

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 18-5584

MICHAEL C. BOETJER,

APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before BARTLEY, *Chief Judge*, and PIETSCH and FALVEY, *Judges*.

ORDER

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

Pending before the Court is Army veteran Michael C. Boetjer's appeal of a September 25, 2018, Board of Veterans' Appeals decision that denied service connection for ischemic heart disease. On December 17, 2019, the case was submitted for panel consideration. On August 10, 2020, we stayed this matter pending a decision by the U.S. Court of Appeals for the Federal Circuit in *Hayes v. McDonough*, Fed. Cir. No. 2020-1892.

On October 18, 2021, the Federal Circuit summarily affirmed our decision in *Hayes*. 2021 WL 4824142 (Fed. Cir. Oct. 18, 2021) (nonprecedential per curiam judgment). Because the Federal Circuit has decided *Hayes*, we will lift the stay. And, because the panel has determined that single-judge disposition is appropriate, we will return the matter for consideration by the single judge. *See Frankel v. Derwinski*, 1 Vet.App. 23, 25-26 (1990); U.S. VET. APP. R. 5(a)(3).

Thus, it is

ORDERED that the stay of proceedings is lifted. It is further

ORDERED that this matter is returned to the single judge for consideration.

DATED: November 19, 2021

PER CURIAM.

Copies to:

Maxwell D. Kinman, Esq.

VA General Counsel (027)