

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-5221

JOHN B. WELLS,

PETITIONER,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

RESPONDENT.

Before BARTLEY, *Chief Judge*, and GREENBERG and JAQUITH, *Judges*.

ORDER

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

On July 27, 2020, John B. Wells, Esq., filed a petition for extraordinary relief in the nature of a writ of mandamus. Mr. Wells asserts that a writ is necessary to compel VA to expeditiously pay outstanding attorney fees and expenses subject to fee agreements executed under 38 U.S.C. § 5904(d)(2) and 38 C.F.R. § 14.636. On February 3, 2021, this case was submitted to a panel for decision. A videoconference oral argument is scheduled for August 12, 2021, at 10 a.m.

The panel's resolution of this matter requires assessment of (1) the propriety of a 60-day waiting period for payment of attorney fees subject to fee agreements executed under 38 U.S.C. § 5904(d)(2) and 38 C.F.R. § 14.636 and (2) the absence of a process that would allow a claimant or appellant to waive the 60-day period. To assist the Court in resolving this appeal, the parties should be prepared to discuss those and other relevant issues.

Upon consideration of the foregoing, it is

ORDERED that the parties be prepared to discuss the above issues at oral argument.

DATED: August 4, 2021

PER CURIAM.

Copies to:

John B. Wells, Esq.

VA General Counsel (027)