

CHERYL R. COOKSEY

IBLA 81-424

Decided March 18, 1982

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease application NM-A 43587 (Tx).

Affirmed.

1. Oil and Gas Leases: Applications: Generally

An oil and gas lease application, Form 3112-1 (June 1980), is not completed in accordance with regulation 43 CFR 3112.2-1 or the instructions on the application itself where questions (d) through (f), dealing with parties in interest other than those elsewhere disclosed, are left unanswered.

2. Notice: Generally -- Regulations: Generally -- Statutes

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: Cheryl R. Cooksey, pro se.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

Cheryl R. Cooksey has appealed from a decision dated February 5, 1981, by the New Mexico State Office, Bureau of Land Management (BLM), rejecting appellant's oil and gas lease application NM-A 43587 (Tx).

Appellant's application for parcel NM-191 was drawn with first priority in the December 1980 simultaneous drawing. On the back of the application form (Form 3112-1 (June 1980)) an applicant is asked to respond to the following questions by means of a check in the appropriate box to indicate either "yes" or "no":

(d) Does any party, other than the applicant and those identified herein as other parties in interest, own or hold any interest in this application, or the offer or lease which may result? * * *

(e) Does any agreement, understanding, or arrangement exist which requires the undersigned to assign, or by which the undersigned has assigned or agreed to assign, any interest in this application, or the offer or lease which may result, to anyone other than those identified herein as other parties in interest? * * *

(f) Does the undersigned have any interest in any other application filed for the same parcel as this application?

BLM rejected appellant's offer because these questions were not answered on her application as required by 43 CFR 3112.2-1.

Appellant states that she inadvertently did not complete these questions because of lack of experience and confusion about filing procedures.

[1] This Board has previously noted that an application must be complete when first filed in order to constitute a valid application. 43 CFR 3112.2-1(a) and (g). We have consistently required strict compliance with the substantive requirements of the regulations concerning the filing of applications in the simultaneous oil and gas leasing procedures. See Ben M. Powell III, 59 IBLA 146 (1981), and cases cited therein. The issue whether questions (d) through (f) must be answered on the application form itself was resolved in Vincent M. D'Amico, 55 IBLA 116 (1981); see also Ben M. Powell III, *supra*; Janet A. Rodgers, 58 IBLA 275 (1981); Clyde K. Kobbeman, 58 IBLA 268, 88 I.D. (1981); Simon A. Rife, 56 IBLA 378 (1981); Edward Marcinko, 56 IBLA 289 (1981). The application form clearly contemplates that items (d) through (f) be checked on the application itself. Indeed, the introductory words to items (a) through (g) are as follows: "UNDERSIGNED CERTIFIES AS FOLLOWS (check appropriate boxes)." (Original in italics.) Nowhere do the regulations or the application suggest that items (d) through (f) may be answered by attachment. Small boxes appear following each item to be checked in response. Completion of questions (d) through (f) is essential to the determination of an applicant's qualifications to hold an oil and gas lease. Failure of the appellant to check the appropriate box in response to each of the questions (d), (e), and (f) created a defect in her application. The application simply was not complete.

In light of the clear requirement that an application form be completed, and the instruction on the form itself ("check appropriate boxes") appellant's allegation of her ignorance of the proper procedure for completing items (d) through (f) is of no avail.

[2] Appellant, as a person dealing with the Government, is presumed to have knowledge of relevant statutes and duly promulgated regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); 44 U.S.C. §§ 1507, 1510 (1976). Such regulations have the force and effect of law and are binding on the Department. Bernard P. Gencorelli, 43 IBLA 7 (1979); Fred S. Ghelarducci, 41 IBLA 277 (1979). Thus, the clear directives of a regulation cannot be disregarded on the basis of appellant's inexperience and confusion.

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.

Gail M. Frazier
Administrative Judge

We concur:

Anne Poindexter Lewis
Administrative Judge

James L. Burski
Administrative Judge

