

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-4155

ALLEN GUMPENBERGER,

APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before ALLEN, FALVEY, and JAQUITH, *Judges*.

ORDER

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

Appellant, Allen Gumpenberger, is a non-attorney accredited veteran representative who represented veteran Arturo Valadez before VA. Appellant seeks agent fees from VA based on an award of a 100% disability rating for Mr. Valadez's service-connected TBI. On October 8, 2021, this case was submitted to a panel of the Court for decision. Neither appellant nor the Secretary have indicated whether Mr. Valadez was informed of these proceedings that have the potential to impact his award of benefits.

A person who participated in proceedings before the Board has a right to intervene in an appeal before this Court; alternatively, a person who did not participate in proceedings below may seek permission to intervene in an appeal if he has an interest in the appeal's outcome.¹ Intervention either by right or with permission must generally be sought within 60 days of the Clerk's notice of docketing, but that time limit may be excused in extraordinary circumstances.²

To ensure adequate notice has been given to all concerned, the Court will order the Secretary to provide a copy of this order to the veteran and allow Mr. Valadez the opportunity to file a motion seeking intervention.³

Accordingly, it is

¹ U.S. VET. APP. R. 15(a)-(b).

² U.S. VET. APP. R. 15(c).

³ *Cf. Braan v. McDonald*, 28 Vet.App. 232, 234-35 (2016).

ORDERED that, within 7 days from the date of this order, the Secretary serve on Mr. Valadez a copy of this order and provide the Court notice of such service or notice of why such service is not possible. It is further

ORDERED that, within 30 days from the date the Secretary provides notice of service, Mr. Valadez may, if he wishes, file a motion to intervene in this appeal.

DATED: October 21, 2021

PER CURIAM.

Copies to:

Kenneth H. Dojaquez, Esq.

VA General Counsel (027)