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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 95-519

JOHN E. DONOVAN,

APPELLANT,

v.

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

APPELLEE.

Before NEBEKER, *Chief Judge*, and KRAMER, FARLEY,
HOLDAWAY, IVERS, STEINBERG, and GREENE, *Judges*.

ORDER

After the Court issued its opinion in *Donovan v. West*, 11 Vet.App. 481 (1998) (*Donovan I*), the Secretary filed a motion for reconsideration and an alternative motion for a full Court decision. The Secretary's motion specifically provided:

[The Secretary], respectfully moves for reconsideration of the October 8, 1998 panel decision to the extent that the Court held that a veteran may appeal to the Board and then the Court, a VA decision not to accept a deed in lieu of foreclosure. Should the motion for reconsideration be denied **in whole or in part**, the Appellee respectfully moves for a full Court review of the panel decision under U.S. Vet.App. R. 35(c).

Motion at 8 (emphasis added).

On June 15, 1999, the Court granted the Secretary's motion for reconsideration and issued a second panel opinion in *Donovan v. West*, __ Vet.App. __, No. 95-519 (June 15, 1999) (*Donovan II*). The Court, however, specifically held in *Donovan II* that the *Donovan I* decision remains valid and controlling and will not be withdrawn. Because the opinion in *Donovan II* did not grant the entire relief sought in the Secretary's motion for reconsideration, the alternative motion for a full Court decision was circulated to the full Court and a majority of the Court voted to grant it.

Upon consideration of the foregoing and the record on appeal, it is

ORDERED that the Secretary's motion for a full Court decision is GRANTED. It is further

ORDERED that the Court's opinions in *Donovan I* and *Donovan II* are withdrawn.

DATED: July 29, 1999

BY THE COURT:

FRANK Q. NEBEKER
Chief Judge