

NOTE: This order is nonprecedential.

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

EDWARD H. JACKSON,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2012-7056

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 10-2663, Chief Judge Bruce
E. Kasold.

ON MOTION

Before NEWMAN, *Circuit Judge.*

ORDER

The Secretary of Veterans Affairs moves to waive the requirements of Fed. Cir. R. 27(f) and to dismiss Edward H. Jackson's appeal for lack of jurisdiction. Jackson has not filed a response.

We deem it the better course to deny the Secretary's motion without prejudice and request that the Secretary file a brief. Based upon the papers submitted, we note that the appeal might present a legal question with regard to whether the Veterans Court and Board properly determined Jackson was not competent to relate his current back disability to his period of service. The Secretary may of course raise any jurisdictional issues in his brief.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is denied.

(2) The Secretary's brief is due within 40 days from the date of filing of this order.

FOR THE COURT

JUL 18 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Edward H. Jackson
Jeffrey D. Klingman, Esq.

s19

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUL 18 2012

JAN HORBALY
CLERK