

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

NO. 11-0696

PASCO K. ALTOVILLA, APPELLANT,

v.

ERIC K. SHINSEKI,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before HAGEL, MOORMAN, and DAVIS, *Judges*.

ORDER

On February 28, 2011, Pasco K. Altovilla, who was then self represented, filed a Notice of Appeal from a February 23, 2011, Board of Veterans' Appeals (Board) decision. On March 13, 2012, the Court stayed proceedings to permit Mr. Altovilla to obtain counsel. On April 16, 2012, Mr. Altovilla's current counsel filed an appearance and, on April 19, 2012, the Court lifted the stay of proceedings and submitted the appeal to a panel.

The following day, Mr. Altovilla, through his newly retained counsel, filed a motion for leave to file a supplemental brief, as he had previously submitted an informal brief while self represented. On May 21, 2012, prior to the Court acting on this motion, the parties filed a joint motion for partial remand.

The Court will now grant the joint motion for partial remand and dismiss Mr. Altovilla's motion for leave to file a supplemental brief as moot.

Upon consideration of the foregoing, it is

ORDERED that Mr. Altovilla's motion for leave to file a supplemental brief is DISMISSED as moot. It is further

ORDERED that the parties' joint motion for partial remand is GRANTED. It is further

ORDERED that the February 23, 2011, Board decision is VACATED and the matter of entitlement to an effective date earlier than January 9, 2004, for the grant of service connection for left ear defective hearing is REMANDED for further proceedings consistent with the contents of the joint motion incorporated herein. Under Rule 41(b) of the Court's Rules of Practice and Procedure, this order is the mandate of the Court.

DATED: June 7, 2012

PER CURIAM.