

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-3523

MARK J. STILES,

APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before BARTLEY, *Chief Judge*.

ORDER

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

On May 21, 2020, veteran Mark J. Stiles filed, through counsel, a Notice of Appeal following a November 14, 2019, decision of the Board of Veterans' Appeals that remanded claims seeking higher disability evaluations for service-connected chronic sinusitis and allergic rhinitis. On October 5, 2020, the Secretary filed a motion to dismiss the appeal for lack of subject matter jurisdiction. On March 12, 2021, the Court granted the Secretary's motion.

On March 25, 2021, Mr. Stiles filed a motion for reconsideration or, in the alternative, for panel consideration. On June 8, 2021, the Court ordered the Secretary to respond to Mr. Stiles's motion. On June 30, 2021, the Secretary filed his response.

On July 13, 2021, Mr. Stiles filed a motion for leave to file a reply to the Secretary's response. He asserted that a reply "will assist the Court in clarification of the salient jurisdictional questions." Appellant's Motion for Leave at 2. Mr. Stiles indicated that the Secretary opposed the motion; however, the Secretary did not file an opposition. *See* U.S. VET. APP. R. 27(b). Therefore, the Court will grant Mr. Stiles's motion.

Upon consideration of the foregoing, it is

ORDERED that Mr. Stiles's motion for leave is granted. It is further

ORDERED that Mr. Stiles, within 14 days after the date of this order, file a reply, no greater than 10 pages in length, to the Secretary's response to the motion for reconsideration or, in the alternative, for panel consideration.

DATED: August 3, 2021

BY THE COURT:

A handwritten signature in black ink, appearing to read "Margaret Bartley", written in a cursive style.

MARGARET BARTLEY
Chief Judge

Copies to:

Adam R. Luck, Esq.

VA General Counsel (027)