

NOTE: This order is nonprecedential.

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

CHARLIE L. BUCKNER,
Claimant-Appellant

v.

**DENIS MCDONOUGH, Secretary of Veterans Af-
fairs,**
Respondent-Appellee

2020-2316

Appeal from the United States Court of Appeals for
Veterans Claims in No. 19-4419, Judge Michael P. Allen,
Judge Joseph L. Falvey, Jr., and Judge Coral Wong Pi-
etsch.

Before LOURIE, TARANTO, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

Upon consideration of counsel's notice that appellant
died during the pendency of this appeal and response to the
court's March 24, 2022, order indicating that he has "not
located any person capable of substituting for the deceased
appellant" and that he "no longer represent[s] a client ca-
pable of further prosecuting this appeal," ECF No. 16,

IT IS ORDERED THAT:

(1) The appeal is dismissed, and the decision of the Board of Veterans' Appeals is vacated. *See DiOrio v. Nicholson*, 216 F. App'x 974 (Fed. Cir. 2007) (vacating underlying decision under same circumstances); *see generally United States v. Munsingwear, Inc.*, 340 U.S. 36, 40 (1950) (explaining that vacatur is appropriate when review of the underlying judgment is prevented by happenstance).

(2) Each side to bear its own costs.

FOR THE COURT

May 31, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

cc: United States Court of Appeals for Veterans Claims