

**Editor's note: Reconsideration granted; decision reversed -- 78 IBLA 360 (Jan. 27, 1984)**

RICHARD W. RENWICK

IBLA 83-565

Decided September 19, 1983

Appeal from decision of the Wyoming State Office, Bureau of Land Management rejecting oil and gas lease application. W 84458.

Affirmed.

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

A simultaneous oil and gas lease application is properly rejected where it is dated prior to the commencement of the filing period, even though the application assertedly was signed during the filing period and inadvertently misdated, since 43 CFR 3112.2-1(c) requires that the date must reflect that the application was signed within the filing period, and since the appellant must bear the responsibility for any error in the dating of the application.

APPEARANCES: Thomas E. Cahill, Esq., Cheyenne, Wyoming, for appellant.

OPINION BY ADMINISTRATIVE JUDGE MULLEN

Richard W. Renwick appeals from a decision dated March 31, 1983, by the Wyoming State Office, Bureau of Land Management (BLM), rejecting oil and gas lease offer W 84458 because the application was not dated within the filing period.

Appellant's application for parcel WY-536 was dated January 11, 1982, which was not within the filing period for the January 1983 filings.

In the statement of reasons, appellant asserts that he inadvertently dated his application "1-11-82" rather than "1-11-83," and that this is a common mistake often made in the early days of a new year. Appellant states that in rejecting the offer, BLM capriciously adopted the fiction that appellant signed the application in 1982.

[1] Under 43 CFR 3112.2-1(c), a simultaneous oil and gas lease application must not only be dated at the time of signing, but the date on the application must also reflect that it was signed within the filing period. 1/ An application, such as appellant's, that bears a date prior to \_\_\_\_\_

1/ The regulation in effect at the time the decision was rendered (section 3112.2-1(c)) reads:

the filing period violates these requirements and is properly rejected. 43 CFR 3112.6-1(a); Raymond N. Joeckel, 68 IBLA 195 (1982); Leonard Thompson, 62 IBLA 236 (1982). Strict compliance with the requirements of 43 CFR 3112 is enforced in order to protect the rights of other qualified applicants. Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974), *aff'd*, Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976).

An applicant bears the responsibility for any error in the dating of the application, notwithstanding that the error may have been inadvertent and not representative of the actual date of signing. Richard L. Kahn, 71 IBLA 120 (1983); Raymond N. Joeckel, *supra*.

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.

---

R. W. Mullen  
Administrative Judge

We concur:

---

Anne Poindexter Lewis  
Administrative Judge

---

C. Randall Grant, Jr.  
Administrative Judge

---

"(c) The name of only one citizen, association, corporation, or municipality may appear as applicant on any application. The application shall be dated at the time of signing. The date shall reflect that the application was signed within the filing period."

The regulations covering oil and gas leasing on Federal lands were revised, effective Aug. 22, 1983. The new regulation, section 3112.2-1(c), now reads:

"(c) The application shall be signed and dated at the time of signing. If signed by anyone other than the applicant, the application shall show the relationship of the signatory to the applicant. The date shall reflect that the application was signed within the filing period."

48 FR 33678 (July 22, 1983).

