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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-2004

MELVIN BULLOCK, 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 Melvin Bullock appealed a March 2019 Board decision. Before briefing began, however, the Court was notified of the veteran's death in November 2019. The death certificate indicated that Mr. Bullock was survived by his spouse. On March 24, 2020, the Court ordered the appellant's estate, within 20 days, to show cause why the appeal should not be dismissed. No response has been received.


When an appellant dies during the pendency of an appeal—that is, before the case is submitted—and there is no qualified accrued-benefits claimant seeking to be substituted, the appropriate remedy is to vacate the appealed Board decision and dismiss the appeal for lack of jurisdiction. *See generally Leavey v. McDonald*, 27 Vet.App. 226 (2015) (en banc order). Because no one has sought substitution in this case, it is

ORDERED that the March 6, 2019, Board decision is VACATED with respect to the matters appealed to the Court. It is further

ORDERED that this appeal is DISMISSED for lack of jurisdiction.

DATED: April 30, 2020

BY THE COURT:


JOSEPH L. TOTH
Judge

Copies to:

The Estate of Melvin Bullock

VA General Counsel (027)