled to deference from this Court. See Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976); McKay v. Wahlenmaier, 226 F.2d 35 (D.C. Cir. 1955).

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

We concur:

Douglas E. Henriques
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

