

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-1507

REGINALD BROWN,

APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before BARTLEY, *Chief Judge*.

ORDER

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

On February 13, 2019, self-represented veteran Reginald Brown filed a Notice of Appeal as to a January 17, 2019, decision of the Board of Veterans' Appeals (Board) that remanded a claim for service connection for bilateral hearing loss. On June 15, 2019, he filed his informal brief.

On September 26, 2019, the Secretary filed a motion for leave to file a motion to dismiss out of time. As good cause for the motion, the Secretary states that he became aware of the bar to the Court's jurisdiction in preparing to respond to Mr. Brown's brief. On the same date, the Court received the Secretary's motion to dismiss in which he asserts that, because the Board remanded the hearing loss issue—the only issue addressed in its January 2019 decision—the Board decision does not constitute a final decision such that the Court would have jurisdiction over the appeal. Mr. Brown has not responded to either of the Secretary's motions.

Also on September 26, 2019, the Secretary filed a motion to stay proceedings pending the Court's ruling on the motion to dismiss. On October 2, 2019, the Clerk of the Court granted the motion to stay proceedings nunc pro tunc to September 26, 2019.

Upon consideration of the foregoing, it is

ORDERED that the Secretary's motion for leave to file a motion to dismiss out of time is granted. The Secretary's motion to dismiss shall be filed as of the date of this order. It is further

ORDERED that, within 20 days of the date of this order, Mr. Brown file a response to the Secretary's motion to dismiss. The stay of proceedings is continued pending further order of the Court.

DATED: January 8, 2020

BY THE COURT:

A handwritten signature in blue ink, reading "Margaret Bartley", is written over a horizontal line.

MARGARET BARTLEY
Chief Judge

Copies to:

Reginald Brown

VA General Counsel (027)