

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-7299

KEVIN G. WALLEMAN,

APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

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

ORDER

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

Appellant Kevin Walleman appeals an August 27, 2020, Board of Veterans' Appeals decision that addressed the appropriate disability ratings for his service-connected left knee disability.¹ The appeal was referred to a panel of the Court for decision and oral argument is scheduled for March 3, 2022.

The Secretary has filed a motion seeking clarification of the issues to be addressed at oral argument. Appellant does not oppose the motion. We will grant the motion. The parties should be prepared to address all issues raised in the briefing in this appeal. In particular, the Court expects the parties to address the following question:

Whether the rule against pyramiding precludes a separate rating for instability under 38 C.F.R. § 4.71a, Diagnostic Code (DC) 5257 (2020), when appellant is already rated under DC 5259, which may contemplate instability if it is a residual of a meniscectomy, and there are other residuals that could independently warrant a compensable rating under DC 5259.

Upon consideration of the foregoing, it is

ORDERED that the Secretary's Motion for Clarification of Issue(s) to be Addressed at Oral Argument is granted to the extent set forth in this order.

DATED: January 5, 2022

PER CURIAM.

¹ The Board also remanded other matters that are not before the Court.

Copies to:

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