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NON-PRECEDENTIAL

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 22-3061

DOUGLAS L. HAILEY,

APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

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

ORDER

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

On July 29, 2022, the Court issued an order granting the Secretary's motion to dismiss this appeal for lack of jurisdiction based on a single judge concluding that the May 10, 2022, letter by the Deputy Vice Chairman of the Board of Veterans Appeals (Board) denying veteran Douglas L. Hailey's motion to advance his appeal on the Board docket was not a final adverse Board decision that granted or denied a VA benefit. On August 16, 2022, the appellant filed a timely motion for single judge reconsideration or, in the alternative, a panel decision.

Based on review of the pleadings and the record of proceedings, the Court concludes that the appeal raises an issue warranting a precedential decision. *See* U.S. VET. APP. R. 35(e); *Frankel v. Derwinski*, 1 Vet.App. 23, 25-26 (1990). Accordingly, it is

ORDERED that the motion for panel decision is granted. It is further

ORDERED that the July 29, 2022, single-judge decision is withdrawn. It is further

ORDERED that, pursuant to Rule 34 of the Court's Rules of Practice and Procedure, the Clerk will schedule oral argument as the business of the Court permits.

DATED: January 12, 2023

PER CURIAM.

Copies to:

Michael S. Just, Esq.

VA General Counsel (027)