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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-1700

JAMES PUCKETT, JR., APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

ORDER

James Puckett, Jr., appealed through counsel a January 14, 2020, Board of Veterans' Appeals (Board) decision that dismissed for lack of jurisdiction an appeal of a January 2019 VA regional office decision denying entitlement to service connection for prostate issues. On June 8, 2021, this matter was submitted to a panel of the Court and oral argument was scheduled for August 18, 2021. On August 4, 2021, the parties filed a joint motion to terminate the appeal, along with a stipulated agreement.

In the stipulated agreement, the parties agree to the following: (1) The Secretary accepts that appellant has "submitted to VA a properly executed Notice of Disagreement (NOD) under the legacy appeals system, as well as a request for good cause to submit the NOD late";¹ (2) the Secretary will promptly notify VA of this settlement; (3) upon final disposition by the Court, VA will promptly implement this agreement, "including granting the request for good cause extension for filing a legacy NOD" and accepting the NOD as properly filed;² (4) the Secretary does not concede error; (5) this appeal will be terminated "as to all issues addressed in the January 14, 2020, [Board] decision";³ and (6) the agreement is entered into for the purpose of avoiding further litigation and is limited to the facts of this case.⁴

The Court will grant the parties' motion in full. Based on the parties' implicit waiver, and consistent with Rule 41(c)(2) and (3) of the Court's Rules of Practice and Procedure, this order will serve as the mandate of the Court.⁵

¹ Joint Motion to Terminate (JMT) at 4.

² *Id.*

³ *Id.* at 5.

⁴ *Id.*

⁵ See *Bly v. Shulkin*, 883 F.3d 1374, 1377 (Fed. Cir. 2018).

Upon consideration of the foregoing, it is

ORDERED that the parties' joint motion to terminate is GRANTED. It is further

ORDERED that this order is the mandate of the Court.

DATED: August 12, 2021

PER CURIAM.