YANG v. USA Doc. 26

In the United States Court of Federal Claims

No. 20-240C

(Filed: April 7, 2021)

NHIA TIMOTHY YANG,	)
Plaintiff,	)
v.	)
UNITED STATES,	)
Defendant.	)

ORDER OF DISMISSAL

On July 8, 2020, the court issued a decision remanding plaintiff's claim to the Board for Correction of Naval Records. *See Yang v. United States*, 149 Fed. Cl. 277, 281 (2020). The Board responded to that remand by issuing a decision on September 24, 2020, placing plaintiff, Mr. Yang, on the Temporary Disability Retired List and awarding him disability rating of 70%, effective September 28, 2019. The Board also directed that the Navy issue Mr. Yang a revised DD Form 214 to that effect. The Board's decision was adopted by the Office of the Assistant Secretary of the Navy on October 29, 2020. A notice of the Navy's decision was filed with the court on November 8, 2020. No party sought further post-remand proceedings before the court pursuant to Rule 52.2 of the Rules of the Court of Federal Claims ("RCFC").

A status conference was held today, April 7, 2021, to address "whether the decision or other action on remand affords a satisfactory basis for disposition of the case." RCFC 52.2(e)(1)(A). Counsel responded affirmatively. Accordingly, the court finds that Mr. Yang has received all the relief to which he is entitled under the complaint, and that the final judgment should now be issued. Accordingly, the court directs the clerk to enter judgment noting that as a result of the Navy's action on remand plaintiff has received all the relief to which he is entitled under the complaint and the complaint shall be dismissed with prejudice.

The court awards costs to plaintiff.

It is so **ORDERED**.

s/ Charles F. Lettow
Charles F. Lettow
Senior Judge

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