

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 11-2953

ISABEL D. MENDOZA, PETITIONER,

v.

ERIC K. SHINSEKI,
SECRETARY OF VETERANS AFFAIRS, RESPONDENT.

Before HAGEL, MOORMAN, and SCHOELEN, *Judges*.

ORDER

On September 29, 2011, Isabel D. Mendoza, who is self-represented, filed a petition for extraordinary relief in the nature of a writ of mandamus, seeking an order from this Court compelling the VA regional office in Manila, Phillipines, to either issue an adverse rating decision from which she can appeal or award her dependency and indemnity compensation benefits. A panel was formed on December 14, 2011, to consider Mrs. Mendoza's petition and, on January 10, 2012, the panel issued an order holding Mrs. Mendoza's petition in abeyance for 45 days and directing the Secretary to apprise the Court of the status of Mrs. Mendoza's claim every 15 days. On January 30, 2012, the Secretary filed a response with supporting documentation indicating that Mrs. Mendoza was awarded dependency and indemnity compensation benefits by the regional office in a January 20, 2012, rating decision.

This Court adheres to the case-or-controversy jurisdictional restraints provided for in Article III of the U.S. Constitution. *See Mokal v. Derwinski*, 1 Vet.App. 12, 13-15 (1990). When the relief requested in a petition has been obtained, the appropriate course of action is for the Court to dismiss the petition as moot. *See Thomas v. Brown*, 9 Vet.App. 269, 270-71 (1996) (per curiam order). Accordingly, because the response filed by the Secretary indicates that Mrs. Mendoza has now received the requested relief, the Court will dismiss the instant motion as moot. *Id.*

Upon consideration of the foregoing, it is

ORDERED that the September 29, 2011, petition is DISMISSED.

DATED: February 9, 2012

PER CURIAM.

Copies to:

Isabel D. Mendoza

VA General Counsel (027)