

Editor's note: Reconsideration denied by order dated Feb. 19, 1982

GEORGE E. CONLEY

IBLA 82-70

Decided December 31, 1981

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting simultaneous lease application for oil and gas lease W 72819.

Affirmed.

1. Oil and Gas Leases: Applications: Filing

A simultaneously filed oil and gas lease application may not be rejected as incomplete simply because the applicant failed to indicate a middle initial or indicate the absence of one on the front of the application form where no ambiguity exists as to the identity of the applicant.

APPEARANCES: George E. Conley, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

George E. Conley has appealed from the September 16, 1981, decision of the Wyoming State Office, Bureau of Land Management (BLM), which rejected his third-drawn application for oil and gas lease, W 72819. A lease was issued effective October 1, 1980, to the first-drawn applicant, Linda Ellis.

Appellant contends that Ellis did not properly complete her application card in that the space provided for her middle initial was left blank. Appellant's argument suggests that Ellis was obliged to write her middle initial or affirmatively indicate the lack of one. Appellant suggests that such an indication is necessary to sort the cards in order to distinguish multiple filings. Appellant further suggests that if the requirement were trivial, it would have been deleted from the revised forms or at least made optional. Appellant also challenges the qualifications of the second-drawn applicant and asserts that his application is entitled to consideration.

[1] These arguments are without merit. No regulation or instruction on the face of the application card suggests that an application would be rejected if the applicant failed to indicate her middle initial or indicate she has none. Thus, the application may not be

rejected simply because this particular space is blank. Several cases lead us to this conclusion. In Brick v. Andrus, 628 F.2d 213 (D.C. Cir. 1980), the court held that it was improper for the Department to reject an application on which the name read "Dr. Irving B. Brick" instead of the order indicated by the instructions on the card--the last name, first name, middle initial. In Robert R. Furman, 49 IBLA 64 (1980), the Board followed the ruling in the Brick decision. In David F. Owen, 49 IBLA 131 (1980), the Board ruled that an oil and gas lease application need not be rejected where the applicant had placed the abbreviation for junior, "Jr." above the space provided for his middle initial. In Kathleen A. Rubinstein, 46 IBLA 30 (1980), the applicant used an initial in the space for a first name, but the Board held that failure to use the complete first name was not a ground for rejection.

This disposition makes it unnecessary to consider the merits of appellant's arguments directed against the second-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.

Anne Poindexter Lewis
Administrative Judge

We concur:

C. Randall Grant, Jr.
Administrative Judge

Edward W. Stuebing
Administrative Judge

