

UNITED STATES COURT OF VETERANS APPEALS

No. 98-230

ESCOLASTICA E. MARISTELA,

APPELLANT,

v.

TOGO D. WEST, JR.,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before IVERS, STEINBERG, and GREENE, *Judges*.

ORDER

On July 14, 1998, the Court dismissed this appeal for lack of jurisdiction. On August 14, 1998, the appellant filed a motion for panel decision. The appellant argues that her case is an exception to the Notice of Disagreement requirement and that the Court has jurisdiction to review her appeal.

ORDERED that the appellant's motion for decision by a panel is DENIED.

DATED: November 17, 1998

PER CURIAM.

STEINBERG, *Judge*, dissenting: I would grant the appellant's motion for a panel decision. *See Lane v. West*, 11 Vet.App. 412, 415 (1998) (per curiam order) (Court requires "Secretary to show cause why this Court should not issue writ of mandamus, ordering the Board to issue a decision on the appellant's CUE [clear and unmistakable error] claim"); *see also Lane v. West*, __ Vet.App. __, __, No. 98-650, order at 4 (per curiam order Oct. 15, 1998) (Court requires further report from Secretary as to status of Department of Veterans Affairs CUE regulations).