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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

NO. 15-3921

JAMES S. BARES, APPELLANT,

V.

ROBERT A. McDONALD,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before KASOLD, *Judge*.

ORDER

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

On January 28, 2016, the appellant filed pro se an informal brief appealing that part of a September 18, 2015, decision of the Board of Veterans' Appeals (Board) that remanded the issue of service connection for prostate cancer. The appellant argues that the Board denied service connection for prostate cancer and that the Board's determination should be reversed. The record reflects, however, that the Board did not deny service connection for prostate cancer and instead remanded that matter for further development. Because there is no final and adverse Board decision on the matter being appealed, the Court will dismiss the appellant's appeal. *See Hibbard v. West*, 13 Vet.App. 546, 548 (2000) (per curiam order) (Court's jurisdiction is statutorily limited to appeals of final Board decisions adverse to claimant); *see also Breeden v. Principi*, 17 Vet.App. 475, 478 (2004) (holding that the Court does not have jurisdiction over a Board remand because that determination is not a final decision); 38 C.F.R. § 20.1100(b) (2015) ("A remand is in the nature of a preliminary order and does not constitute a final decision of the Board.").

It is, therefore,

ORDERED that the appellant's appeal of that part of the September 18, 2015, Board decision that remanded the issue of service connection for prostate cancer is DISMISSED.

DATED: June 3, 2016

BY THE COURT:

A handwritten signature in dark ink, appearing to read "Bruce E. Kasold". The signature is written in a cursive, flowing style with a large initial "B".

BRUCE E. KASOLD

Judge

Copies to:

James S. Bares

VA General Counsel (027)