

KATHLEEN A. RUBENSTEIN

IBLA 79-447

Decided February 20, 1980

Appeal from decision of the Colorado State Office, Bureau of Land Management, dismissing protest by second drawn offeror for oil and gas lease C-27856.

Affirmed.

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

43 CFR 3112.2-1(a) requires that the simultaneous oil and gas lease drawing entry card be "signed and fully executed." Strict compliance with the regulation is required to enable the Bureau of Land Management State Offices to administer the oil and gas leasing program efficiently and accurately. However, this does not mandate rejection of a card showing an initial in the blank space for a first name, provided the offeror can be identified from the information given and the card is signed in the same manner.

APPEARANCES: Kathleen A. Rubenstein, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Kathleen A. Rubenstein appeals from the decision dated May 10, 1979, of the Colorado State Office, Bureau of Land Management (BLM), dismissing her protest against L. Kralovec, the first drawn applicant for simultaneous oil and gas lease C-27856. Appellant's drawing entry card (DEC) was drawn second in the February 1979 drawing for parcel number CO-151.

The protest, filed April 12, 1979, is based on appellant's contention that the card drawn number one must be rejected because it is not "fully executed" as required by 43 CFR 3112.2-1(a). The number one drawee, L. Kralovec, did not give a first name and middle initial in the spaces provided on the front of the card; he used the initial "L" in place of a first name. The protest was dismissed by BLM on the basis that the regulation "does not require the use of more than a first initial." BLM noted that for business purposes it is a common practice to use only an initial and last name. The signature on the card is "L. Kralovec." Kralovec has not responded either to the protest or the appeal.

The general practice of the various BLM state offices has been to accept DEC's containing only an initial in the blank provided for a first name as fully executed. The issue is one of first impression before this Board. In her statement of reasons appellant argues that the Board has repeatedly held "failure to complete any part of this card will disqualify the applicant." Grace M. Williams, 26 IBLA 232 (1976). She asserts that the DEC must be wholly in conformance with the regulations, that the card itself requires disclosure of the offeror's first name, and that, where rights of a third party have intervened (*i.e.*, the number two drawee), the Secretary is bound by these mandatory requirements. Appellant relies on Irving B. Brick, 36 IBLA 235 (1978), *aff'd*, Brick v. Andrus, Civ. No. 78-1814 (D.D.C. June 7, 1979), which held that using a name label with first name, middle initial, last name, in that order, instead of the order provided on the card, did not meet the requirements of the regulation.

[1] 43 CFR 3112.2-1(a) requires that the card be "signed and fully executed." The instructions on the card indicate that the offeror must insert his name on the card last name first, then first name, and middle initial. The use of an initial in place of a first name is not addressed. Appellant is correct that strict compliance with the regulation is required in the simultaneous oil and gas lease drawings. However, she misapplies the regulation in this case. The circumstances here are distinguishable from the Brick case where there could be possible confusion over which name was the first name and which was the surname.

The rationale for demanding preciseness in completing the DEC is to enable the BLM state offices to fulfill efficiently and accurately their responsibility for administering the oil and gas leasing program. The volume of cards filed (approximately 3 million a year) puts a tremendous administrative burden on the state offices to check the cards for compliance with the regulations. The Wyoming State Office has computerized the processing of the cards; Colorado will soon follow. It is essential to this system that the name on the card appear in the correct order as that is how the data is stored in the computer. It is not crucial to have a full first name, as long as the offeror can be identified from the information provided. *Cf.* Gordon N. Blair, 41 IBLA 288 (1979); Geraldine M. McCarthy, 37 IBLA

323 (1978). As BLM pointed out, many individuals use initials and a surname in their business affairs. The state offices recognize and accept this practice if the offeror signs the back of the card in the same manner. In view of this accepted practice, we see no reason to construe the regulations, as now written, to require more. All else being regular, the lease must issue to the first drawn applicant.

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.

Joan B. Thompson  
Administrative Judge

We concur:

James L. Burski  
Administrative Judge

Edward W. Stuebing  
Administrative Judge

