United States Court of Appeals for the Federal Circuit

RENEE D. CLOUSE,
Claimant-Appellant

v.

ROBERT WILKIE, SECRETARY OF VETERANS AFFAIRS,
Respondent-Appellee

2017-2087

Appeal from the United States Court of Appeals for Veterans Claims in No. 16-140, Judge Coral Wong Pietsch.

Decided: October 9, 2018

CHRIS ATTIG, Attig Steel, PLLC, Little Rock, AR, argued for claimant-appellant.

DAVID PEHLKE, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent-appellee. Also represented by CLAUDIA BURKE, ROBERT EDWARD KIRSCHMAN, JR., CHAD A. READLER; MARTIE ADELMAN, BRIAN D. GRIFFIN,

Office of General Counsel, United States Department of Veterans Affairs, Washington, DC.

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Before LOURIE, CHEN, and STOLL, *Circuit Judges.*

STOLL, *Circuit Judge.*

Petitioner Renee D. Clouse appeals from a decision of the United States Court of Appeals for Veterans Claims dismissing her appeal from a decision by the Board of Veterans' Appeals for lack of jurisdiction. We have jurisdiction pursuant to 38 U.S.C. § 7292(c). Because there was no final decision over which the Veterans Court could exercise jurisdiction, we affirm.

The parties do not dispute that the Board has repeatedly failed to provide adequate notice of its orders throughout the pendency of Petitioner's claims. We understand that these errors, which have caused substantial delay in the resolution of Petitioner's claims, will be resolved. In addition, the Government confirmed during oral argument that Petitioner should not be prevented from presenting additional evidence to the Board prior to the issuance of a renewed final decision.

Because the Board decision that formed the basis for Petitioner's appeal was properly vacated before a notice of appeal was filed, however, the Veterans Court did not have jurisdiction to hear the appeal. The decision of the Veterans Court to dismiss the appeal for lack of jurisdiction is affirmed.

AFFIRMED

COSTS

No costs.