

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Misc. No. 09-07

IN RE: BILATERAL TINNITUS CASES

Before GREENE, *Chief Judge*, and KASOLD, HAGEL, MOORMAN,
LANCE, DAVIS, and SCHOELEN, *Judges*.

ORDER

On June 19, 2006, the U.S. Court of Appeals for the Federal Circuit reversed this Court's decision in *Smith v. Nicholson*, 19 Vet.App. 63 (2005), regarding the availability of dual disability ratings for service-connected bilateral tinnitus, and ordered the matter remanded to this Court for further proceedings. *Smith v. Nicholson*, 451 F.3d 1344 (Fed. Cir. 2006). On September 18, 2006, Mr. Smith filed a petition for a writ of certiorari with the U.S. Supreme Court; that petition was denied on January 22, 2007. *Smith v. Nicholson*, 127 U.S. 1147 (2007). To promote judicial economy and efficiency, this Court stayed all pending cases involving bilateral tinnitus. *See* U.S. VET. APP. MISC. NO. 05-06 (July 12, 2006), *amended by* MISC. No. 08-06 (Sept. 25, 2006).

On January 31, 2007, the Court lifted the stays imposed by Miscellaneous Orders 05-06 and 08-06. *See* U.S. VET. APP. MISC. NO. 05-07 (Jan. 31, 2007). Therein, the Court ordered that cases that were stayed prior to transmittal to the Clerk of the record on appeal would be dismissed pursuant to Rule 41(b) of the Court's Rules of Practice and Procedure absent a filing within 30 days by either party (1) seeking to terminate the appeal, or (2) showing cause as to why a particular case should not be dismissed. *Id.* There has been no such filing in the cases identified in the addendum to this order.

Upon consideration of the foregoing, it is

ORDERED that the appeals identified in the addendum to this order are DISMISSED. It is further

ORDERED that, as to the appeals identified in the addendum to this order, and pursuant to Rule 41(b), this order is the final judgment and mandate of the Court. *See* U.S. VET. APP. R. 41(b).

DATED: March 26, 2007

BY THE COURT:

WILLIAM P. GREENE, JR.
Chief Judge

Addendum

06-5321	Ruth	A	Anderson
06-5324	Richard	L	Anderson
06-5156	George	F	Austin
06-5250	Lavone	L	Baker
07-5007	Robert	F	Baril
06-3391	Merle	D	Bartunek
06-5254	Henry	M	Bauer
06-5774	Lee	R	Bedsted
06-3084	David	J	Boys
07-5011	Edward	C	Brase
06-5812	Ronald	L	Brovold
06-3402	Arthur	J	Brown
06-5302	Harry	T	Byrd
06-5251	Cornelius		Cadigan
06-5304	James	R	Caldwell
06-3099	Bradley	S	Cantrell
06-3260	Ben	R	Carbajal
06-5860	Harry	P	Chalk
06-5501	Lee	R	Chamblin
06-5329	Donald	R	Clark
06-5406	Larry	C	Cole
06-2655	Everett		Collins
06-5495	George		Crider
07-5003	John	W	Crossley
06-5107	Wayne	H	Ditsler
06-5303	John	J	Donovan
06-2830	Robert		Doud
06-5006	Roger	J	Dubois
06-5011	Donald	B	Fetterhoff
06-5253	David	O	Field
06-2777	Monte	E	Flagg
06-5155	James	R	Foster
06-2656	Timothy		Gavin
06-5013	Theodore	R	Gomes
06-5198	Larry	W	Gore
06-3100	Gary	L	Grider
07-5009	Thomas	E	Griffith
06-5331	David	W	Grubb
06-5502	Graham	M	Haddock
06-5776	Richard	P	Hamling
06-5332	Timothy	P	Haven
06-5017	Marvin	J	Hazelwood
06-5007	Walter	I	Henderson
06-5157	James	D	Houser
06-5301	Gerald	C	Huber
06-5775	Donald	G	Inns
06-5322	Wayne	G	Ireland
06-5005	Leo	C	Jackey
06-3093	David		Jensen
06-5085	Robert	C	Johnson
06-5020	John	A	Jonaitis
06-3295	Bradley		Jorgenson
06-5016	James	R	Kennedy
06-5110	Keith	M	Kerber
06-3421	Larry		Kiser
06-5327	Lee		Klopfenstein
05-1603	Larry		Lafferty
06-5326	Richard	A	Lang
06-5405	Robert	F	Lee

06-2814	Lyal	A	Ling
06-5204	David	D	Lipinski
06-5325	Lennart	E	Lundstrom
06-5323	Warren	M	Mack
06-5109	James	P	Madison
07-5010	Bernard	P	Mahoney
06-2654	Lloyd		Marcum
06-5193	Harold		Massengale
06-5300	Krista	M	Mcartan
06-2885	Roy		McClanahan
06-5004	Mark	L	McGaughey
06-5010	Kenneth	E	Miles
06-3098	Walter	E	Miller
06-3101	Ronnie	A	Miller
07-5008	John	M	Miller
06-5838	John	J	Misuraca
06-5804	Michael	T	Moats
06-5777	Walter	W	Monroe
06-5875	Raymond	E	Murphy
06-5012	George	H	Myers
06-3552	Larry	C	Nealy
06-2975	Stephan		Nemeckay
06-3363	Gregory	P	Nonweiler
06-3096	Michael		Nottestad
06-5305	Gregorio		Oliva
06-3226	Jean-Luc		Ontiveros
07-5004	Samuel	E	Page
06-5106	Michael		Picciano
06-5158	James	P	Plummer
06-5330	Darin	J	Pytlik
06-5813	Brian	J	Ramey
06-5108	John	R	Ramsey
06-5199	Donald	F	Raymond
06-3123	Stanley		Reed
06-5503	John	T	Reed
06-5009	Adrian	A	Reinhart
06-5203	Wayne	P	Rolph
06-2806	Donald		Salmon
06-5328	Thomas	A	Schauer
06-3103	Gregory		Settelmeyer
06-5192	James	B	Shepherd
06-5200	Otto	W	Sommerhalter
06-5014	Leo	C	Stanfel
06-5299	John	R	Steele
06-3119	Arthur		Stelk
06-5003	Kenneth	T	Stoner
06-5001	Gayla	J	Sumpter
07-5005	George	A	Thiebaud
06-5019	Ricky	L	Thompson
06-5201	Roger	L	Troyer
06-5018	William	L	Tyler
06-5008	Valentine		Valdez
06-5252	Anthony	M	Valenti
06-5015	Forrest	L	Van Tassel
06-5002	Orrie	S	Vanderwey
06-3370	Jeffrey	W	Wansley
07-5012	Thomas	C	Werner
06-2924	Robley		Wilhelm
06-3097	Robert		York