

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

TELLISON FORDE,)	
Appellant,)	
)	
v.)	Vet. App. No. 20-1295
)	
ROBERT L. WILKIE,)	
Secretary of Veterans Affairs,)	
Appellee.)	

**APPELLEE’S MOTION FOR LEAVE TO FILE A MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION IN LIEU OF
TRANSMITTING A COPY OF THE BOARD’S DECISION**

Pursuant to U.S. Vet. App. R. 26(b) and 45(g), Appellee, Robert L. Wilkie, Secretary of Veterans Affairs, respectfully requests leave of the Court to file a Motion to Dismiss for lack of subject matter jurisdiction in lieu of filing a copy of a Board decision. The Secretary’s deadline to file a copy of the Board’s decision was on March 25, 2020.

This motion is being filed because Secretary failed to file a copy of the Board’s decision on March 25, 2020. The undersigned apologizes to both Court and Appellant for this error. However, the undersigned became aware that his office was unable to locate a Board decision with the same date as identified in Appellant’s Notice of Appeal after he would have been able to certify mailing of his pleadings to Appellant on March 25, 2020, due to mailing limitations during the current coronavirus crisis. As such, the Secretary requests leave to file, out of time, a Motion to Dismiss for lack of subject matter jurisdiction and a Motion to Stay have been filed concurrently with this motion in

lieu of filing a copy of a Board decision. The Secretary is requesting leave to file these motions in lieu of a Board decision because a Board decision does not exist based on the information provided in the Notice of Appeal.

Appellant is *pro se*.

WHEREFORE, Appellee, Robert L. Wilkie, Secretary of Veterans Affairs, respectfully requests that the Court grant his Motion for Leave to File a Motion to Dismiss in lieu of filing a copy of a Board decision.

Respectfully submitted,

WILLIAM A. HUDSON, JR.
Acting General Counsel

MARY ANN FLYNN
Chief Counsel

/s/ Anna Whited
ANNA WHITED
Deputy Chief Counsel

/s/ Nicholas R. Esterman
NICHOLAS R. ESTERMAN
Senior Appellate Attorney
U.S. Department of Veterans Affairs
Office of General Counsel (027F)
810 Vermont Avenue, NW
Washington, DC 20420
(202) 632-8392

Counsel for the Secretary

CERTIFICATE OF SERVICE

On or before March 26, 2020, a copy of the foregoing was mailed postage prepaid to:

Tellison Forde
90-02 78th Street
Wood Haven, NY 11421

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Nicholas R. Esterman
NICHOLAS R. ESTERMAN
Counsel for the Secretary