

JASON F. COLLETT,
Petitioner,

v.

DENIS McDONOUGH,
Secretary of Veterans Affairs,
Respondent.

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The Petitioner, Jason F. Collett (“Mr. Collett”), respectfully moves pursuant to U.S. Vet. App. Rule 27 to dismiss this action as moot. The Secretary, through counsel, has informed Mr. Collett, through counsel, that the Secretary does not oppose this Motion.

As Mr. Collett notified this Court on May 5, 2021, VA issued a Rating Decision on that date reinstating, effective October 1, 2020: (1) the 60 percent rating evaluation for degenerative disc disease, lumbar spine; (2) the 10 percent rating evaluation of subluxation, right knee; and (3) the 10 percent rating evaluation of subluxation, left knee. The May 5, 2021, Rating Decision

also (4) grants eligibility to Dependents' Educational Assistance from March 5, 2019, "the date your service connected disabilities are considered permanent and total in nature." The Secretary since has released payment of \$8,996.86 to Mr. Collett in retroactive disability compensation associated with that Rating Decision.

This Court adheres to the case-or-controversy jurisdictional constraints provided for in Article III of the U.S. Constitution. *See Browder v. Shulkin*, 29 Vet. App. 170, 173 (2017); *Mokal v. Derwinski*, 1 Vet. App. 12, 13–15 (1990). When the relief requested in a petition has been obtained, the appropriate course of action typically is for the Court to dismiss the petition as moot. *See Thomas v. Brown*, 9 Vet. App. 269, 270–71 (1996) (per curiam order). Mr. Collett does not assert an exception to mootness. The parties have conferred through counsel and agree that, in the light of above developments, no case or controversy continues to exist with regard to the Petition.

Wherefore, Mr. Collett respectfully moves the Court to dismiss this action as moot. Mr. Collett reserves all rights regarding his other VA proceedings.

May 17, 2021

Respectfully submitted,

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