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NON-PRECEDENTIAL

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-2346

VETERANS LEGAL ADVOCACY GROUP,

PETITIONER,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

RESPONDENT.

Before GREENBERG, ALLEN, and MEREDITH, *Judges*.

ORDER

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

In an April 28, 2020, order, the Court dismissed the petitioner's April 2, 2020, petition for extraordinary relief in the form of a writ of mandamus, finding that the relief sought had been granted and that the petition was therefore moot. On May 19, 2020, the petitioner filed a timely motion for reconsideration or, in the alternative, panel review of the Court's decision. On June 10, 2020, after obtaining additional responses from the parties, the Court denied the petitioner's motion for reconsideration because the petitioner failed to demonstrate that the Secretary's underlying policy did not align with the specific relief requested—that VA cease holding in-person examinations until it is safe to do so, that VA conduct telehealth examinations when feasible, and that all claimants not be penalized for not attending an examination during the pandemic. In addition, the Court stated that "individual veterans who may have been aggrieved by VA's failure to follow its guidelines in particular cases are free to seek redress from the Agency or this Court." June 10, 2020, Order at 2. The motion for a decision by a panel will be granted.

Based on review of the pleadings, it is the decision of the panel that the petitioner fails to demonstrate that 1) the single-judge order overlooked or misunderstood a fact or point of law prejudicial to the outcome of the petition, 2) there is any conflict with precedential decisions of the Court, or 3) the petition otherwise raises an issue warranting a precedential decision. U.S. VET. APP. R. 35(e); *see also Frankel v. Derwinski*, 1 Vet.App. 23, 25-26 (1990).

Absent further motion by the parties or order by the Court, judgment will enter on the underlying single-judge order in accordance with Rules 35 and 36 of the Court's Rules of Practice and Procedure.

Upon consideration of the foregoing, it is

ORDERED that the motion for panel decision is granted. It is further

ORDERED that the single-judge order remains the decision of the Court.

DATED: August 7, 2020

PER CURIAM.

Copies to:

Harold H. Hoffman, III, Esq.

VA General Counsel (027)