

Designated for electronic publication only

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 18-2049

MARVIN ADAMS, APPELLANT,

v.

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

Before BARTLEY, *Chief Judge*, PIETSCH, GREENBERG, ALLEN,
MEREDITH, TOTH, and FALVEY, *Judges*, and DAVIS, *Senior Judge*.¹

ORDER

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

Represented veteran Marvin Adams appeals an April 9, 2018, decision of the Board of Veterans' Appeals (Board) to refer, rather than remand, to a VA agency of original jurisdiction the issue of entitlement to a total disability evaluation based on individual unemployability. On April 30, 2019, the parties argued this case before a three-Judge panel of this Court. On December 27, 2019, this case was submitted for consideration by the en banc Court. On March 3, 2020, the Clerk of the Court issued an order scheduling oral argument for May 27, 2020, and on March 25, 2020, the Clerk issued an order directing that oral argument be conducted by teleconference.

On May 14, 2020, Mr. Adams filed an unopposed motion to dismiss this appeal. The Court will grant Mr. Adams's motion.

Upon consideration of the foregoing, it is

ORDERED that Mr. Adams's May 14, 2020, motion to dismiss is granted and this appeal is DISMISSED. It is further

ORDERED that the Court's March 3, 2020, and March 25, 2020, orders scheduling oral argument are revoked. It is further

¹ Judge Davis is a Senior Judge acting in recall status. *In re: Recall of Retired Judge*, U.S. VET. APP. MISC. ORDER 03-20 (Jan. 2, 2020). He was a member of the underlying panel and elected to participate in this en banc Court review. *See* INTERNAL OPERATING PROCEDURES VII(b)(1)(A).

ORDERED that, pursuant to Rule 41(c)(3) of the Court's Rules of Practice and Procedure, this order is the mandate of the Court.

DATED: May 20, 2020

PER CURIAM.

Copies to:

Zachary M. Stolz, Esq.

VA General Counsel (027)