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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-1308

MIGUEL A. RODRIGUEZ-ARROYO, PETITIONER,

v.

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

Before TOTH, *Judge*.

ORDER

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

Veteran Miguel Rodriguez-Arroyo petitioned the Court for a writ of mandamus directing the Secretary to process his appeal. Following a 2017 remand from the Board, VA had Mr. Rodriguez-Arroyo undergo hearing tests and tests for hypertensive vascular disease and asthma in 2018. He contended in his petition that VA failed to contact him again.

The Court deferred ruling on the matter and asked the Secretary to respond. On April 23, 2020, the Secretary responded, indicating that the Board issued a decision denying the various claims at issue on April 8, 2020. The veteran was informed as to how he may appeal that decision if he so chooses.

The Court has adopted the jurisdictional rule from Article III of the U.S. Constitution that only a live case or controversy may be presented for judicial resolution. *Rosinski v. Shulkin*, 29 Vet.App. 183, 189–90 (2018). Generally, when the Secretary provides the relief sought in a petition, there is no longer an active dispute between the parties, and the petition becomes moot. *See Cardona v. Shinseki*, 26 Vet.App. 472, 474 (2014). As the relief sought by Mr. Rodriguez-Arroyo in his petition has been provided by the Secretary, the Court deems the petition moot and dismisses it for lack of jurisdiction.

Accordingly, it is

ORDERED that the February 5, 2020, petition is DISMISSED.

DATED: May 13, 2020

BY THE COURT:



JOSEPH L. TOTH
Judge

Copies to:

Miguel A. Rodriguez-Arroyo

VA General Counsel (027)