

*Designated for electronic publication only*

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

No. 19-2438

PERNELL D. WALKER-WHITFIELD, APPELLANT,

v.

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

Before BARTLEY, *Chief Judge*, and GREENBERG and MEREDITH, *Judges*.

**ORDER**

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

Appellant Pernell D. Walker-Whitfield appeals a December 17, 2018, Board of Veterans' Appeals (Board) decision denying continued entitlement to Dependents' Educational Assistance benefits under 38 U.S.C. Chapter 35. In February 2020, this matter was submitted to a panel of the Court and on March 27, 2020, oral argument was scheduled for June 3, 2020.

On May 15, 2020, the parties filed a joint motion to terminate the appeal, along with a stipulated agreement. In the stipulated agreement, the parties agree that (1) the Secretary will pay Ms. Walker-Whitfield \$2,057.73 and reinstate 17 months and 29 days of eligibility to full-time chapter 35 benefits as of May 2015; (2) upon final disposition by the Court, the Secretary will promptly notify VA of the agreement so that VA can promptly implement the agreement; (3) the Secretary does not concede error; (4) this appeal will be terminated; and (5) the agreement is limited to the facts of this case.

The Court will grant the parties' motion in full. Based on the parties' implicit waiver of their appellate rights, under 41(c)(3) of the Court's Rules of Practice and Procedure, this order will serve as mandate of the Court. *See Bly v. Shulkin*, 883 F.3d 1374, 1377 (Fed. Cir. 2018).

Upon consideration of the foregoing, it is

ORDERED that the parties' joint motion to terminate the appeal is GRANTED. It is further

ORDERED that the Court's March 27, 2020, order scheduling oral argument is withdrawn. It is further

ORDERED that this order is the final judgment and mandate of the Court.

DATED: May 28, 2020

PER CURIAM.

Copies to:

Timothy R. Franklin, Esq.

VA General Counsel (027)