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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-0607

BARRY E. MORRIS, APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before TOTH, *Judge*.

ORDER

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

Pro se veteran Barry E. Morris appealed a September 17, 2019, Board decision. His Notice of Appeal was due within 120 days, by January 15, 2020. *See* 38 U.S.C. § 7266(a). But it was not received until January 24, 2020. The Secretary timely moved to dismiss based on this 9-day lateness. The Court gave Mr. Morris the opportunity to respond and explain why his appeal should not be dismissed. The Court also advised him that an appeal received within 30 days of the statutory deadline could be deemed timely when the lateness was attributable to good cause or excusable neglect. *See* U.S. VET. APP. R. 4(a)(3). The veteran has not responded. In the absence of any explanation for the lateness of Mr. Morris's Notice of Appeal, it is

ORDERED that the appeal is DISMISSED as untimely.

DATED: April 28, 2020

BY THE COURT:



JOSEPH L. TOTH
Judge

Copies to:

Barry E. Morris

VA General Counsel (027)