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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-0504

KENNETH A. HERNANDEZ, APPELLANT,

v.

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

Before ALLEN, *Judge*.

ORDER

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

On January 14, 2020, appellant filed a Notice of Appeal (NOA) listing November 8, 2019, as the date of the Board of Veterans' Appeals decision being appealed. On February 20, 2020, the Secretary moved to dismiss, notifying the Court that appellant had not obtained a final decision from the Board dated November 8, 2019. On March 19, 2020, the Court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant has failed to respond within the time provided.

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 on which notice of the Board's decision was mailed. *See In re Quigley*, 1 Vet.App. 1 (1990). Here, the Board has not issued a final decision dated November 8, 2019. It is, therefore,

ORDERED that the stay imposed in this appeal is lifted. And it is further

ORDERED that the Secretary's motion is granted and this appeal is DISMISSED.

DATED: April 30, 2020

BY THE COURT:



MICHAEL P. ALLEN
Judge

Copies to:

Kenneth A. Hernandez

VA General Counsel (027)