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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-2108

LILLA K. STEPHENS, PETITIONER,

V.

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

Before ALLEN, *Judge*.

ORDER

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

Lilla Stephens filed a petition for extraordinary relief on March 24, 2020. She asked the Court to order the Secretary to act on a Notice of Disagreement she submitted on July 28, 2016, with respect to an August 10, 2015, rating decision denying service connection for a mental health disorder. At the time she filed her petition, VA had taken no action on the NOD. In addition, petitioner reported that she submitted letters requesting a status update on her claim on August 7, 2019, and October 21, 2019, and had received no response.

On March 26, 2020, the Court ordered the Secretary to respond to the petition. He did so on April 27, 2020. The Secretary reported that on August 17, 2017, VA had sent petitioner a Supplemental Statement of the Case (SSOC) that was returned as undeliverable. It appears VA did nothing about this returned document until petitioner filed this action. On April 10, 2020, VA sent petitioner the August 2017 SSOC. The Secretary argues that petitioner has received the relief she sought and we should deny the petition.

There is one other matter to address before the Court rules on the petition. The Court's original order to the Secretary required him to explain why VA did not respond to petitioner's letters requesting a status update on her appeal. The Secretary did not do so, so the Court issued a second order reminding the Secretary of his obligation. The Secretary responded to that order and explained that VA does not respond to letters seeking an update, but will only respond to a telephone call or email. It appears that VA will not even see a letter until the file is reviewed as part of a decision-making process. The Secretary's response reads as if petitioner was acting irrationally by sending a letter to VA. We hope that, if VA's position truly is that it will not respond to letters seeking status updates, it has informed veterans of this fact. Doing so is not only the right

thing to do, but it would likely obviate the need for veterans to file petitions like this one because a potential petitioner would know to call or email.

In any event, based on the information contained in the Secretary's Response, petitioner has received all the relief she sought the Court to compel. On this ground, her request for a writ of mandamus is moot. *See, e.g., Thomas v. Brown*, 9 Vet.App. 269, 270 (1996) (per curiam); *Mokal v. Derwinski*, 1 Vet.App. 12, 15 (1990). Accordingly, it is

ORDERED that this action is DISMISSED.

DATED: May 8, 2020

BY THE COURT:



MICHAEL P. ALLEN
Judge

Copies to:

Colin E. Kemmerly, Esq.

VA General Counsel (027)