

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 22-1216

WALTER P. JONES,

PETITIONER,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

RESPONDENT.

Before MEREDITH, *Judge*.

ORDER

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

Pending before the Court is the petitioner's, Walter P. Jones's, March 1, 2022, petition for extraordinary relief in the form of a writ of mandamus compelling the Secretary to adjudicate a claim for entitlement to disability compensation for ischemic heart disease and award the maximum rating and earliest effective date permitted by law, including but not limited to a claim for aid and attendance. Petition at 1, 16. Pursuant to Court order, the petitioner filed a response addressing the steps he has taken since January 2021 to obtain adjudication of his claim. Also pursuant to Court order, the Secretary filed a response to the petition on April 6, 2022. The Secretary avers that, although there has been some delay in the development of the petitioner's claim, the Court should deny the petition because there has not been complete inaction by the Agency. *See* Secretary's Response at 4-5, 7. In that regard, in part, the Secretary asserts that a research request was submitted to the VA Military Records Research Center (MRRC) on March 25, 2021, and that the MRRC has not yet responded because of a severe backlog caused by the Covid-19 pandemic. *Id.* at 3; Exhibit 2.

On April 7, 2022, the petitioner filed a motion for leave to file a reply to the Secretary's response and requested a period of 21 days from the date of the Court's order granting such motion. Motion at 2. The Court will grant the petitioner's motion in part.

Upon consideration of the foregoing, it is

ORDERED that the petitioner's April 7, 2022, motion for leave to file a reply is granted in part. It is further

ORDERED that the petitioner file his reply, not to exceed 5 pages, to the Secretary's response within 21 days after the date of this order.

DATED: April 11, 2022

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Amanda L. Meredith", with a long horizontal flourish extending to the right.

AMANDA L. MEREDITH
Judge

Copies to:

Christopher F. Attig, Esq.

VA General Counsel (027)