

IN THE UNITED STATES COURT
OF APPEALS FOR VETERANS CLAIMS

MARVIN ADAMS,
Appellant

vs.

ROBERT L. WILKIE,
Secretary of Veterans Affairs,
Appellee

)
)
)
)
)
)
)
)
)
)

Vet. App. No. 18-2049

**MOTION TO DISMISS APPEAL
BASED ON AN AGREEMENT TO FILE A
JOINT MOTION FOR REMAND IN
ADAMS V. WILKIE, VET.APP. No. 20-2380**

Pursuant to U.S. Vet. App. R. 42, Appellant, by and through his undersigned counsel, respectfully moves to dismiss the instant appeal. The parties have agreed to file a joint motion to remand the February 11, 2020 decision of the Board of Veterans' Appeals that denied entitlement to a disability rating in excess of 10% for right knee instability and refused jurisdiction over the matter of TDIU in *Adams v. Wilkie*, Vet.App. No. 20-2380. That parties will agree in that JMR that the Board erred when it did not take jurisdiction over TDIU and remanding that issue to the Board for adjudication. Therefore, undersigned counsel discussed this matter with Appellant and he agreed that, based on that express promise by the Secretary as to the content of the JMR to be filed in Case No. 20-2380, to no longer pursue this appeal of the April 9, 2018 Board of Veterans' Appeals determination that it did not have

jurisdiction over entitlement to TDIU issue and referred that matter to the Agency of Original Jurisdiction.

Appellee indicated that he does not oppose the granting of this motion.

WHEREFORE, and based on the Secretary's assurances as to the content of the JMR in *Adams v. Wilkie*, Vet.App. No. 20-2380, Appellant respectfully requests the Court dismiss his appeal in the present case.

Respectfully submitted,

/s/ Christian McTarnaghan

CHRISTIAN MCTARNAGHAN

Chisholm Chisholm & Kilpatrick

321 S Main St #200

Providence, RI 02903

Phone: (401) 331-6300

Fax: (401) 421-3185