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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-7503

LARRY D. REAVES, 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 October 28, 2019, the pro se appellant, Larry D. Reaves, filed a Notice of Appeal (NOA) from an August 5, 2019, Board of Veterans' Appeals (Board) decision in which the Board remanded the issue of whether the appellant is competent to handle the disbursement of VA funds. The Secretary filed a motion to dismiss the instant appeal on December 23, 2019, for lack of jurisdiction, asserting that the Board has not issued a final decision and thus the appellant has not exhausted his administrative remedies. He also filed a concurrent motion to stay proceedings pending disposition of his motion to dismiss, and the Clerk of the Court granted that motion on December 26, 2019.

On March 23, 2020, the Clerk of the Court ordered the appellant to show cause, within 20 days after the date of the Court's order, why this appeal should not be dismissed for lack of jurisdiction. The appellant has not filed a response.

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). 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); *see also Breeden v. Principi*, 17 Vet.App. 475, 478 (2004) (per curiam order) (a Board remand "does not represent a final decision over which this Court has jurisdiction"); *Hampton v. Gober*, 10 Vet.App. 481, 483 (1997) (claims remanded by the Board may not be reviewed by the Court). Because a final decision has not been issued by the Board with respect to the issue of whether the appellant is competent to handle the disbursement of VA funds, which was remanded by the Board, the Court does not have jurisdiction to review this appeal.

The Court notes, however, that if a final Board decision is issued, any matter finally decided in such a decision may be appealed to this Court.

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: May 6, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Amanda L. Meredith', with a long horizontal flourish extending to the right.

AMANDA L. MEREDITH
Judge

Copies to:

Larry D. Reaves

VA General Counsel (027)