

*Not published*

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

No. 19-3430

MILDRED HEYER,

APPELLANT,

v.

ROBERT L. WILKIE,  
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before MEREDITH, *Judge*.

**ORDER**

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

The appellant, Mildred Heyer, through counsel appeals a January 25, 2019, Board of Veterans' Appeals (Board) decision that, in part, denied entitlement to service connection for the cause of the veteran's, Foster L. Heyer's, death. Record at 5-25. Pursuant to Rule 28.1 of the Court's Rules of Practice and Procedure, the Secretary is required to compile the record of proceedings (ROP) and ensure that it includes any document before the Secretary and the Board that is relevant to the issues decided. U.S. VET. APP. R. 28.1(a)(1)(C). In this case, the Court finds the ROP inadequate for review purposes because it is missing the administrative decision initiating the appeal of the claim, Notice of Disagreement with that decision, Statement of the Case, and Substantive Appeal. *See* 38 U.S.C. § 7105(a) (2012) ("Appellate review [of an initial rating decision] will be initiated by a [N]otice of [D]isagreement and completed by a [S]ubstantive [A]ppeal after a [S]tatement of the [C]ase is furnished."). Therefore, the Court will order the Secretary to file an amended ROP to incorporate those records and provide the page numbers of those documents.

Upon consideration of the foregoing, it is

ORDERED that, not later than 5 days after the date of this order, the Secretary file an amended ROP to include the records referred to in this order or provide an explanation for why they are unavailable. It is further

ORDERED that proceedings are otherwise stayed pending further order of the Court.

DATED: April 14, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Amanda L. Meredith', with a long horizontal flourish extending to the right.

AMANDA L. MEREDITH  
Judge

Copies to:

Floyd R. Chapman, Esq.

VA General Counsel (027)