

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-2004

MELVIN BULLOCK,

APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

ORDER

On January 20, 2020, the Court received correspondence from the appellant's estate. Attached to the correspondence is a copy of the death certificate indicating that the appellant died on November 22, 2019.

When an appellant dies during the pendency of an appeal for disability compensation under chapter 11 of title 38, U.S. Code, the appropriate remedy is to vacate the appealed Board of Veterans' Appeals (Board) decision and dismiss the appeal unless there has been an appropriate substitution by a qualified accrued-benefits claimant. *See Padgett v. Nicholson*, 473 F.3d 1364, 1366 (Fed. Cir. 2007) (Court not obligated to withdraw decision when party died before decision issued, but after case submitted to Court); *Zevalkink v. Brown*, 102 F.3d 1236, 1243-44 (Fed. Cir. 1996); *Landicho v. Brown*, 7 Vet.App. 42, 54 (1994); *See also Breedlove v. Shinseki*, 24 Vet.App. 7 (2010) (per curiam order) (veteran's chapter 11 disability benefits claim survives the death of the veteran, not for the purpose of providing VA benefits to a veteran, but for purpose of furthering the claim of an eligible accrued-benefits claimant). It is

ORDERED that the appellant's estate, within 20 days after the date of this order, show cause why the March 6, 2019, Board decision should not be vacated and this appeal dismissed. Proceedings on this appeal are stayed until further order of the Court.

DATED: March 24, 2020

FOR THE COURT:

GREGORY O. BLOCK
Clerk of the Court

By: /s/ Cynthia M. Brandon-Arnold
Cynthia M. Brandon-Arnold
Chief Staff Attorney/Deputy Clerk

Copies to:

The Estate of Melvin Bullock

VA General Counsel (027)

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