

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 18-5433

JO L. HAUGH,

APPELLANT,

v.

ROBERT L. WILKIE,

SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before FALVEY, *Judge*.

ORDER

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

On May 26, 2020, veteran Jo L. Haugh filed a motion for reconsideration of a May 4, 2020, memorandum decision of the Court. In our decision, we affirmed a June 4, 2018, Board of Veterans' Appeals decision denying service connection for a partial hysterectomy, including as secondary to a service-connected post-operative corpus luteum cyst. Under the Court's Rules of Practice and Procedure, a motion for reconsideration must state the points of law or fact that the Court has overlooked or misunderstood. U.S. VET. APP. R. 35(e). Ms. Haugh fails to meet the standard for reconsideration.

In her motion, Ms. Haugh argues that the Court overlooked the Board's instructions to the medical examiner and overlooked the Board's stated objectives for getting an advisory medical opinion. She also argues that we did not resolve her argument that the Board failed to ensure substantial compliance with the terms of its engagement letter. Our memorandum decision addressed these issues.

In our decision, we explained that we need not decide whether the law requires that the Board ensure substantial compliance with a request for an advisory medical opinion because, even assuming that it did, the advisory medical opinion substantially complied with the Board's request. In so doing, we rejected Ms. Haugh's argument that the Board's engagement letter required the VA expert to discuss every single one of Ms. Haugh's in-service and post-service symptoms. Thus, we acknowledged and disposed of her argument about whether the Board needed to ensure substantial compliance, and we also considered the Board's engagement letter. Although Ms. Haugh may disagree with our reading of the Board's engagement letter or determination about substantial compliance, she fails to show that the Court misunderstood or overlooked an argument or any points of fact or law. Thus, reconsideration is not warranted.

Upon consideration of the foregoing, it is

ORDERED that the motion for single-judge reconsideration is denied.

DATED: May 29, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J. Falvey, Jr.", with a stylized flourish at the end.

JOSEPH L. FALVEY, JR.
Judge

Copies to:

Tamesha N. Larbi, Esq.

VA General Counsel (027)