

UNITED STATES COURT OF VETERANS APPEALS

No. 91-1266

JOHN H. BOND, APPELLANT,

v.

EDWARD J. DERWINSKI,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Joint Motion for Approval of Settlement Agreement

(Submitted April 8, 1992

Decided April 28, 1992)

Ronald L. Smith was on the pleadings for appellant.

James A. Endicott, Jr., General Counsel, *David T. Landers*, Acting Assistant General Counsel, *Andrew J. Mullen*, Deputy Assistant General Counsel and *David W. Engel*, Special Assistant General Counsel, were on the pleadings for appellee.

Before NEBEKER, *Chief Judge*, and FARLEY and MANKIN, *Associate Judges*.

PER CURIAM: The parties to this appeal have jointly moved for an order approving disposition of this appeal in accordance with their Stipulated Agreement. The Secretary of Veterans Affairs (Secretary) and the appellant jointly represent that they "have resolved, to their mutual satisfaction, the issue raised by this appeal . . . and that this agreement disposes of the entire appeal." Joint Motion at 1.

This Court's jurisdiction is confined to the review of final Board of Veterans' Appeals (BVA) decisions which are adverse to a claimant. 38 U.S.C. §§ 7252(a); 7266(a) (formerly §§ 4052(a); 4066(a)). The BVA is a component of the Department of Veterans Affairs (Department), see 38 U.S.C. § 301(c)(5), which is "under the administrative control and supervision of a chairman directly responsible to the Secretary." 38 U.S.C. § 7101(a) (formerly § 4001(a)). The Secretary "is the head of the Department", 38 U.S.C. § 303, and is represented before this Court by the General Counsel of the Department. 38 U.S.C. § 7263(a) (formerly § 4063(a)).

When the General Counsel, "the chief legal officer of the Department", 38 U.S.C. § 311, on behalf of the Secretary enters into a settlement or a Stipulated Agreement with an appellant, like the one filed in this appeal, it necessarily follows that the decision of the BVA giving rise to the appeal, to the extent that the decision was adverse to the claimant, is overridden. Such action effectively

moots the case or controversy. In *Mokal v. Derwinski*, 1 Vet.App. 12, 15 (1990), we adopted "as a matter of policy the jurisdictional restrictions of the Article III case or controversy rubric." When there is no case or controversy, or when a once live case or controversy becomes moot, the Court lacks jurisdiction.

Therefore, the Clerk shall enter the case dismissed pursuant to Rule 42 of this Court's Rules of Practice and Procedure.

It is so Ordered.