No. 25-1399

United States Court of Appeals for the Federal Circuit

NATIONAL ORGANIZATION OF VETERANS' ADVOCATES, INC., DEREK DEBUS, AND WESLEY A. MCCAULEY

Petitioners,

v.

SECRETARY OF VETERANS AFFAIRS,

Respondent.

Petition for Review Pursuant to 38 U.S.C. § 502

JOINT STIPULATION OF VOLUNTARY DISMISSAL OF APPEAL

On June 11, 2025, the Department of Veterans Affairs ("VA") modified VA's Appeals and Reviews Manual M21-5 ("Manual") to state that "the amount of fees to be paid to an agent or attorney" must be based on the "past-due benefit [a]ward itself, irrespective of whether an actual payment will be made to the claimant" and that "agent and attorney fees must not be reduced due to any existing debts owed by the claimant to the United States Government." Manual, Chapter 8, Section B(2)(f). VA explained that this change was necessary because the VA Office of General Counsel opinion it had been relying on for the contrary rule was "superseded by caselaw." *Id.*; *see also* Dkt. 3 (Amended Petition for Review) at 12-13 (arguing same). As a result, VA will no longer rely on the superseded Manual provision or

corresponding regulation (38 C.F.R. § 14.636(h)(1)(iii)) to deny agent or attorney fees on the basis of a veteran's outstanding debt to the United States.

In light of these changes, Petitioners National Organization of Veterans' Advocates, Inc., Derek Debus, and Wesley A. McCauley (collectively, "Petitioners") and Respondent Secretary of Veterans Affairs ("the Secretary") stipulate under Federal Rule of Appellate Procedure 42(b)(1) to the voluntary dismissal of this appeal. Petitioners and the Secretary have agreed that each side shall bear their own fees and costs.

Dated: June 17, 2025

Respectfully submitted,

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