

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-0810

SAMMIE LEE BROWN,

APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

ORDER

The appellant's Notice of Appeal (NOA) states that the Board of Veterans' Appeals (Board) decision on appeal was mailed on November 13, 2019. The Secretary reports that no final Board decision, issued on or about that date, exists in the appellant's name. As a result, the Secretary moves to dismiss the instant appeal for lack of jurisdiction. On March 19, 2020, the appellant filed a response in opposition to the Secretary's motion asserting, in pertinent part, that: (1) he did file a NOA within 120 days; and (2) a clerical error on the date of the final decision does not warrant a dismissal. However, the appellant does not specify the date of Board decision he is appealing. Under the law, this Court may only review final Board decisions which have been decided against a claimant. The Court will afford the appellant another opportunity to clarify the date of the Board decision he is appealing and will direct him to file a copy of the decision he seeks to appeal. It is

ORDERED that, within 20 days after the date of this order, the appellant must explain why the Court should not dismiss this appeal. Such an explanation should include a copy of the decision he seeks to appeal. If the appellant fails to do so, the Court may dismiss this appeal without further notice. Proceedings on this appeal are stayed until further order of the Court.

DATED: April 1, 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:

Sammie Lee Brown

VA General Counsel (027)

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