

*Designated for electronic publication only*

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

No. 20-0772

THOMAS HOLCOMB, 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 21, 2020, the pro se appellant, Thomas Holcomb, filed a Notice of Appeal (NOA) expressing disagreement with the denial of a disability compensation claim for sleep apnea. His NOA did not identify the date of the Board of Veterans' Appeals (Board) decision he is appealing. Instead, he attached a copy of a December 20, 2019, rating decision that denied benefits for sleep apnea. The Secretary filed a motion to dismiss the appeal on March 16, 2020, asserting that the appellant had not obtained a final decision from the Board dated December 20, 2019, and concurrently filed a motion to stay proceedings pending disposition of the motion to dismiss, which the Court granted. On April 3, 2020, 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 did not respond to the Court's order.

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, no final decision dated December 20, 2019, has been issued by the Board. To the extent that the appellant is dissatisfied with the December 2019 rating decision, he is free to seek redress from VA. In that regard, the Secretary may forward a copy of the appellant's NOA to the appropriate entity within VA.

Upon consideration of the foregoing, it is

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

DATED: May 12, 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:

Thomas Holcomb

VA General Counsel (027)