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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-1507

REGINALD BROWN, APPELLANT,

v.

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

Before BARTLEY, *Chief Judge*.

ORDER

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

On February 13, 2019, self-represented veteran Reginald Brown filed a Notice of Appeal (NOA) from a January 17, 2019, decision of the Board of Veterans' Appeals (Board) that remanded a claim for service connection for bilateral hearing loss. On June 15, 2019, he filed his informal brief.

On September 26, 2019, the Secretary filed a motion to dismiss the appeal for lack of jurisdiction, asserting that, because the Board remanded the hearing loss issue—the only issue addressed in its January 2019 decision—the Board decision does not constitute a final decision such that the Court would have jurisdiction over the appeal. On January 8, 2020, the Court ordered Mr. Brown, within 20 days, to file a response to the Secretary's motion to dismiss. Mr. Brown did not respond to the Court's order.

On March 13, 2020, the Court ordered Mr. Brown to show cause why this appeal should not be dismissed for lack of jurisdiction. He did not respond to the Court's order.

Pursuant to 38 U.S.C. §§ 7252 and 7266(a), for a claimant to obtain review of a Board decision by this Court, that decision must be final. *See In re Quigley*, 1 Vet.App. 1, 1 (1990). A Board remand is not a final decision within the meaning of 38 U.S.C. § 7252(a). *See Kirkpatrick v. Nicholson*, 417 F.3d 1361, 1364 (Fed. Cir. 2005). Because a final decision has not been issued with respect to the hearing loss claim remanded by the Board, the Court does not have jurisdiction to review this appeal. *See Hampton v. Gober*, 10 Vet.App. 481, 483 (1997). If and when a final Board decision is issued, any matter determined in such a decision may be appealed to this Court. *See Matthews v. Principi*, 15 Vet.App. 138 (2001) (per curiam order).

Upon consideration of the foregoing, it is

ORDERED that the Secretary's motion is granted and this appeal is DISMISSED for lack of jurisdiction.

DATED: April 29, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Margaret Bartley", is written over the printed name.

MARGARET BARTLEY
Chief Judge

Copies to:

Reginald Brown

VA General Counsel (027)