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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-2621

TYRONE A. BUNCH, PETITIONER,

v.

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

Before PIETSCH, *Judge*.

ORDER

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

On April 14, 2020, Tyrone A. Bunch filed through counsel a petition for extraordinary relief in the nature of a writ of mandamus. In his petition, he asked the Court to compel VA to *respond* to whether his request for a Board of Veterans' Appeals (Board) hearing was timely filed. *See* Petition at 2. On January 22, 2018, Mr. Bunch requested a hearing and VA had not responded to multiple requests for a status update on his appeal.

On April 20, 2020, the Court ordered the Secretary to respond to Mr. Bunch's petition. On the same day, the Secretary filed a notice to the Court, explaining that Mr. Bunch's Statement of the Case (SOC) was mailed to an incorrect address and returned to VA; VA did not issue another SOC. *See* Secretary's Notice, Exhibit (Ex.) 1. On January 22, 2018, Mr. Bunch called VA and was informed that an SOC was issued, and he submitted a VA Form 9. Because Mr. Bunch submitted his VA Form 9 within 60 days of receiving notice of the SOC, VA accepted his appeal as timely. On April 17, 2020, Mr. Bunch's appeal was certified to the Board and his request for a travel hearing at his local VA office was noted. *See* Secretary's Notice, Ex. 2.

This Court adheres to the case-or-controversy jurisdictional constraints provided for in Article III of the U.S. Constitution. *See Browder v. Shulkin*, 29 Vet.App. 170, 173 (2017); *Mokal v. Derwinski*, 1 Vet.App. 12, 13-15 (1990). When the relief requested in a petition has been obtained, the appropriate course of action is for the Court to dismiss the petition as moot. *See Thomas v. Brown*, 9 Vet.App. 269, 270-71 (1996) (per curiam order).

Because the relief sought in Mr. Bunch's petition has been provided, the Court will dismiss the petition as moot.

Upon consideration of the foregoing, it is

ORDERED that given the Secretary's notice to the Court, the April 20, 2020, order seeking a response from the Secretary, is REVOKED. It is further

ORDERED that the April 14, 2020, petition for extraordinary relief in the nature of a writ of mandamus is DISMISSED.

DATED: April 30, 2020

BY THE COURT:

A handwritten signature in blue ink, reading "Coral W. Pietsch". The signature is fluid and cursive, with the first name "Coral" and last name "Pietsch" clearly legible.

CORAL W. PIETSCH
Judge

Copies to:

Michael A. Steinberg, Esq.

VA General Counsel (027)