

Note: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2006-7378

JOHNNIE COLLINS,

Claimant-Appellant,

v.

R. JAMES NICHOLSON, Secretary of Veterans Affairs,

Respondent-Appellee.

James L. Harris, of Nashville, Tennessee, for claimant-appellant.

Martin F. Hockey, Jr., Senior Trial Counsel, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for respondent-appellee. With him on the brief was Peter D. Keisler, Assistant Attorney General. Of counsel on the brief were Michael J. Timinski, Assistant General Counsel.

Appealed from: United States Court of Appeals for Veterans Claims

Chief Judge William P. Greene, Jr.

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JOHNNIE M. COLLINS,

Claimant-Appellant,

v.

R. JAMES NICHOLSON, Secretary of Veterans Affairs,

Respondent-Appellee.

DECIDED: June 11, 2007

Before MICHEL, Chief Judge, DYK, Circuit Judge, and OTERO, District Judge.*

MICHEL, Chief Judge.

Petitioner Johnnie M. Collins appeals from an en banc decision of the U.S. Court of Appeals for Veterans Claims (“Veterans Court”) dismissing Mr. Collins’s appeal on the ground that his Notice of Appeal was not timely filed under 38 U.S.C. § 7266(c). Rios v. Nicholson, 20 Vet. App. 104 (2006) (en banc). Because the Veterans Court erred by precluding Mr. Collins from relying upon the common law mailbox rule to show timely filing, we reverse and remand for further proceedings consistent with our decision in Rios v. Nicholson, No. 2006-7352 (Fed. Cir. June 11, 2007).

REVERSED AND REMANDED.

* Honorable S. James Otero, District Judge, United States District Court for the Central District of California, sitting by designation.