

THE FMC & PLIM CORPORATION

IBLA 81-689

Decided July 22, 1981

Appeal from the decision of the New Mexico State Office, Bureau of Land Management, rejecting a simultaneous oil and gas lease application. NM-A 42171.

Reversed.

1. Oil and Gas Leases: Applications: Generally

Where the Bureau of Land Management requires the submission of additional evidence of qualifications by a simultaneous oil and gas lease applicant and where the applicant asserts that both the original form properly executed and a copy of the executed form were returned timely, but BLM finds only the copy in its files, the copy is acceptable evidence and a decision rejecting the application will be reversed.

APPEARANCES: Jose V. Lim, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Jose V. Lim, on behalf of The FMC & PLIM Corporation has appealed the decision of the New Mexico State Office, Bureau of Land Management (BLM), disqualifying his simultaneous oil and gas lease application for parcel No. NM 690 in the August 1980 drawing. Appellant's application was drawn with second priority. The lease offer serial number is NM-A 42171.

On January 5, 1981, following rejection of the first drawee's application, BLM issued a decision requiring the corporation to supply additional evidence within 30 days as to its qualifications to hold the lease and the circumstances of its application. The questionnaire

supplied by BLM for this purpose indicated that it must not be altered, it must be signed holographically in ink, and no substitute letter or format would be accepted.

BLM disqualified appellant's application, and began adjudication of the number three drawee's application after it discovered that it had received a machine-made copy of the questionnaire although answered and signed manually by appellant.

In his statement of reasons, appellant asserts that he mailed the original questionnaire, properly filled out and signed, and a copy of it separately to BLM. He encloses copies of two consecutive postal service certified receipts and one of the corresponding return receipt cards.

It is evident from comparing the signature on the copy of the executed questionnaire with appellant's holographic signatures on his lease application and statement of reasons that the signature on the questionnaire is appellant's holographic signature. The document was filed within the allowed 30 days. The text was not altered nor the format otherwise changed. We find no reason why the document may not be accepted in this case and therefore reverse the BLM decision. 1/

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the New Mexico State Office is reversed.

Douglas E. Henriques
Administrative Judge

We concur:

Anne Poindexter Lewis
Administrative Judge

Gail M. Frazier
Administrative Judge

1/ Furthermore we note that the applicant in this case was The FMC & PLIM Corporation. On the application form, appellant properly referenced the corporation's statement of qualifications already on file with BLM, serial No. M-065500, and we question whether the requirement of filing additional qualifications evidence was necessary at all. See also BLM Instruction Memorandum No. 81-449.