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NON-PRECEDENTIAL

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 22-4670

JEANINE FRAZIER,

APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before BARTLEY, *Chief Judge*, and ALLEN and JAQUITH, *Judges*.

ORDER

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

On May 23, 2024, in a panel decision, the Court set aside the April 1, 2022, decision of the Board of Veterans' Appeals (Board) that dismissed the claims for entitlement to specially adapted housing, special home adaptation, and automobile adaptive benefits, reversed the Board's finding that the appellant could not be substituted to continue the appeal of those claims for entitlement to completion, and remanded those matters for readjudication. The Court also set aside that portion of the Board's decision that dismissed the claim for entitlement to special monthly compensation based on housebound status and remanded that matter for readjudication. On June 12, 2024, the appellant filed a timely motion for panel reconsideration "limited to that portion of the panel's decision which addressed substitution under 38 U.S.C. § 5121A concerning whether there is a limitation in the amount of benefits that can be paid to a substituted claimant under § 5121A who was recognized as an accrued benefits claimant under § 5121(a)(6)," and contended that such "constitute[d] an impermissible advisory opinion." "[A] motion for . . . panel [reconsideration] . . . shall state the points of law or fact that the party believes the Court has overlooked or misunderstood." U.S. VET. APP. R. 35(e)(1). The Court did not overlook or misunderstand any argument that was properly before it.

Upon consideration of the foregoing, it is

ORDERED that the motion for reconsideration by the panel is denied.

DATED: July 17, 2024

PER CURIAM.

Copies to:

Kenneth M. Carpenter

VA General Counsel (027)