

## FAX COVER SHEET

TO	Court of Appeals for Veterans Claims
COMPANY	
FAX NUMBER	12025015848
FROM	Golden Years
DATE	2019-01-11 13:35:59 GMT
RE	Documents for Ralph McKinney

### COVER MESSAGE

18-5582

IN THE UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS

U.S. COURT OF APPEALS  
FOR VETERANS CLAIMS

Jan 11, 2019

RECEIVED

RALPH EARL MCKINNEY  
Appellant,

v.

Vet. App. No. 18-5582

ROBERT L. WILKIE,  
Secretary of Veterans Affairs,

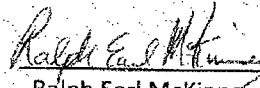
APPELLANT MOTION OPPOSING THE APPELLEE'S MOTION FOR LEAVE, MOTION TO STAY PROCEEDING, AND MOTION TO DISMISS CASE FOR LACK OF MERIT FROM THE BOARD OF VETERANS APPEALS (BOARD OR BVA) ADMIT NO DECISION HAS NOT BEEN ADJUDICATED WITH EXPEDITIOUS IN THE CASE OF APPELLANT'S VET. APP. NO. 15-3673, JOINT REMAND AND MANDATE OF THE COURT, U. S. VET. APP. RULE 41(a), DECEMBER 12, 2016, ON JUNE 7, 2018.

Pursuant to U.S. Vet. App. Rules 26, 27, 38(a)(b), and 41(a). Appellant Ralph E. McKinney proceeding pro-se, will present with this opposed response adverse the Secretary (Appellee) facts that the VA, BVA, and OGC have on record, but would commit contempt of the court. I motion that the court dismiss, vacate, and stay the Appellee from consistently not following the rule of practice and procedure respectfully in this court. The Appellee was granted 45 days extension of time, at the Appellee own motion, out of time, filed for leave. The court ordered OGC within 7 days for transmittal and decision, and OGC did not respond, out of time.

Wherefore the Appellant opposes the Appellees motions upon the adverse false information that has been presented to the Court by the Appellee, and it will be continued in the Appellant Brief, in which the Court has given the Appellant 60 days notice to file.

See exhibit: RAMP NOTIFICATION.

Respectfully submitted,


  
Ralph Earl McKinney  
1915 Beacon Road  
Memphis, Tn 38109  
901-707-1103  
[mckinnr@gmail.com](mailto:mckinnr@gmail.com)

Dated: January 11, 2019

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of United States, that  
on January 11, 2019, in the case Vet. App. No. 18-5582, a copy of  
Appellant's motion opposing the Office of General Counsel motions for  
Appellee for leave, to dismiss case, and stay of proceeding was facsimile  
or mailed, postage paid, to:

Appellate Counsel  
Office of the General Counsel (027C)  
Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington D.C. 20420

  
**Ralph E. McKinney**  
1915 Beacon Road  
Memphis, TN 38116  
1-901-707-1103  
Appellant **18-5582**

cc.  
U. S. Court OF Appeals for Veterans Claim (CAVC)  
625 Indiana Avenue, NW, Suite 900  
Washington, DC 20004-2950  
1-202-501-5848

OMB Control No. 2900-0075  
Response Burden: 15 minutes  
Expiration Date: 01/31/2018

Department of Veterans Affairs		STATEMENT IN SUPPORT OF CLAIM	
<p><b>PRIVACY ACT INFORMATION:</b> The VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA Programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 38VAZ1/2228, Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. VA uses your SSN to identify your claim file. Providing your SSN will help ensure that your records are properly associated with your claim file. Giving us your SSN without information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. (The VA will not deny an individual's benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by Federal Statute of law in effect prior to January 1, 1975, and will in effect. The requested information is considered relevant and necessary to determine maximum benefits under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.</p> <p><b>RESPONSE BURDEN:</b> We need this information to obtain evidence in support of your claim for benefits (38 U.S.C. 501(a) and (b)). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 15 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at <a href="http://www.omb.gov/publicload/PRAMain">www.omb.gov/publicload/PRAMain</a>. If desired, you can call 1-800-827-1000 to get information or where to send comments or suggestions about this form.</p>			
FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)		SOCIAL SECURITY NO.	VA FILE NO.
Ralph Earl McKinney			C/CSS -
The following statement is made in connection with a claim for benefits in the case of the above-named veteran:			
<p>Rapid Appeals Modernization Program (RAMP), Higher-level Review Lane, Department of Veterans Affairs.</p> <p>To whom it may concern,</p> <p>I am in receipt of your letter dated July 30, 2018, noting that VA received my election for opting into RAMP. In the letter I received it listed genital herpes, in which I am requesting a higher rating of 80 percent, due to ongoing and recurrent symptoms and ongoing medication. But there seems to be an error at the higher-level review, because this appeal/claim is not listed on my Vets.gov or eBenefits in my records to be reviewed.</p> <p>Furthermore a 2012 clothing allowance is one of my appeals/claims as well, but was not noted in the letter that I am in receipt of dated July 30, 2018, or listed in my higher-level review lane.</p> <p>Please see my document, UNITED STATES COURT OF VETERANS APPEALS, Vet. App. No. 15-3873, JOINT MOTION FOR PARTIAL REMAND, Pursuant to Vet. App. R. 27 and 45(g).</p> <p>Please correct these errors.</p> <p>Thanking you in advance,</p>			
I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.			
SIGNATURE <i>Ralph Earl McKinney</i>		DATE SIGNED 08/12/2018	
ADDRESS 919 Tamsway Circle Memphis, TN 38118		TELEPHONE NUMBERS (Include Area Code) DAYTIME: 901-707-1103 EVENING:	
PENALTY: The law provides severe penalties which include fines or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.			

VA FORM 21-4138  
JAN 2015SUPERSEDES VA FORM 21-4138, AUG 2011,  
WHICH WILL NOT BE USED.

CONTINUE ON REVERSE



## DEPARTMENT OF VETERANS AFFAIRS

VetApp. No. 18-5582

July 30, 2018

RALPH MCKINNEY  
919 TAMSWAY CIR  
MEMPHIS, TN 38116

In reply, refer to:  
316/ALL/Appeals 3/21  
File Number: [REDACTED]  
RALPH MCKINNEY

Dear Mr. MCKINNEY:

We received your election to participate in the Rapid Appeals Modernization Program (RAMP) on June 7, 2018. In response to your request, we have withdrawn your appeals and discontinued appeals processing on the following conditions:

- Autoimmune disorder, claimed as sarcoidosis, genital herpes, residuals of right injury, sacroiliac joint disorder, arthritis, right fifth digit, fibromyalgia, kidney disorder, claimed as kidney stones or renal colic, lumbosacral spine disorder, unemployability and effective date prior to September 28, 2007 for the granting of service connection for major depression.

Your appeal can no longer be reinstated under the current appeals process.

You elected to have the above noted conditions reviewed under the higher-level review lane.

We will review your claim and provide you with a new decision based on the review option selected. If we need additional information from you or find an error in the processing of your claim, we will notify you.

**Note:** Any issues currently pending on appeal that are not listed above will remain in the legacy appeal process.

### If You Have Questions or Need Assistance

If you have any questions or need assistance with this claim, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at <a href="https://iris.custhelp.va.gov">https://iris.custhelp.va.gov</a> .