

*Not published*

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

No. 20-8637

EMILIO ESTEVEZ,

APPELLANT,

v.

DENIS McDONOUGH,

SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before BARTLEY, *Chief Judge*, and PIETSCH and LAURER, *Judges*.

**ORDER**

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

On December 6, 2021, veteran Emilio Estevez filed through counsel a motion for initial review of the above-captioned appeal by panel. The Court granted that motion on February 14, 2022, but before doing so, another case—*Wallemann v. McDonough*, U.S. Vet. App. No. 20-7299—was submitted to a panel to consider an issue that may have a direct impact on the disposition of this appeal. The Court’s primary focus in *Wallemann*, U.S. Vet. App. No. 20-7299, is:

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.

Because a similar legal issue is also in dispute in the above-captioned appeal, and in the interest of judicial efficiency, it is

ORDERED, sua sponte, that this appeal is stayed pending the Court's resolution of *Wallemann*, U.S. Vet. App. No. 20-7299, or until further order of the Court.

DATED: February 28, 2022

PER CURIAM.

Copies to:

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