

**United States Court of Appeals  
for the Federal Circuit**

---

**EDWARD THOMAS ROSE,**  
*Claimant-Appellant*

v.

**PETER O'ROURKE, ACTING SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellee*

---

**LESLIE PUNT,**  
*Claimant-Appellant*

v.

**PETER O'ROURKE, ACTING SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellee*

---

**TAYLOR DANIELS,**  
*Claimant-Appellant*

v.

**PETER O'ROURKE, ACTING SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellee*

---

**HERBERT MITCHELL MILLER,**  
*Claimant-Appellant*

v.

**PETER O'ROURKE, ACTING SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellee*

---

2017-1762, 2017-1789, 2017-1796, 2017-1926

---

Appeals from the United States Court of Appeals for  
Veterans Claims in Nos. 16-2494, 16-2498, 16-2505, 16-  
2510, Chief Judge Robert N. Davis.

---

Decided: June 7, 2018

---

JOHN AUBREY CHANDLER, King & Spalding LLP,  
Atlanta, GA, argued for claimants-appellants. Also  
represented by ELIZABETH VRANICAR TANIS; CHRISTOPHER  
ROBERT HEALY, Washington, DC; THOMAS G. HENTOFF,  
LIAM JAMES MONTGOMERY, STEPHEN RABER, Williams &  
Connolly LLP, Washington, DC.

ALEXANDER ORLANDO CANIZARES, Commercial Litiga-  
tion Branch, Civil Division, United States Department of  
Justice, Washington, DC, argued for respondent-appellee.  
Also represented by CHAD A. READLER, ROBERT E.  
KIRSCHMAN, JR., MARTIN F. HOCKEY, JR.; BRIAN D.  
GRIFFIN, JONATHAN KRISCH, Office of General Counsel,  
United States Department of Veterans Affairs, Washing-  
ton, DC.

---

Before PROST, *Chief Judge*, SCHALL and MOORE,  
*Circuit Judges*.

PROST, *Chief Judge*.

The four individual appellants in this consolidated appeal are veterans who have appealed the Department of Veterans Affairs' ("VA") denial of their claims for service-connected disability benefits. Based on delays that have occurred in each of their cases, Appellants petitioned for writs of mandamus, asking the U.S. Court of Appeals for Veterans Claims ("Veterans Court") for relief. The Veterans Court denied the petitions.

For the reasons stated in our decision in *Martin v. O'Rourke*, No. 17-1747, we remand the appeals of Mr. Rose and Ms. Punt so that their mandamus petitions may be considered under the *TRAC* standard.

Regretfully, the parties have informed us that Mr. Miller passed away during the course of this appeal. ECF No. 77-1 at 2. As such, his appeal in this case is moot. With respect to Mr. Daniels, the VA granted his claim for benefits in December 2017. ECF No. 77-1 at 2. To the extent Mr. Daniels intends to file a Notice of Disagreement with that recent decision, he remains free to, in the future, file a mandamus petition based on delay, should the need arise. His currently pending appeal, however, is moot.

Accordingly, we vacate and remand the appeals of Mr. Rose and Ms. Punt for reconsideration under the *TRAC* standard, and we dismiss the appeals of Mr. Miller and Mr. Daniels as moot.

**DISMISSED-IN-PART, VACATED-IN-PART,  
AND REMANDED**

COSTS

Costs to Appellants.