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NON-PRECEDENTIAL

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-4135

JOHNNY R. MARTINEZ,

APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before ALLEN, MEREDITH, and TOTH, *Judges*.

ORDER

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

In an April 28, 2020, memorandum decision, the Court affirmed in part the May 17, 2019, decision of the Board of Veterans' Appeals, which found no clear and unmistakable error in rating decisions dated in March 1980, February 2009, and October 2012. On May 15, 2020, the appellant filed a motion for a panel decision. The motion for a decision by a panel will be granted.

Based on review of the pleadings and the record of proceedings, it is the decision of the panel that the appellant fails to demonstrate that 1) the single-judge memorandum decision overlooked or misunderstood a fact or point of law prejudicial to the outcome of the appeal, 2) there is any conflict with precedential decisions of the Court, or 3) the appeal otherwise raises an issue warranting a precedential decision. *See* U.S. VET. APP. R. 35(e); *see also Frankel v. Derwinski*, 1 Vet.App. 23, 25-26 (1990).

Absent further motion by the parties or order by the Court, judgment will enter on the underlying single-judge decision in accordance with Rules 35 and 36 of the Court's Rules of Practice and Procedure.

Upon consideration of the foregoing, it is

ORDERED, by the panel, that the motion for panel decision is granted. It is further

ORDERED, by the panel, that the single-judge memorandum decision remains the decision of the Court.

DATED: June 5, 2020

PER CURIAM.

Copies to:

Johnny R. Martinez

VA General Counsel (027)