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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 18-5582

RALPH EARL MCKINNEY, APPELLANT,

v.

ROBERT L. WILKIE,
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.*

On October 5, 2018, the Court filed the appellant's Notice of Appeal (NOA) listing June 7, 2018, as the date of the Board of Veterans' Appeals (Board) decision being appealed. On January 4, 2019, the Secretary notified the Court that the appellant had not obtained a final decision from the Board dated June 7, 2018, and moved to dismiss. The Secretary also requested that the Court stay proceedings in this matter pending the Court's ruling on the motion to dismiss, which the Court granted on January 4, 2019. On January 9, 2019, the Court ordered the appellant to show cause, within 19 days after the date of the Court's order, why this appeal should not be dismissed for lack of jurisdiction. On January 11, 2019, the appellant filed a response to the Court's order but did not address the issue of the Court's jurisdiction.

Pursuant to 38 U.S.C. § 7252 and 7266(a), in order for a claimant to obtain review of a Board decision by this Court, that decision must be final and the person adversely affected by that decision generally must submit an NOA to the Court within 120 days on which notice of the Board's decision was mailed. U.S. VET. APP. R. 3(a), 4(a). *See also In re Quigley*, 1 Vet.App. 1 (1990). In the instant appeal, no final decision dated June 7, 2018, has been issued by the Board. It is, therefore,

ORDERED that the January 4, 2019, stay of proceedings is lifted. It is further

ORDERED that the Secretary's January 4, 2019, motion is granted. It is further
ORDERED that this appeal is DISMISSED.

DATED: February 13, 2019

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Mary J. Schoelen", with a long horizontal flourish extending to the right.

MARY J. SCHOELEN
Judge

Copies to:

Robert Earl McKinney

VA General Counsel (027)