

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

JAMES A. GODSEY, JR., ET AL.)	
)	
Petitioners,)	
)	
v.)	Vet. App. No. 17-4361
)	
ROBERT L. WILKIE,)	
Secretary of Veterans Affairs,)	
)	
Respondent.)	

**RESPONDENT’S 120-DAY STATUS UPDATE IN RESPONSE TO THE
COURT’S JUNE 13, 2019, ORDER**

On June 13, 2019, the Court certified a class of petitioners to include: “All VA benefits claimants who filed a Substantive Appeal at least 18 months or more prior to the date of this order and who are waiting for VA to initiate pre-certification review of their cases.” In certifying the class, the Court also granted the underlying petition, in part. See June 13, 2019 Court Order at 12, 18.

In granting, in part, the underlying petition, the Court ordered that within 120 days of the June 13, 2019, order, the Secretary, either (1) certify the class member’s case, or (2) affirmatively initiate development or adjudication activities necessary for certification or resolution of the appeal at the regional office. See June 13, 2019 Court Order at 19; see *also* August 13, 2019 Court Order (ordering that the Secretary file with the Court a status update).

The Secretary hereby provides a 120-day status update in response to the June 13, 2019, and August 13, 2019, orders.

As noted in the Secretary’s August 9, 2019, Status Update, there were 2,544 VA Form 9s for 2,305 VA beneficiaries, that met the requirements of the certified class. As of October 2, 2019, 2,106 VA Form 9s have either been certified to the Board of Veterans’ Appeals or have been resolved. The

remaining 438 VA Form 9s have undergone the pre-certification review process pursuant to the Court's June 13, 2019, Order, and development has been initiated.¹

As such, the Secretary has satisfied the obligations imposed by the Court's June 13, 2019, Order.

WHEREFORE, the Secretary submits this information for the Court's review and any action deemed appropriate.

Respectfully submitted,

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¹ As noted in the Secretary's August 9, 2019, Status Update, the pre-certification review process identified 24 class members as affected by the passing of the Blue Water Navy Vietnam Veterans Act of 2019 (Pub. L. No. 116-23, 133 Stat. 966) ("Act"), development of these appeals will proceed consistent with the Secretary's implementation of the Act.