UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

NO. 20-4406

DANIEL R. WHITTAKER, APPELLANT,

V.

DENIS MCDONOUGH,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

O R D E R

Appellant Daniel R. Whittaker appeals a June 3, 2020, Board of Veterans' Appeals decision that granted an effective date of January 25, 2018, but no earlier for entitlement to (1) service connection for PTSD, (2) a total disability rating based on individual unemployability, and (3) eligibility to Dependents' Educational Assistance. This matter was submitted to panel on September 8, 2022, and oral argument was scheduled for December 6, 2022.

The parties subsequently filed a joint motion for partial remand (JMPR), agreeing that the Board provided an inadequate statement of reasons or bases for its decision.[1] The parties also agree to "unequivocally waive" any right to appeal the Court order,[2] and the parties ask the Court to issue mandate upon the issuance of an order granting the JMPR.[3] The Court will grant the parties' motion.

Upon consideration of the foregoing, it is

ORDERED that the September 27, 2022, order scheduling oral argument for December 6, 2022, is revoked. It is further

ORDERED that the November 29, 2022, JMPR is granted. It is further

ORDERED that the June 3, 2020, Board decision is VACATED, and the matter is REMANDED in accordance with the terms of the parties' JMPR. And it is further

ORDERED that this order is the mandate of the Court.

DATED: December 1, 2022 PER CURIAM.

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[1] JMPR at 2-4.

[2] *Id.* at 4.

[3] *Id.*