

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-3037

JOHN D. WILSON, JR.,

APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before SCHOELEN, *Senior Judge*.¹

ORDER

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

On May 7, 2020, the Court issued a memorandum decision in the case of pro se appellant John D. Wilson, Jr., which remanded to the Board of Veterans' Appeals (Board) his claim of service connection for an acquired psychiatric disorder and personality disorder. On May 13, 2020, Mr. Wilson submitted to the Court a document styled as a "motion to voluntarily dismiss" his appeal. In this motion, the appellant stated that he wished to dismiss his current appeal, but that he requests an opportunity to "rehear" and "revise" this opinion to the Board at a "later date." Thereafter, the Court stayed the case and referred Mr. Wilson to The Veterans Consortium Pro Bono Program for assistance. Subsequently, on June 26, 2020, Mr. Wilson filed a document styled as a "motion to reinstate my appeal," in which he expressed his desire for his appeal to continue.

On July 23, 2020, the Court lifted the stay of proceedings. Because the Court determined that Mr. Wilson's motion to reinstate his appeal indicated his desire to continue his appeal, the Court granted his motion to reinstate his appeal and treated his motion to dismiss his appeal as moot. That same day, the Court also entered judgment, and on September 25, 2020, it entered mandate. On October 1 and 15, 2020, Mr. Wilson filed motions to recall mandate, in which he indicated he wanted this Court to "enforce this remand mandate" and return his case back to the Board.

By granting the motion to reinstate the appeal and entering judgment and mandate, the Court's May 7, 2020, memorandum decision became final, and the matter has already been remanded to the Board. As stated previously in our memorandum decision, the Board must

¹ Judge Schoelen is a Senior Judge acting in recall status. *In re Recall of Retired Judge*, U.S. VET. APP. MISC. ORDER 04-20 (Jan. 2, 2020).

adjudicate the matter in an expeditious manner in accordance with 38 U.S.C. § 7112. No further action is required by Mr. Wilson at the Court.

Therefore, it is

ORDERED that the motions to recall mandate are denied.

DATED: October 27, 2020

BY THE COURT:



MARY J. SCHOELEN
Senior Judge

Copies to:

John D. Wilson, Jr.

VA General Counsel (027)