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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 21-3239

AARON N. ADAMS, APPELLANT,

v.

DENIS MCDONOUGH,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before PIETSCH and JAQUITH, *Judges* and GREENE, *Senior Judge*.

ORDER

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

The appellant, Aaron N. Adams, appeals through counsel an April 12, 2021, Board decision that denied entitlement to compensation for dependents' educational assistance (DEA) benefits under 38 U.S.C. Chapter 35 (Chapter 35) prior to August 23, 2018. Record of Proceedings (R.) at 3-11. On December 27, 2022, the Court submitted this matter to a panel.

On March 14, 2023, the parties jointly moved to terminate the appeal based on a stipulated agreement. *See* U.S. VET. APP. R. 42. In the stipulated agreement, the parties agreed to several key items: (1) the Secretary shall assign Mr. Adams the date of August 19, 2010, as the beginning date for his eligibility for DEA benefits; payment shall be subject to courses or trainings approved for Chapter 35 benefits; (2) the Secretary shall promptly notify the Veterans Benefits Administration (VBA) upon final disposition by the Court with respect to this settlement and the VBA shall take prompt action to implement this agreement; (3) the Secretary does not admit that he committed an error; (4) Mr. Adams's appeal of the April 12, 2021, Board decision to this Court will be terminated with prejudice; and, finally, (5) the agreement is entered into to avoid further litigation and related costs, reflects the unique facts of the case, and should in no way be interpreted as binding precedent for the disposition of future cases.

Because there is no longer a case or controversy in this appeal, it is

ORDERED that the parties' joint motion to terminate is granted and the appeal of the April 12, 2021, Board decision is TERMINATED with prejudice. It is also

ORDERED that this order is the final judgment and mandate of the Court.

DATED: March 30, 2023

PER CURIAM.

Copies to:

Benjamin R. Binder, Esq.

VA General Counsel (027)