

BESSIE B. LANDIS
KRISTIE R. COBB

IBLA 79-465, 80-121

Decided July 11, 1980

Appeals from decisions of the California State Office, Bureau of Land Management, rejecting offers to lease. CA 6226 and CA 6517.

Set aside and remanded.

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

An entry card in a simultaneous oil and gas lease drawing need not be rejected under 43 CFR 3112.2-1(a) where the offeror's name and address are affixed with a rubber stamp outside the preprinted boxes but are otherwise legible and in the designated manner on the face of the card.

APPEARANCES: Lynn T. Farnworth, Esq., Moscow, Idaho, for appellants.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Bessie B. Landis and Kristie R. Cobb have appealed from decisions of the California State Office, Bureau of Land Management (BLM), dated respectively May 31, 1979, and October 26, 1979, rejecting their offers to lease, CA 6226 and CA 6517, because their drawing entry card offers, drawn with first priority in simultaneous oil and gas lease drawings, were deemed not "fully executed." Appellants had affixed their names and addresses by means of a rubber stamp so that they were "not inserted on the specified lines." The cases present the same issue and are consolidated.

[1] Regulation 43 CFR 3112.2-1(a) requires that: "Offers to lease such designated leasing units by parcel numbers 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."

As the Board stated in Clayton Chessman, 34 IBLA 263, 264-5 (1978):

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.]

Where, however, as here the required information appears legibly on the face of a drawing entry card we hold that efficient administration of the leasing program is not compromised because the information is not within the confines of the preprinted boxes. This is in accord with our decision in L. Alice Collister, 40 IBLA 71 (1979). Therein we held that drawing entry card was not rendered defective where the State prefix for the State in which the parcel was located was placed immediately below the boxes provided for such an entry. See also Brick v. Andrus, Civ. No. 79-1766 (D.C. Cir. June 6, 1980); Winkler v. Andrus, 594 F.2d 775 (1979); and Clayton Chessman, supra.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are set aside and the cases are remanded for further action.

Joseph W. Goss
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Frederick Fishman
Administrative Judge

