

*Designated for electronic publication only*

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

No. 21-2827

TAMMY SCANLAN, APPELLANT,

v.

DENIS McDONOUGH,  
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

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

**ORDER**

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

Tammy Scanlan, daughter of deceased veteran Michael L. Scanlan, appeals a March 3, 2021, Board of Veterans' Appeals (Board) decision that denied entitlement to accrued benefits in excess of \$11,255.16.<sup>1</sup> This matter was submitted to panel on January 10, 2023, and on January 25, 2023, the Court ordered oral argument be scheduled for May 2, 2023.

On March 29, 2023, the parties filed a joint motion for partial remand (JMPR), agreeing that the Board failed to ensure substantial compliance with the terms of the Court's September 2020 remand as required by *Stegall v. West*, 11 Vet.App. 268 (1998). The Court will grant the JMPR and will cancel the scheduled oral argument. Based on the parties' explicit waiver of further Court review and their appellate rights, under Rule 41(c) of the Court's Rules of Practice and Procedure this order will serve as mandate of the Court. *See Bly v. Shulkin*, 883 F.3d 1374, 1377 (Fed. Cir. 2018).

Upon consideration of the foregoing, it is

ORDERED that the January 25, 2023, order scheduling oral argument for May 2, 2023, is revoked. It is further

ORDERED that the March 29, 2023, JMPR is granted. It is further

---

<sup>1</sup> In its decision, the Board granted entitlement to accrued benefits of \$1,380.00, over and above the \$9,845.16 accrued benefits she was previously awarded. This is a favorable finding that the Court may not disturb. *See Medrano v. Nicholson*, 21 Vet.App. 165, 170 (2007), *aff'd in part, dismissed in part sub nom. Medrano v. Shinseki*, 332 F. App'x 625 (Fed. Cir. 2009); *see also Bond v. Derwinski*, 2 Vet.App. 376, 377 (1992) (per curiam order) ("This Court's jurisdiction is confined to the review of final Board . . . decisions which are adverse to a claimant.").

ORDERED that the appealed portion of the March 3, 2021, 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: April 10, 2023

PER CURIAM.

Copies to:

John Niles, Esq.

VA General Counsel (027)