THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

BRUCE MOSEBY BRACK, **Appellant,** **PRISCILLA BRACK,** **Movant,** **v.** **DENIS MCDONOUGH,** **Secretary of Veterans Affairs,** **Appellee.**	**VET. APP. NO. 22-3957**

MOTION TO RECALL JUDGMENT

Pursuant to this Court's Rule 36 and 2, Priscilla Brack, surviving spouse of Bruce Brack, respectfully moves this court to recall judgment pending a decision on her motion for substitution. Ms. Brack, by separate motion, has filed a motion to substitute. For good cause, Ms. Brack submits the following. Ms. Brack intends to appeal the Court's April 2024 decision to the Federal Circuit. However, unless or until she is substituted as Appellant she is not a party to this case and so is unable to file a notice of appeal under 38 U.S.C. § 7292(a).

The appeal to the Federal Circuit is currently due August 5, 2024. As this Court typically waits for a determination on a request for substitution from the agency before deciding the matter, the time to appeal will have expired. Thus, to preserve her rights under § 7292 Ms. Brack humbly asks this Court to recall judgment until after the motion for substitution has been resolved.

The undersigned has contacted Secretary's counsel and the Secretary is unopposed to this motion to recall judgment.

WHEREFORE, Priscilla Brack respectfully requests the Court to recall judgment until such time as this Court has ruled on her motion to be substituted.

Respectfully submitted,

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