



INTERIOR BOARD OF INDIAN APPEALS

Estate of Josephine M. Burns Prairie Billie

42 IBIA 61 (11/23/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

ESTATE OF JOSEPHINE M. BURNS : Order Dismissing Appeal
PRAIRIE BILLIE :
: Docket No. IBIA 05-88
:
: November 23, 2005

Dale Billie (Appellant) appealed from a June 21, 2005 Order Denying Petition for Rehearing, issued by Administrative Law Judge Marcel S. Greenia in the estate of Josephine M. Burns Prairie Billie (Decedent), deceased Oglala Sioux Indian, Probate No. IP RC 950 G 01.

Appellant's notice of appeal did not indicate that he had served copies on all interested parties, as required by 43 C.F.R. §§ 4.310(b), 4.320(c). On August 16, 2005, the Board ordered Appellant, on or before September 2, 2005, to comply with those service requirements and to file a statement with the Board that he had done so. In addition, because it was unclear whether Appellant disputed the controlling issue in Judge Greenia's order – that Decedent had died intestate – the Board ordered Appellant to file a more complete and specific statement of alleged error in the Order Denying Petition for Rehearing. The Board advised Appellant that failure to comply with the August 16, 2005 order could result in summary dismissal of this appeal without further notice.

The Board has received no response from Appellant.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses this appeal for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
David Johnson
Acting Administrative Judge