

*Designated on September 13, 1993, for publication*

**UNITED STATES COURT OF VETERANS APPEALS**

No. 91-383

HARLAND J. HARTMAN,

Appellant,

v.

VA File No. 05 888 902

EDWARD J. DERWINSKI,  
Secretary of Veterans Affairs,

Appellee.

Before NEBEKER, Chief Judge, MANKIN and IVERS\*, Associate Judges.

**O R D E R**

On July 24, 1992, in a single-judge\* memorandum decision, the Court reversed the December 28, 1990, decision of the Board of Veterans' Appeals. On August 7, 1992, the Secretary of Veterans Affairs (Secretary) filed a motion for reconsideration or review by a three-judge panel of the single-judge decision or, in the alternative, to vacate or modify the memorandum decision, and to stay proceedings.

Upon consideration of the Secretary's motion for reconsideration or for review by a panel, it is by the single Judge

ORDERED that the Secretary's motion for reconsideration is denied. It is by the panel

ORDERED that the Secretary's motion for review by a panel is denied. It is further

ORDERED that the Secretary's alternative motion to vacate or modify the memorandum decision, and to stay proceedings, is denied. It is further

ORDERED that the Clerk of the Court is directed to withhold entry of judgment until 30 days after a final decision in Gardner v. Derwinski, 1 Vet.App. 584 (1991), appeal docketed, No. 92-7925 (Fed. Cir. 1992). This order is issued without prejudice to the parties to file a motion seeking judgment consistent with the decision in Gardner.

DATED: April 14, 1993

PER CURIAM.