

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-7140

RONALD E. KUNKEL,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims
in 08-0026, Judge Robert N. Davis.

ON MOTION

Before SCHALL, Circuit Judge.

ORDER

Ronald E. Kunkel moves without opposition to stay the briefing schedule in this appeal pending the court's disposition of Gaston v. Shinseki, 2009-7104.

Kunkel asserts that this case and Gaston involve the issue whether 38 C.F.R. § 3.340(a) provides a separate basis for an award of total disability based on individual unemployment.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to stay is granted. Kunkel is directed to inform the court within 14 days of the disposition of Gaston concerning how he believes the above-captioned

appeal should proceed. The Secretary of Veterans Affairs may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear Gaston, to inform that panel of this related appeal.

FOR THE COURT

DEC 04 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Kenneth M. Carpenter, Esq.
Meredyth Cohen Havasy, Esq.

s20

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

DEC 04 2009

JAN HORBALY
CLERK