Case: 16-2149 Page: 1 of 1 Filed: 11/08/2017

## Not published

## UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 16-5149

FRANCISCO L. MARCELINO,

APPELLANT,

V.

DAVID J. SHULKIN, M.D., SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

## ORDER

Note: Pursuant to U.S. Vet. App. R. 30(a), this action may not be cited as precedent.

The appellant appeals an April 5, 2016, Board of Veterans' Appeals (Board) decision denying him service connection for obesity. Oral argument is set for Wednesday, November 15, 2017, at 10:00 a.m.

To assist the Court in its review, the parties should be prepared to discuss whether the Court has jurisdiction to review whether VA should consider obesity a disability under the rating schedule, in addition to the other issues raised in the parties' briefing. *See Wanner v. Principi*, 370 F.3d 1124, 1131 (Fed. Cir. 2009) (Secretary's discretion over the rating schedule, including content selected, is insulated from judicial review).

It is so ORDERED.

DATED: November 8, 2017 PER CURIAM.

Copies to:

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