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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 17-4460

BOBBY WALKER, APPELLANT,

v.

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

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

ORDER

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

The appellant, Bobby Walker, appeals through counsel an August 1, 2017, Board of Veteran's Appeals decision that denied entitlement to an increased disability rating for major depression and a total disability rating based on individual unemployability (TDIU). Record at 1-17. On March 12, 2019, this case was submitted to a panel of the Court to address whether the Board erred in considering Global Assessment of Functioning (GAF) scores under the DSM-IV in cases certified to the Board before VA's transition to DSM-5, and whether a VA examination obtained post-DSM-5 requires an examiner to consider the DSM-IV criteria, if the claim was certified before the DSM-5 transition. The Court scheduled oral argument for May 15, 2019.

On May 10, 2019, the parties filed a joint motion for remand (JMR). The JMR reflects the parties' request that the Court vacate the Board's August 2017 decision and remand the matter of an increased rating for major depression for the Board to adjudicate without consideration of GAF scores and remand TDIU as inextricably intertwined with the depression claim. The JMR also reflects that the parties "agree to unequivocally waive any right to appeal the Court's order on this JMR and respectfully request that the Court enter mandate upon the granting of this motion." *Id.* at 4; *see Bly v. Shulkin*, 88 F.3d 1374 (Fed. Cir. 2018).

Upon consideration of the foregoing, it is

ORDERED that the May 10, 2019, joint motion for remand is granted. It is further

ORDERED that the Board's August 1, 2017, decision is SET ASIDE and the matters are REMANDED for additional proceedings in accordance with the terms of the parties' joint motion for remand. It is further

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

DATED: May 21, 2019

PER CURIAM.