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

No. 20-0810

SAMMIE LEE BROWN, 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.*

On January 30, 2020, the pro se appellant filed a Notice of Appeal (NOA) listing November 13, 2019, as the date of the Board of Veterans' Appeals (Board) decision being appealed. The Secretary moved to dismiss the appeal on March 5, 2020, asserting that "there is no [Board] decision dated November 13, 2019, or thereafter that corresponds with the VA file number or name provided by [the] appellant in the NOA." Secretary's Motion at 1. On March 19, 2020, the appellant filed a response maintaining, in pertinent part, that a final Board decision exists, he filed a timely NOA, and a clerical error on the date of the final decision does not warrant dismissal.

The Court subsequently issued an order noting that it has jurisdiction to review only final adverse Board decisions, and directed the appellant, within 20 days after the date of the Court's order, to show cause why the appeal should not be dismissed, including that he provide a copy of the decision that he seeks to appeal. The appellant filed a motion for remand in response to the Court's order, in which he asserts that he is appealing a 2019 Board decision that identified the issues of "entitlement to service[ ]connection for residuals of post[-]closed head traumatic brain injury, to also include an acquired psychiatric disorder, vertigo, and post[-]traumatic stress disorder," as raised by the record but not developed or adjudicated by a VA regional office (RO). Apr. 8, 2020, Motion at 1. He appears to suggest that the "issues should be referred back to the RO[] for appropriate action," in part, because new and material evidence has not been considered since a March 2016 administrative decision. Apr. 8, 2020, Motion at 1.

Pursuant to 38 U.S.C. §§ 7252 and 7266(a), in order for a claimant to obtain review of a Board decision by this Court, that decision must be final, and the person adversely affected by that decision generally must submit an NOA to the Court within 120 days after the date on which notice of the Board's decision was mailed. *See In re Quigley*, 1 Vet.App. 1, 1 (1990). In the instant appeal,

the appellant has not shown that a final decision dated November 13, 2019, has been issued by the Board and, therefore, there is no matter for the Court to remand. To the extent that the appellant may be seeking to have VA reconsider a previously denied claim based on new evidence, nothing in this order precludes him from pursuing that matter with VA and the Secretary may forward his correspondence filed with the Court to an appropriate entity within VA. Accordingly, it is

ORDERED that the appellant's motion for remand is denied. It is further

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

DATED: April 30, 2020

BY THE COURT:



AMANDA L. MEREDITH  
Judge

Copies to:

Sammie Lee Brown

VA General Counsel (027)