

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 09-1752

MALCOLM MELANCON, JR.,

APPELLANT,

v.

ERIC K. SHINSEKI,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before SCHOELEN, *Judge*.

ORDER

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

The pro se appellant appeals an April 17, 2009, Board of Veterans' Appeals decision that denied his claims for entitlement to an initial compensable disability rating for hepatitis C and an earlier effective date for the grant of service connection for hepatitis C based on clear and unmistakable error in a December 1991 rating decision. Record of Proceedings (R.) at 3-17. In his informal briefs, the appellant appears to refer to an earlier RO decision that granted "30% non-service connection" for his condition. Appellant's Brief at 3; Reply at 3-5. The only RO decision of record from the relevant time period is the December 1991 decision. R. at 686-87. The Court will, therefore, order the Secretary to supplement the record to include any RO decisions that were issued in relation to the appellant's claim prior to the December 1991 decision. The Court reminds both parties that it is their obligation to ensure that the record contains "any document . . . cited in a brief, included in its entirety." *See* U.S. VET. APP. R. 28.1(b)(1)(B). Accordingly, it is

ORDERED that, not later than 5 days after the date of this order, the Secretary shall supplement the record in a manner consistent with this order, or explain his inability to do so.

DATED: March 30, 2011

BY THE COURT:



MARY J. SCHOELEN
Judge

Copies to:

Malcolm Melancon, Jr.

VA General Counsel (027)