

*Not published*

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

No. 19-0253

MARIA MARLINA T. TOMAS,

APPELLANT,

v.

ROBERT L. WILKIE,  
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before ALLEN, *Judge*.

**ORDER**

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

Self-represented appellant is the surviving spouse of Francisco T. Tomas who served the Nation honorably as a Philippine Scout during World War II. She appealed a September 8, 2017, Board of Veterans' Appeals decision determining that she had not timely filed a Substantive Appeal with respect to an April 2011 rating decision that had denied service connection for the cause of the veteran's death.

On April 30, 2020, the Court issued a Memorandum Decision affirming the September 8, 2017, Board decision. We concluded that appellant had raised no argument about the timeliness of her Substantive Appeal, the only issue before the Court. Instead, appellant focused only on the merits of her claim.

Due to the global public health situation, mail service to the Philippines was suspended for a period of time and, as a result, our decision was returned as undeliverable. We recalled judgment and reissued the decision effective July 29, 2020. That decision reached appellant.

On August 31, 2020, appellant filed what she termed a second informal brief. We will construe this filing as a motion for reconsideration of our Memorandum Decision under Rule 35 of the Court's Rules of Practice and Procedure. We will deny the motion. Reconsideration is only appropriate if the Court overlooked or misunderstood a relevant point of law or fact. *See* U.S. VET. APP. R. 35(e)(1). Appellant's construed motion for reconsideration does not meet this standard. It does not address anything about the timeliness of appellant's Substantive Appeal, again pointing us to documents concerning the underlying merits.

We appreciate the veteran's service and sympathize with appellant. However, reconsideration of our Memorandum Decision is not appropriate. Appellant retains her right to

appeal the Court's Memorandum Decision to the United States Court of Appeals for the Federal Circuit. So, it is

ORDERED that the Clerk of Court file appellant's second informal brief as a motion for reconsideration effective August 31, 2020. And it is further

ORDERED that the motion for reconsideration is denied.

DATED: September 9, 2020

BY THE COURT:



MICHAEL P. ALLEN  
Judge

Copies to:

Maria Marlina T. Tomas

VA General Counsel (027)