

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Diane McConnell,
Petitioner,

Docket No.: VS-25-0280

v.

Executive Office of Veterans Services,
Respondent.

ORDER OF DISMISSAL

Petitioner Diane McConnell appeals from a decision of the Executive Office of Veterans Services denying her application for survivor's benefits. At an initial prehearing conference, the parties agreed on a briefing schedule for dispositive motions.

Ms. McConnell missed her filing deadlines. In response to an order to show cause, she reported that her local veterans' service officer had been laid off. In August 2025, at Ms. McConnell's request, the appeal was stayed indefinitely.

The risk of an indefinite stay is that it may allow a case to fall off the radars of the parties and the tribunal. The order entering a stay therefore required Ms. McConnell to submit short monthly status reports by email. The order said: "If any monthly status report is not filed on schedule, the appeal may be dismissed for failure to prosecute."

Ms. McConnell failed to file her first status report, due by the end of September 2025. Another order afforded Ms. McConnell an extra ten days to file the late report. The same order invited Ms. McConnell to state in her report whether she wishes to be put in contact with a legal clinic. Ms. McConnell has filed nothing further.

On the record now presented, Ms. McConnell has failed “to respond to notices or correspondence,” has failed “to comply with orders of the Presiding Officer,” and has disclosed her intention “not to continue with the prosecution of [his] claim.” 801 C.M.R. § 1.01(7)(g)(2). There is no point in attempting to adjudicate a matter that is no longer being prosecuted as a live controversy.

Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Dated: October 16, 2025

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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