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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

NO. 12-1701

PARLEY R. NICELY, APPELLANT,

V.

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

Before HAGEL, *Judge*.

ORDER

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

Parley R. Nicely, who is self-represented, appeals a May 3, 2012, Board of Veterans' Appeals (Board) decision that denied entitlement to VA disability benefits for an acquired psychiatric disability, claimed as a nervous breakdown, and remanded claims for VA benefits for a back condition and headaches secondary to a back condition.

In his informal brief, Mr. Nicely raises arguments only with respect to his claim for benefits for a back condition, which was remanded by the Board. Because that claim has been returned to VA for further proceedings, it is not before the Court at this time and will not be considered. *See* 38 U.S.C. § 7266(a); *see also Howard v. Gober*, 220 F.3d 1341, 1344 (Fed. Cir. 2000) (holding that a Board remand does not constitute a final decision that may be appealed (citing 38 C.F.R. § 20.1100(b) (1999))). The only claim that the Board decided adversely is Mr. Nicely's claim for benefits for an acquired psychiatric disability, and he did not object to the Board's decision on that claim.

Mr. Nicely also asserts that the Board failed to consider documents reflecting that he had knee surgery, but it is unclear how this relates to any of the claims that are the subject of the May 2012 Board decision currently on appeal. *See Coker v. Nicholson*, 19 Vet.App. 439, 442 (2006) ("The Court requires that an appellant plead with some particularity the allegation of error so that the Court is able to review and assess the validity of the appellant's arguments."), *rev'd on other grounds sub nom. Coker v. Peake*, 310 F. App'x 371 (Fed. Cir. 2008) (per curiam order).

Although the Court is mindful that Mr. Nicely is self-represented, he still carries the burden of presenting coherent arguments and of providing adequate support for those arguments. Because Mr. Nicely has not presented any argument pertaining to an acquired psychiatric disability, the claim

finally and adversely decided in the Board decision now on appeal, the Court concludes that he has abandoned his appeal of that claim. *See Grivois v. Brown*, 6 Vet.App. 136, 138 (1994) (holding that issues or claims not argued on appeal are considered abandoned). Accordingly, the Court will dismiss this appeal.

Upon consideration of the foregoing, it is

ORDERED that Mr. Nicely's appeal is DISMISSED.

DATED: September 24, 2013

BY THE COURT:



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

Copies to:

Parley R. Nicely

VA General Counsel (027)