

**IN THE UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS**

BILLY D. MCCARROLL,	)	
	)	
Appellant,	)	
	)	
v.	)	14-2345
	)	
ROBERT A. MCDONALD	)	
Secretary of Veterans Affairs,	)	
	)	
Appellee	)	

**APPELLANT’S MOTION FOR ORAL ARGUMENT**

Pursuant to U.S. Vet. App. R. 27, 34, Appellant hereby moves for oral argument in the instant case. The Counsel for Appellee has indicated that the Secretary takes no position on this motion.

On January 15, 2016, the Court issued an order in the case in which it submitted the matter to a panel for a decision without oral argument. In *Frankel v. Derwinski*, 1 Vet. App. 23, 25-26 (1990), the Court held that a single judge disposition is only proper when the case:

1. does not establish a new rule of law;
2. does not alter, modify, criticize, or clarify an existing rule of law;
3. does not apply an established rule of law to a novel fact situation;
4. does not constitute the only recent, binding precedent on a particular point of law within the power of the Court to decide;
5. does not involve a legal issue of continuing public interest; and
6. the outcome is not reasonably debatable.

Appellant feels the Court will be further enlightened by oral argument given the Court's finding that the case is not appropriate for a single judge decision given one or more of the aspects of the case which make it unsuitable under *Frankel*. This appeal concerns the interpretation of 38 C.F.R. §§ 4.104 (diagnostic code 7107) and 3.321(b)(1). Resolution of this and other questions presented in this case would be better informed if argument were held.

Therefore, Appellant respectfully requests the Court to schedule oral argument in the present case.

Respectfully submitted,  
Billy D. McCarroll  
By His Attorneys,

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