

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 18-0004

RICKY R. MITCHELL, APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

ORDER

The parties have filed a joint motion to vacate; reverse, in part; remand, in part; and dismiss in part (JMPR) as to this appeal to the Board of Veterans' Appeals. As part of their motion, the parties have affirmatively waived any and all rights to appeal in this matter. It is

ORDERED that the motion to vacate; reverse, in part; remand, in part; and dismiss in part is granted. The Board's November 9, 2017, finding that that the issue of the appellant's entitlement to an effective date earlier than November 25, 1996, for the grant of service connection for PTSD was not on direct appeal is reversed. The matters agreed to be remanded by the parties in the JMPR are indeed remanded, pursuant to 38 U.S.C. § 7252(a), for action consistent with the terms of the joint motion. *See Forcier v. Nicholson*, 19 Vet.App. 414, 425 (2006); *Stegall v. West*, 11 Vet.App. 268, 271 (1998). The remainder of the appeal is dismissed. This order is the mandate of the Court. An application pursuant to 28 U.S.C. § 2412(d), the Equal Access to Justice Act (EAJA), for award of attorney fees and other expenses shall be submitted for filing with the Clerk not later than 30 days from the date of this order.

DATED: February 13, 2019

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'William S. Greenberg', with a stylized flourish at the end.

WILLIAM S. GREENBERG
Judge

Copies to:

Tara R. Goffney, Esq.

VA General Counsel (027)