

Appeal from decision of Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas leasing application W 82987.

Affirmed.

1. Administrative Practice -- Appeals -- Practice Before the Department: Persons Qualified to Practice -- Oil and Gas Leases: Applications: Filing

Where a simultaneous oil and gas lease application is submitted by a filing service on behalf of a client, and such application is subsequently rejected by the Bureau of Land Management for being improperly completed, the filing service is not authorized under 43 CFR 1.3 to represent the client in an appeal to the Board.

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

Where an automated simultaneous oil and gas lease application Part B, form 3112.6a (June 1981), does not contain a correct identification number in the circles under the space designated "MARK SOCIAL SECURITY NUMBER," it is not properly completed and must be rejected.

APPEARANCES: Mel Spinner, United Geological Service Corporation, New York, New York, for appellant.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

An appeal has been filed from the Wyoming State Office, Bureau of Land Management (BLM), decision of December 22, 1982, which rejected the simultaneous oil and gas leasing application of Donald E. Hook for parcel WY 358 in the November 1982 simultaneous oil and gas lease drawing because Part B of the automated processing application was incorrectly filled out. Part B of the application shows Hook's correct identification number, i.e., 187 222 751; however, the circles below that number are filled in showing the identification number as 087 222 751.

[1] We note that the application in this case was filed by United Geological Service Corporation (United), as agent for Donald E. Hook. The notice of appeal was filed by his agent also. The notice was signed by one Mel Spinner (?) on behalf of United, agent for Donald E. Hook. The notice was attached to brief paper bearing a law firm name, and was mailed in an envelope bearing the same law firm name and return address. There is no clear indication that Spinner is a member of that law firm. Assuming Spinner is an attorney, he would be authorized to represent the filing service, if it were an appellant, or Hook. In this case, however, it appears that Spinner represents the filing service, not Hook. A filing service is not authorized to represent one of its clients in an appeal to this Board. 43 CFR 1.3.

An appeal brought by a person who does not fall within any of the categories of persons authorized by 43 CFR 1.3 to practice before the Department is subject to dismissal. Thomas L. Tuttle, 71 IBLA 265 (1983), and cases cited therein. In this case neither the relationships of Spinner to United and/or Hook, nor Spinner's status are clear from the record. However, we will not attempt to clarify that situation. Nor will we dismiss the appeal. We will address the merits because in any event the action taken by BLM was proper.

In the statement of reasons for appeal it is not contested that the discrepancy exists, however, it is contended that the basis for the rejection of Hook's application was a "nonsubstantive scrivener's error" which is not sufficient to warrant rejection of the application. In support of this contention it is stated that the correct information was present on the application, the application is capable of correction, and the regulations do not specifically require rejection of an application in this situation.

All Part B filings must correspond with a Part A filing on record and all information on Part B filings must be consistent. Part B instructions direct the applicant to "print in the appropriate squares the number used by the applicant on Part A." There was compliance with that directive; however, that number, as reflected in the circles which must be filled in, is the feature which, when processed by machine, will distinguish the application as distinctly that of the applicant. Deborah B. Moncrief, 76 IBLA 287 (1983). The rule requiring proper completion of the approved application form promotes the efficient administration of the simultaneous oil and gas leasing program in view of the number of applications submitted. Shaw Resources, Inc., 73 IBLA 291 (1983).

[2] Although failure correctly to complete the applicant's identification number, whether social security number, employer identification number, or a number assigned by BLM, is not expressly included among the defects listed in 43 CFR 3112.5 (1982), that omission does not preclude the rejection of the application. The regulation 43 CFR 3112.6-1(a) (1982) clearly provides that an application will be rejected if not filed in accordance with 43 CFR 3112.2 (1982). ^{1/} The regulation 43 CFR 3112.2-1(g) (1982)

^{1/} On July 22, 1983, 43 CFR Part 3110 was revised effective Aug. 22, 1983. 48 FR 33648. The new regulations provide at 43 CFR 3112.3(e), 48 FR 33679: "An application which is accepted for selection but which does not fully comply with subpart 3112 of this title shall, if selected for priority, be rejected and the filing fee retained."

requires that applications be "properly completed." ^{2/} When dealing with the Government, a person is presumed to have knowledge of relevant statutes and duly promulgated regulations. Federal Crop Insurance Corp. v. Merrill, 322 U.S. 380 (1947). Appellant was on notice that the approved form 3112-6a had to be properly completed. We cannot condone a departure from an otherwise consistent policy of rejecting applications which do not conform to the Department's regulations. A "qualified applicant" must also have completed and filed a valid application. George Dolezal, Jr., 75 IBLA 298 (1983); Shaw Resources, Inc., *supra*; Fen F. Tzeng, 68 IBLA 381, 386 (1982).

Accordingly, 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.

Bruce R. Harris
Administrative Judge

We concur:

Will A. Irwin
Administrative Judge

James L. Burski
Administrative Judge

Likewise, 43 CFR 3112.2-1(a), 48 FR 33678, provides in pertinent part: "An application to lease under this subpart consists of a simultaneous oil and gas lease application on the form approved by the Director, completed, signed and filed pursuant to the instructions in the application form and to the regulations in this subpart."

^{2/} The Part B instructions state with reference to "SOCIAL SECURITY NUMBER," "with a lead pencil, print in the appropriate square the number used by the applicant on Part A and mark the corresponding circles." (Emphasis added.)

