

*Designated for electronic publication only*

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

No. 20-2227

ANTHONY W. SEDA, APPELLANT,

v.

DENIS McDONOUGH,  
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

**ORDER**

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

Anthony W. Seda, through counsel, appealed a December 2, 2019, Board of Veterans' Appeals (Board) decision that found proper a disability rating reduction from 100% to 0% for bilateral hearing loss, effective December 1, 2013.<sup>1</sup> In the same decision, the Board also found proper the discontinuance of special monthly compensation based on housebound status, dependents' educational assistance, and special monthly compensation based on partial deafness, all effective December 1, 2013.

On May 10, 2021, the Court submitted this case to a panel. On May 13, 2021, the Court entered an order scheduling oral argument for July 14, 2021. On July 2, 2021, appellant filed an unopposed motion to stay proceedings to allow the parties to further discuss a potential alternative resolution of this appeal. On July 6, 2021, the panel granted the motion to stay and withdrew the order scheduling oral argument in this appeal.

On July 7, 2021, the parties filed a joint motion for partial remand (JMPR). The parties request that the Court vacate the portions of the December 2, 2019, Board decision on appeal because the Board did not provide adequate reasons or bases for its decision. *See* JMPR at 1-3. Specifically, the parties agree that "[o]n remand, the Board must provide an adequate statement of reasons or bases determining whether the [regional office's (RO's)] rating reduction was proper based on the 'facts and reasons' contained in the RO's October 2012 reduction proposal and the September 2013 rating decision." *Id.* at 3. The JMPR further reflects that the parties "agree to unequivocally waive any right to appeal the Court's order on this JMPR and respectfully ask that the Court enter mandate upon the granting of this motion." *Id.* at 4; *cf. Bly v. Shulkin*, 883 F.3d 1374 (Fed. Cir. 2018).

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<sup>1</sup> The Board remanded appellant's claim for entitlement to service connection for obstructive sleep apnea. Accordingly, that issue is not before the Court. *See Breeden v. Principi*, 17 Vet.App. 475, 478 (2004) (per curiam order).

Upon consideration of the foregoing, it is

ORDERED that the stay of proceedings is lifted. It is further

ORDERED that the July 7, 2021, JMPR is granted. It is further

ORDERED that the Board's December 2, 2019, decision is VACATED and this matter is REMANDED for additional proceedings under the JMPR. And 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: July 19, 2021

PER CURIAM.

Copies to:

Kathy A. Lieberman, Esq.

VA General Counsel (027)