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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 17-4408

NATASHA M. THOMAS, APPELLANT,

v.

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

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

ORDER

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

Veteran Natasha M. Thomas appealed an October 23, 2017, Board decision that, in part, denied a compensable rating for left knee anterior cruciate ligament tear status post repair with residual scarring (scar claim). This case was submitted to panel, and oral argument was scheduled for April 25, 2019.

On April 15, 2019, the parties filed a joint motion for partial remand (JMPR). Therein, the parties ask that the Court (1) vacate the portion of the Board decision denying the scar claim and remand that matter for additional development and readjudication; (2) leave undisturbed the portion of the Board decision granting an April 19, 2012, effective date for a 10% rating for right knee genu recurvatum (right knee claim); and (3) dismiss the appeal as to the portion of the Board decision denying an effective date earlier than September 17, 2001, for a combined 30% rating for left knee retropatellar pain syndrome (left knee claim). In the JMPR the parties also explicitly waive any right to appeal and ask that mandate issue upon the granting of this motion. *Cf. Bly v. Shulkin*, 883 F.3d 1374 (Fed. Cir. 2018).

On consideration of the foregoing, it is

ORDERED that the February 6, 2019, order scheduling oral argument is revoked. It is further

ORDERED that the April 15, 2019, JMPR is granted. It is further

ORDERED that the appeal as to the portion of the October 23, 2017, Board concerning the left knee claim is DISMISSED. It is further

ORDERED that the portion of the October 23, 2017, Board decision pertaining to the scar claim is VACATED and the matter is REMANDED for additional proceedings in accordance with the terms of the parties' JMPR. Finally, it is

ORDERED, under Rule 41(b) of the Court's Rules of Practice and Procedure, that this order is the mandate of the Court.

DATED: April 23, 2019

PER CURIAM.