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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-1558

RAYMOND S. ZIRKELBACH, APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

ORDER

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

The appellant, Raymond S. Zirkelbach, through counsel appeals a November 12, 2019, Board of Veterans' Appeals (Board) decision that denied his motion to reverse or revise, on the basis of clear and unmistakable error, an August 2013 VA regional office decision that reduced his stabilized disability rating for a low back disability (now characterized as degenerative disc disease of the lumbar spine with intervertebral disc syndrome and left lower extremity radiculopathy, and previously characterized as mechanical low back pain) from 40% to 20%. Record at 4-13. On March 15, 2021, this matter was referred to a panel, and oral argument was scheduled for June 2, 2021.

The parties subsequently filed a joint motion for remand (JMR), agreeing that the Board provided an inadequate statement of reasons or bases for its decision. Motion at 1-4. The parties also agree to "unequivocally waive" further Court review and any right to appeal the Court's order, and they ask the Court to issue mandate upon the issuance of an order granting the JMR. *Id.* at 4. The Court will grant the parties' motion.

Upon consideration of the foregoing, it is

ORDERED that the May 26, 2021, JMR is granted. It is further

ORDERED that the November 12, 2019, Board decision is VACATED, and the matter is REMANDED in accordance with the terms of the parties' JMR. It is further

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

DATED: June 7, 2021

PER CURIAM.

Copies to:

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VA General Counsel (027)