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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-7254

RUSSELL E. COOLEY, APPELLANT,

v.

DENIS McDONOUGH,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

ORDER

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

Veteran Russell E. Cooley appealed a June 25, 2020, Board of Veterans' Appeals (Board) decision addressing a number of disability evaluation matters. In April 2022, this matter was submitted to a panel of the Court and on May 18, 2022, oral argument was scheduled for July 13, 2022.

On June 28, 2022, the parties filed a joint motion for partial remand (JMPR) of those portions of the June 25, 2020, Board decision denying increased evaluations assigned for osteoarthritis of the right knee and for intervertebral disc syndrome (IVDS) of the right and left sciatic nerves. The parties concurrently filed a joint motion to terminate the appeal (JMT), on the terms set forth in a stipulated agreement, with respect to all other portions of the June 25, 2020, Board decision.¹ As part of their JMPR, the parties have affirmatively waived further Court review and their rights to appeal in this matter and have requested that the Court enter mandate immediately upon ruling on these motions.²

Upon consideration of the foregoing, it is

ORDERED that the parties' JMPR is granted, and those portions of the June 25, 2020, Board decision denying increased evaluations for osteoarthritis of the right knee and IVDS of the right and left sciatic nerves are VACATED, and the matters are REMANDED for additional proceedings in accordance with the terms of the parties' JMPR. It is further

¹ See JMT at 2; U.S. VET. APP. R. 42.

² See JMPR at 7; U.S. VET. APP. R. 41(c)(2).

ORDERED that the parties' JMT is granted, and the appeal as to the remaining portions of the June 25, 2020, Board decision is TERMINATED with prejudice. It is further

ORDERED, pursuant to Rule 41(c)(2) and (c)(3) of the Court's Rules of Practice and Procedure, that this order is the final judgment and mandate of the Court.

DATED: July 11, 2022

PER CURIAM.

Copies to:

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VA General Counsel (027)