

MOTION GRANTED

April 5, 2011



Mary J. Schoelen
Judge

**IN THE UNITED STATES COURT OF
APPEALS FOR VETERANS CLAIMS**

MALCOLM MELANCON, JR.,)
)
Appellant,)
)
v.)
)
ERIC K. SHINSEKI,)
Secretary of Veterans Affairs,)
)
Appellee.)

Vet. App. No. 09-1752

**APPELLEE'S MOTION FOR A 15 DAY EXTENSION OF TIME,
UNTIL APRIL 19, 2011, TO REPLY TO ORDER OF COURT
DATED MARCH 30, 2011**

Pursuant to U.S. Vet. App. R. 26(b) and 21(a), Appellee, Eric K. Shinseki, Secretary of Veterans Affairs (Secretary), respectfully moves this Honorable Court for an extension of time of 15 days, until April 19, 2011, in which to reply to the Order of the Court dated March 30, 2011. In that Order, the Court noted that Appellant appeared to refer to a decision of the Department of Veterans Affairs (VA) Regional Office (RO) dated prior to December 1991, regarding the grant of "30% non-service connection" for his disorder. The Court further indicated that the only rating decision included in the Record of Proceedings (ROP) is dated December 1991. Therefore, the Court directed the Secretary to supplement the record to include any RO decisions that were issued in relation to Appellant's claim

prior to the December 1991 decision, or explain his inability to do so. The Secretary's response is due April 4, 2011.

The Secretary submits that additional time is required in this matter, for the reasons set forth below. Counsel for the Secretary scoured the record before the agency (RBA) in this matter, but was unable to locate any rating decision(s) prior to December 1991. The RBA usually consists of a copy of Appellant's entire claims file. However, Counsel for the Secretary believes that a review of Appellant's original claims file is warranted to ensure that all relevant records were duplicated for the purposes of the RBA. On March 31, 2011, an expedited request for Appellant's claims file was submitted to the RO. To date, VA Office of General Counsel, Professional Group VII has not received the file. Therefore, the Secretary seeks additional time so that Appellee's Response to the Court will be based on a complete review of Appellant's records.

Appellant is pro se.

Appellee has not requested any extensions of time in this matter. However, Appellee was granted 45 days of extension of time for filing his response to Appellant's brief. Appellant has been granted 30 days of extension of time to file his brief.

WHEREFORE, Eric K. Shinseki, Secretary of Veterans Affairs, respectfully moves this Honorable Court for a 15 day extension of time,

until April 19, 2011, in which to file a reply to the Order of this Court dated March 30, 2011.

Respectfully submitted,

WILL A. GUNN
General Counsel

R. RANDALL CAMPBELL
Assistant General Counsel

/s/Kenneth A. Walsh
KENNETH A. WALSH
Deputy Assistant General Counsel

/s/Bobbiretta E. Jordan
BOBBIRETTA E. JORDAN
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Attorneys for Respondent

CERTIFICATE OF SERVICE

On April 4, 2011, a copy of the foregoing was mailed postage prepaid to:

Malcolm Melancon, Jr.
16518 St. Helier St.
Houston, TX 77040

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/Bobbiretta E. Jordan
BOBBIRETTA E. JORDAN
Counsel for Appellee