

*Designated for electronic publication only*

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

No. 20-8475

PAUL E. PETERSEN, APPELLANT,

v.

DENIS McDONOUGH,  
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

**ORDER**

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

The appellant, Paul E. Petersen, through counsel appeals an August 14, 2020, Board of Veterans' Appeals (Board) decision that denied entitlement to an initial disability rating higher than 20% for residuals of a left eye injury for the period between July 28, 1995, and March 11, 2016; and to a disability rating in excess of 60% thereafter. Record at 4-21.<sup>1</sup> This matter was submitted to panel on January 11, 2022, and oral argument was scheduled for March 30, 2022.<sup>2</sup>

The parties subsequently filed a joint motion for partial remand (JMPR), agreeing that the Board provided an inadequate statement of reasons or bases for denying entitlement to an initial disability rating higher than 20% for residuals of a left eye injury for the period between July 28, 1995, and March 11, 2016. JMPR at 2-5. The appellant does not challenge that part of the Board decision that denied entitlement to a rating in excess of 60% from March 11, 2016, and the parties ask the Court to dismiss the appeal as to that matter. *Id.* at 2. 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 JMPR. *Id.* at 5. The Court will grant the parties' motion.

Upon consideration of the foregoing, it is

ORDERED that the March 10, 2022, JMPR is granted. It is further

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<sup>1</sup> The Board remanded the matters of entitlement to disability ratings in excess of 10% for right and left knee osteoarthritis, and those matters are not before the Court at this time. *See Breedon v. Principi*, 17 Vet.App. 475, 478 (2004) (per curiam order) (holding that a Board remand "does not represent a final decision over which this Court has jurisdiction"); *Hampton v. Gober*, 10 Vet.App. 481, 483 (1997) (holding that claims remanded by the Board may not be reviewed by the Court).

<sup>2</sup> Oral argument in this matter was canceled by Court order on March 14, 2022.

ORDERED that the appeal of that part of the August 14, 2020, Board decision that denied entitlement to a disability rating in excess of 60% from March 11, 2016, for residuals of a left eye injury is DISMISSED. It is further

ORDERED that that part of the Board decision that denied entitlement to an initial disability rating higher than 20% for residuals of a left eye injury for the period between July 28, 1995, and March 11, 2016, is VACATED, and the matter is REMANDED in accordance with the terms of the parties' JMPR. 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: March 21, 2022

PER CURIAM.

Copies to:

Susan Paczak, Esq.

VA General Counsel (027)