

DAVID F. OWEN

IBLA 79-561

Decided March 27, 1980

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous noncompetitive lease offer NM-A 36641 (TX).

Reversed.

1. Oil and Gas Leases: Applications: Generally

Where a simultaneous noncompetitive oil and gas lease offer is filed by an applicant whose address of record is in Oklahoma City, Oklahoma, and who writes the word "Oklahoma" on the line on the drawing entry card (DEC) designated by preprinted word as "City" and incorporates the preprinted word "City" as part of this address, it is improper to reject the DEC as not being fully executed.

APPEARANCES: David F. Owen, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

The simultaneous, noncompetitive drawing entry card lease offer of David F. Owen was drawn with first priority in the April 1979 drawing of parcel NM 695 in the New Mexico State Office, Bureau of Land Management (BLM). On August 1, 1979, BLM issued a decision rejecting this offer, holding that it was not fully executed by Owen as required by 43 CFR 3112.2-1, in that he failed to complete the name of the city on the entry card. Owen (appellant) has appealed from this decision.

Appellant's address of record is in Oklahoma City, Oklahoma. On his drawing entry card he placed "Oklahoma OK" on the line designated by preprinted words on the form as being for "City" and "State." He placed the written word "Oklahoma" so that it is directly above the

preprinted word "City" on the form, so that he incorporated the latter word as part of his address. Appellant explains that he did not write the word "City" on the card himself because it was already printed there.

An identical case was presented to the Board in David F. Owen, 45 IBLA 26 (1980). ^{1/} In that case the Board found that it was evident from the card that appellant's address was in Oklahoma City, owing to the presence of the preprinted, capitalized word "City" directly below the written word "Oklahoma" on the drawing entry card. The Board concluded that the card was fully executed in accordance with 43 CFR 3112.2-1. Based on this rationale, we find that appellant's drawing entry card was executed in compliance with 43 CFR 3112.2-1.

On February 28, 1980, by Order No. 3049, the Secretary of the Interior suspended the issuance of noncompetitive oil and gas leases. Any further action in this case is subject to that order.

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

Frederick Fishman
Administrative Judge

^{1/} At the time that David F. Owen, 45 IBLA 26 (1980), was issued, the Board was not aware that the present case with the same appellant and identical issues was pending.

