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**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

No. 22-2617

DONALD P. LINCOLN, JR., APPELLANT,

v.

DENIS MCDONOUGH,  
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before PIETSCH, MEREDITH, and TOTH, *Judges*.

**ORDER**

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

Donald P. Lincoln, Jr., appealed a February 23, 2022, Board decision that denied entitlement to an effective date before August 29, 2011, for service connection for a left eye scar; reduced a rating for left knee degenerative joint disease post total knee arthroplasty from 50% to 30% effective March 1, 2019; and determined that a combined rating of 80% for the period since March 1, 2019, is proper.\* This case was submitted to panel in September 2023.

On December 6, 2023, the parties filed a joint motion to terminate the appeal and a stipulated agreement. *See* U.S. VET. APP. R. 42. In the stipulated agreement, the parties agree to the following: (1) the Secretary will reinstate Mr. Lincoln's 30% rating for knee instability under 38 C.F.R. § 4.71a, diagnostic code 5257 from February 6, 2017; (2) the Secretary will promptly notify the Veterans Benefits Administration of this settlement so it can promptly implement the agreement; (3) the Secretary does not concede error; (4) Mr. Lincoln's appeal of the February 23, 2022, Board decision is terminated with prejudice; and (5) the agreement is entered into for the purpose of avoiding further litigation and costs related thereto and the agreement is based on the unique facts of the case and should in no way be interpreted as binding precedent for the disposition of future cases. In the joint motion to terminate, the parties also unequivocally waive further Court review and any right to appeal and ask that mandate issue upon the granting of this motion. *See* U.S. VET. APP. R. 41(c)(2).

Upon consideration of the foregoing, it is

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\* Mr. Lincoln waived any appeal as to the Board's denial of an earlier effective date for benefits for a left eye scar and the propriety of his combined rating because he raised no argument as to those issues. *See Pederson v. McDonald*, 27 Vet.App. 276, 285 (2015) (en banc).

ORDERED that the parties' joint motion to terminate is granted and the appeal of the February 23, 2022, Board decision is TERMINATED with prejudice. It is further

ORDERED that this order is the final judgment and mandate of the Court.

DATED: December 13, 2023

PER CURIAM.

Copies to:

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VA General Counsel (027)