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

No. 19-0948

MARK R. LABELLE, APPELLANT,

v.

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

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

**ORDER**

Appellant Mark R. Labelle appeals a December 28, 2018, Board of Veterans' Appeals decision that denied service connection for tinnitus. On March 23, 2020, this matter was submitted to a panel of the Court. On July 10, 2020, the parties filed a joint motion for remand (JMR).

In the JMR, the parties agreed that the Board decision should be vacated in its entirety and remanded because the Board failed to ensure that VA complied with its duty to assist when it relied on an inadequate February 2016 VA medical examination. The parties agree that remand is warranted for "VA to obtain a medical opinion that addresses Appellant's particularized circumstances and the relevant medical literature."<sup>1</sup> The additional terms of the JMR and its other subsidiary agreements are hereby incorporated into this order by reference. The parties also waive any right to appeal an order granting the JMR and request the immediate issuance of mandate.

Upon consideration of the foregoing, it is

ORDERED that the JMR is granted; the December 28, 2018, Board decision is VACATED; and the matters are REMANDED for further proceedings consistent with the terms of the JMR. It is further

ORDERED that, under Rule 41(c)(2) of the Court's Rules of Practice and Procedure, this order is the mandate of the Court.

DATED: July 20, 2020

PER CURIAM.

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<sup>1</sup> JMR at 3.