

Designated for electronic publication only

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

NO. 13-0858

WILLIAM V. BACHSTET, PETITIONER,

V.

ERIC K. SHINSEKI,
SECRETARY OF VETERANS AFFAIRS, RESPONDENT.

Before HAGEL, *Judge*.

ORDER

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

On March 12, 2013, William V. Bachstet, who is self-represented, filed a petition for extraordinary relief in the nature of a writ of mandamus. According to Mr. Bachstet, on March 28, 2011, he filed a Notice of Disagreement with a January 2011 VA regional office decision that awarded him benefits for post-traumatic stress disorder, assigning a disability rating of 30%, and denied benefits for a lung condition. He requested review by a decision review officer. Along with this petition, Mr. Bachstet submitted copies of January 3, January 24, and February 11, 2013, letters to VA inquiring about the status of his claims and requesting that VA issue a decision by the decision review officer. Despite these requests, Mr. Bachstet had not received a response from VA and requested that the Court order VA to issue a decision.

On April 14, 2013, the Court ordered the Secretary to respond to Mr. Bachstet's petition. On May 13, 2013, the Secretary filed his response, indicating that the decision review officer issued his decision on April 30, 2013. The Secretary appended a copy of the decision review officer's decision to his response.

This Court adheres to the case-or-controversy jurisdictional restraints provided for in Article III of the U.S. Constitution. *See Mokal v. Derwinski*, 1 Vet.App. 12, 13-15 (1990). When the relief requested in a petition has been obtained, the appropriate course of action is for the Court to dismiss the petition as moot. *See Thomas v. Brown*, 9 Vet.App. 269, 270-71 (1996) (per curiam order). Because Mr. Bachstet has obtained the relief sought in his petition, a decision from a decision review officer, the Court will dismiss his petition as moot.

Upon consideration of the foregoing it is

ORDERED that Mr. Bachstet's petition for writ of mandamus is DISMISSED as moot.

DATED: May 24, 2013

BY THE COURT:

A handwritten signature in blue ink that reads "Lawrence B. Hagel". The signature is written in a cursive style with a large, stylized "L" and "H".

/s/ Lawrence B. Hagel
LAWRENCE B. HAGEL
Judge

Copies to:

William V. Bachstet

VA General Counsel (027)