

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 97-280

STEPHEN L. McMANAWAY,

APPELLANT,

v.

TOGO D. WEST, JR.,

SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

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

O R D E R

On June 3, 1998, the appellant filed a brief through counsel. In his brief, he raises to the Court an argument based on the Department of Veterans Affairs Adjudication Procedure Manual, M21-1, without having raised the argument to the Board of Veterans' Appeals (Board). *See, e.g.*, Brief (Br.) at 10-14. On October 5, 1998, the Secretary filed a brief stating that "[t]he Court should not address" the argument because "it was not raised before the Board and hence there are not Board findings or decisions on the issue." Br. at 21. The Court notes that pending before a panel of the Court in *Stuckey v. West*, U.S. Vet. App. No. 96-1373 (oral argument scheduled for July 29, 1999), is the issue whether the Court may consider issues, argument, or challenges not raised first before the Board. In the interest of judicial economy, the Court will postpone further proceedings in the instant case pending the issuance of an opinion in *Stuckey*.

Upon consideration of the foregoing, it is

ORDERED, sua sponte, that this matter is stayed pending the outcome of *Stuckey v. West*, or further order of the Court.

DATED: June 21, 1999

PER CURIAM.