*Not published*

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

NO. 20-3047

GLORIA J. GREER, APPELLANT,

V.

DENIS MCDONOUGH,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

**O R D E R**

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

The appellant, Gloria J. Greer, appeals through counsel a January 8, 2020, Board of Veterans' Appeals (Board) decision denying veteran Walter Brinkman nonservice-connected pension benefits. Upon Mr. Brinkman's death, the Court granted Ms. Greer's motion for substitution on January 31, 2022.

The appellant asks the Court to "address an issue of first impression . . . whether Mr. Brinkman was entitled to have received from the Board the explicit notice required by the provisions of 38 U.S.C. § 5104 because a Board decision is a decision of the Secretary under the provisions of 38 U.S.C. § 511." Appellant's Brief at 4. On April 26, 2022, the Secretary moved to stay proceedings pending issuance of this Court's decision in *Cowan v. McDonough*, No. 20-6227. The Secretary asserts that *Cowan* also concerns "the issues of whether Board decisions should be considered decisions of the Secretary under § 511 and whether, as a result, the notice requirements of amended § 5104 pursuant to the [Veterans Appeals Improvement and Modernization Act] applies to Board decisions." Secretary's Motion at 2. The appellant acknowledges that "[t]he Secretary's motion accurately sets out the posture of *Cowan*, as it relates to the overlapping issue presented in this appeal." Appellant's Response at 1. But the appellant opposes the Secretary's motion to stay proceedings on the grounds that resolution in *Cowan* would not address a second issue in her case. *Id*. at 1-3.

Because the resolution of *Cowan* may create precedent that has a direct impact on the disposition of this appeal, the Court will grant the Secretary's stay request in the interest of judicial efficiency. *See* U.S. VET. APP. R. 5(a)(3).

Upon consideration of the foregoing, it is

ORDERED that proceedings in this case are stayed pending further order of the Court. It is further

ORDERED that oral argument, scheduled for May 18, 2022, at 10:00 a.m. is canceled.

DATED: May 6, 2022 PER CURIAM.

Copies to:

Kenneth M. Carpenter, Esq.

VA General Counsel (027)