

In the United States Court of Federal Claims

No. 12-453 C

(Filed July 10, 2013)

TIMOTHY B. NGO, *

*

Plaintiff, *

*

v. *

*

THE UNITED STATES, *

*

Defendant. *

ORDER

On September 19, 2012, the court granted a motion to stay this matter pending the outcome of a determination by the Army Physical Disability Board of Review (the Board) on plaintiff’s claim for disability pay and benefits. The court’s September 19, 2012 order directed the parties to file a Joint Status Report (JSR), on or before November 21, 2012, and every sixty-days thereafter, to inform the court of the progress of proceedings before the Board. The parties complied with the court’s order and filed a JSR on November 21, 2012 and on January 24, 2013. However, the parties have not filed their JSR due to have been filed on or before April 24, 2013. As of the filing of this order, the court has not received any filings from the parties.

The January 24, 2013 status report indicated that the Board had determined that plaintiff is “entitled to a 30 percent disability rating, which is precisely the relief Mr. Ngo is seeking in this court. The Government believes that the determination has rendered this case moot. Mr. Ngo has indicated that he is prepared to withdraw his complaint as soon as he has received those benefits to which the Army agrees he is entitled. The parties will inform the Court as soon as possible after Mr. Ngo has received those benefits.” JSR ¶ 2. The parties are reminded that absent the filing of a stipulation for dismissal in this matter this case

is still pending and the court's September 19, 2013 order remains in effect.

Accordingly, it is hereby **ORDERED** that the parties shall **FILE** a Joint Status Report, on or before **July 24, 2013**, and every sixty-days thereafter, informing the court of the progress of settlement proceedings in this matter.

/s/Lynn J. Bush

LYNN J. BUSH

Judge