

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

REGINALD BROWN,)	
Appellant,)	
)	
v.)	Vet.App. No. 19-1507
)	
ROBERT L. WILKIE,)	
Secretary of Veterans Affairs,)	
Appellee.)	

**APPELLEE’S MOTION FOR LEAVE TO FILE
A MOTION TO DISMISS FOR LACK OF JURISIDICIION**

Pursuant to U.S. Vet. App. R. 26(b), Appellee, Robert L. Wilkie, Secretary of Veterans Affairs, respectfully requests leave of the Court to file a Motion to Dismiss for Lack of Jurisdiction in this case.

As will be discussed more fully in the accompanying Motion to Dismiss filed concurrently with this motion, the January 17, 2019, Board of Veterans’ Appeals (Board) decision remanded the claim before it for development of the record. (See Record Before the Agency (R. at 8-9 (4-9)). Appellant filed a Notice of Appeal (NOA) with this Court February 13, 2019. No other issues were decided in the January 17, 2019, Board decision. Therefore, because the Board decision did not constitute a final decision, the Court does not have jurisdiction.

As good cause for this motion, the Secretary states that, in preparing to respond to Appellant’s informal brief, the undersigned first became

aware of the bar to jurisdiction. The undersigned counsel for the Secretary now seeks to bring it to the Court's attention, in an effort to conserve judicial resources.

Counsel for the Appellee apologizes to the Court, and to Appellant, for any inconvenience caused by the delay in filing the Appellee's Motion to Dismiss.

Appellant is proceeding pro se.

WHEREFORE, Appellee Robert L. Wilkie, Secretary of Veterans Affairs, respectfully requests that the Court grant his Motion for Leave to File Appellee's Motion to Dismiss for Lack of Jurisdiction in the above-captioned matter.

Respectfully submitted,

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Acting General Counsel

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Chief Counsel

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CERTIFICATE OF SERVICE

Pursuant to U.S. Vet.App. Rule 10(a)(5), I certify under penalty of perjury under the laws of the United States of America that on September 26, 2019, a copy of the foregoing was mailed, postage prepaid, to:

Reginald Brown
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Piscataway, NJ 08854

/s/ Monique A. S. Allen
MONIQUE A. S. ALLEN
Attorney for Appellee