

DEBORAH B. MONCRIEF

IBLA 83-890

Decided October 18, 1983

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application W-85626.

Affirmed.

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

Where an oil and gas lease applicant does not properly darken the circles on the automated simultaneous application form which correspond to her identification number and therefore the computer reads a different identification number on Part B from that on Part A, the application is not properly completed and must be rejected.

APPEARANCES: Deborah B. Moncrief, pro se.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Deborah B. Moncrief has appealed the decision of the Wyoming State Office, Bureau of Land Management (BLM), dated August 2, 1983, rejecting her oil and gas lease application, W-85626, which gained first priority for parcel WY-315 in the June 1983 selection. BLM held that the application had not been completed properly as required by 43 CFR 3112.2-1(g) 1/ because on the application form appellant had darkened the circle for the number one rather than the number eight for the third digit of her social security number.

In her statement of reasons, appellant argues that (1) the discrepancy was a minor clerical error; (2) her social security number was correctly written on Part B; (3) Part A, which is the basic repository for the social security number, was properly filled out; (4) there was no misrepresentation or impropriety involved in inadvertently shading the wrong circle; and (5) rejection of her application is not within the spirit, intent or letter of 43 CFR 3112.2-1(g) and 3112.6-1(a).

1/ The oil and gas leasing regulations were revised in their entirety effective Aug. 22, 1983. See 48 FR 33648 (July 22, 1983). For the purpose of this decision all references to the regulations, unless otherwise noted, are to those in the 1982 volume of Title 43 of the Code of Federal Regulations because those regulations were in effect when the circumstances of this case arose.

[1] The Board has consistently held that failure to properly complete the information required on a simultaneous oil and gas lease application renders the filing defective and requires rejection of the offer under 30 U.S.C. § 226(c) (1976). H. L. McCarroll, 55 IBLA 215, 216 (1981). Under 43 CFR 3112.2-1(a) and (g), a simultaneous lease application consists of the approved form "completed, signed and filed pursuant to the regulations in this subpart" and such "properly completed and signed lease application" must be filed in the proper office of BLM. The proper completion of a lease application is mandatory and failure to complete the application properly requires rejection of it under 43 CFR 3112.6-1(a). 2/

In Shaw Resources, Inc., 73 IBLA 291 (1983), the Board examined the above requirements in the context of the new automated simultaneous leasing program. We described the new application as follows:

Beginning on January 1, 1982, the form approved by the Director, BLM, for use in the Wyoming State Office is the automated simultaneous oil and gas lease application form 3112-6 and 3112-6a. 43 FR 5573 (Nov. 12, 1981). * * * The automated form, which is machine readable, is designed to accommodate the automated processing of simultaneous oil and gas lease applications. The development of the automated process is a result of BLM's efforts to expedite the issuance of leases and lessen the paperwork burden. 46 FR 55783, 55784 (Nov. 12, 1981).

The application form consists of two parts, A and B. Part A, which should be submitted only with the applicant's first filing under the automated process, enables BLM to record the applicant's name and address. Part B identifies all parcels which the applicant desires to lease and a separate Part B is submitted for each drawing. The identification number appearing on both parts is the coordinating feature between them. Although the number is designated "SOCIAL SECURITY NUMBER" on the form, it may be a person's social security number, a business entity's employer identification number, or a number assigned by BLM. The number entered on Part A is coordinated with all subsequently filed Parts B. [Emphasis added.]

73 IBLA at 292-93.

Contrary to appellant's assertion, her error was not "minor" because the social security number as read from the darkened circles by the computer

2/ Under the revised regulations, applications that are not properly completed are returned as unacceptable prior to the selection if discovered upon receipt. An application that gains priority in a selection but does not fully comply with 43 CFR Subpart 3112 or then is found to be unacceptable is rejected. See 43 CFR 3112.3 (48 FR 33679 (July 22, 1983)).

is the one feature that distinguished the application as that of appellant and permits identification of appellant by the computer. Since appellant did not have the same number on Part B of her application as she used on Part A, the identification of the application could not be processed by the computer. The rule requiring proper completion of the approved application form is fundamental to the efficient administration of the simultaneous oil and gas leasing program in view of the large number of applications which are filed. George Dolezal, Jr., 75 IBLA 298 (1983); Shaw Resources, Inc., supra at 294.

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 Wyoming State Office is affirmed.

Will A. Irwin
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Edward W. Stuebing
Administrative Judge

