

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MARCOS GREENIDGE,**  
*Claimant-Appellant*

v.

**DENIS MCDONOUGH, Secretary of Veterans Af-  
fairs,**  
*Respondent-Appellee*

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2023-1445

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 20-7820, Judge Joseph L. Toth.

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**ON MOTION**

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Before CHEN, MAYER, and STOLL, *Circuit Judges*.

PER CURIAM.

**O R D E R**

The Secretary of Veterans Affairs moves unopposed for remand to allow the United States Court of Appeals for Veterans Claims the opportunity to “address the effects, if any, of *Halpern*[ *v. Principi*, 313 F.3d 1364 (Fed. Cir. 2002),] and other relevant binding precedent on [the]

decision, and, if appropriate, to address in the first instance whether [Marcos] Greenidge qualifies as a prevailing party for the purposes of EAJA.” Mot. at 5.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the case is remanded to the Court of Appeals for Veterans Claims to reconsider its decision in light of the arguments and precedent raised in the motion and this order.

(2) Each side shall bear its own costs.

FOR THE COURT

August 17, 2023  
Date

/s/ Jarrett B. Perlow  
Jarrett B. Perlow  
Clerk of Court

ISSUED AS A MANDATE: August 17, 2023