

NOTE: This order is nonprecedential.

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

SHERMAN RAYFORD,
Claimant-Appellant,

v.

**ROBERT A. MCDONALD, SECRETARY OF
VETERANS AFFAIRS,**
Respondent-Appellee.

2014-7083

Appeal from the United States Court of Appeals for
Veterans Claims in No. 13-3047, Judge Mary J. Schoelen.

ON MOTION

Before LOURIE, MOORE, and REYNA, *Circuit Judges.*
REYNA, *Circuit Judge.*

ORDER

The Secretary of Veterans Affairs moves without
opposition to waive the requirements of Federal Circuit
Rule 27(f) and to remand this appeal for further
proceedings.

On May 21, 2013, the Board of Veterans Appeals (Board) denied Sherman Rayford's claim for service-connected benefits. Mr. Rayford, however, asserts that the Board's decision was mailed to an incorrect address and that he did not receive it until August 2013. The United States Court of Appeals for Veterans Claims (Veterans Court) received Mr. Rayford's notice of appeal on October 22, 2013, and on April 1, 2014, the Veterans Court dismissed his appeal as untimely.

In the interest of judicial economy, the court grants the Secretary's motion to remand for the Veterans Court to consider, in the first instance, whether the deadline for filing the notice of appeal in this case should be equitably tolled in light of this court's decision in *Checo v. Shinseki*, 748 F.3d 1373 (Fed. Cir. 2014).

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. This case is remanded for further proceedings consistent with this order.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

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ISSUED AS A MANDATE: November 5, 2014