



INTERIOR BOARD OF INDIAN APPEALS

Estate of Teresa L. Chaney

51 IBIA 283 (06/03/2010)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

ESTATE OF TERESA L. CHANEY)
) Order Docketing and
) Dismissing Appeal
)
) Docket No. IBIA 10-073
)
) June 3, 2010

Lon Chaney, Jr. (Appellant), appealed to the Board of Indian Appeals (Board) from an Order Docketing and Dismissing Petition for Rehearing (Order) entered on March 19, 2010, by Administrative Law Judge (ALJ) Richard L. Reeh in the estate of Appellant's niece, Teresa L. Chaney (Decedent), deceased Kiowa Indian, Probate No. P000068361IP. Appellant had petitioned for rehearing from a January 11, 2010, Order Determining Heirs, Approving Will and Disclaimer and Decreeing Distribution. Appellant questioned Decedent's mental stability at the time she executed the will approved by the ALJ. The ALJ dismissed Appellant's petition for lack of standing¹ and because Appellant raised evidentiary allegations that he could have presented, but failed to do so, at the probate hearing, for which he had been given notice. Upon receipt and review of the notice of appeal, the Board issued an order for Appellant to show cause, on or before April 30, 2010, why the Board should not summarily affirm the ALJ's Order. The Board advised Appellant that if he failed to respond, the appeal might summarily be dismissed 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 docketed but dismisses this appeal for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge

¹ As relevant to Appellant, an "interested party" to a probate proceeding must be a devisee under a will or a potential or actual heir. See 43 C.F.R. §§ 4.201 and 30.101.