

DAVID F. OWEN

IBLA 80-139

Decided January 30, 1980

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, dismissing protest as to the award of oil and gas lease offer NMA 38355 (TX) for parcel NM 1204.

Affirmed.

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

An entry card in a simultaneous oil and gas lease drawing is not to be rejected where the required information is clearly and legibly printed on the face of the card and the only potential defect is the misspelling of a word, where the misspelling does not hinder the processing of the offer.

APPEARANCES: David F. Owen, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

David F. Owen appeals from a decision of the New Mexico State Office, Bureau of Land Management (BLM), dated October 26, 1979, dismissing his protest of the award of oil and gas lease NMA 38355 (TX) for parcel NM 1204 to Ruth Ross whose drawing entry card (DEC) received first priority in the September 1979 simultaneous drawing. Appellant's DEC received second priority.

Appellant's protest states: "The reason I am protesting this is because the Number One (1) Priority misspelled the word New Mexico on the face of the Form 3112-1 Simultaneous Oil and Gas Drawing Entry Card." On the decision dismissing the protest BLM responded: "This protest is dismissed on the basis that what appears to be a misspelling does not deter from the fact that even at a glance you can determine the name of the city (Santa Fe) and the name of the state (New Mexico)."

The applicable regulation, 43 CFR 3112.2-1(a), states: "Offers to lease such designated leasing units by parcel number 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."

In Clayton Chessman, 34 IBLA 263, 264-265 (1978), this Board stated:

In many prior cases, we have applied a stringent construction to the phrase "fully executed" and held proper the rejection of entry cards for even slight irregularities. Such an approach is justified by the vast number of cards which BLM must process in each drawing. Inadequately executed forms create uncertainties that jeopardize the efficient administration of the leasing program. (Footnote omitted).

This is not a case where administrative efficiency is compromised as a result of the submission of documents which are not legible. See Richard P. Lewis, 40 IBLA 100 (1979). In fact, it is questionable whether New Mexico was misspelled. The marking that appellant alleges is an "i" between the "M" and the "e" in New Mexico is in the same box as the "e" and may reflect nothing more than the offeror's manner of printing an "e," although a different form of "e" appears elsewhere on the card.

Whether a misspelling occurred is of no consequence in this instance. BLM correctly determined, in rejecting the protest, that a DEC is not to be rejected where the required information is clearly and legibly printed on the face of the card and the only potential defect is the misspelling of a word, where the misspelling does not hinder the processing of the offer.

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.

Frederick Fishman
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

