

NOTE: This order is nonprecedential.

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

ELLEN T. BURNS,
Claimant-Appellant

v.

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

2024-1233

Appeal from the United States Court of Appeals for
Veterans Claims in No. 20-5933, Judge Michael P. Allen.

ON MOTION

Before PROST, TARANTO, and HUGHES, *Circuit Judges*.
TARANTO, *Circuit Judge*.

ORDER

The parties jointly move to remand this case to the
United States Court of Appeals for Veterans Claims, stat-
ing:

Because neither [that court] nor the Board [of Vet-
erans' Appeals] addressed whether the

complications of diabetes reflected in Mr. Burns's treatment records entitled him to an increase in his rating for service-connected diabetes in light of Part V.iii.11.2.c. of the M21-1 Adjudication Procedures Manual, the parties respectfully submit that a remand would conserve resources and promote judicial efficiency here. The parties further agree that, upon remand, the Veterans Court should address this theory of entitlement and determine whether any further proceedings are necessary to resolve Mrs. Burns's accrued benefits claim.

Mot. at 5.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted. The appeal is remanded to the United States Court of Appeals for Veterans Claims for further proceedings consistent with this order and the parties' joint motion.

(2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

July 22, 2024
Date

ISSUED AS A MANDATE: July 22, 2024