

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

PAUL G. WAIT,)	
Appellant,)	
)	
v.)	Vet. App. No. 18-4349
)	
ROBERT L. WILKIE,)	
Secretary of Veterans Affairs,)	
Appellee.)	

NOTICE OF CLARIFICATION ON ABANDONED ISSUE

In its October 11, 2019 Memorandum Decision, the Court affirmed the Board’s denial of entitlement to service connection for right hip and left knee disabilities. *Wait v. Wilkie*, No. 19-4349 (Oct. 2019 Memorandum Decision)

On November 1, 2019, Appellant filed a motion for review by panel, seeking panel review on the issue of service connection for a right hip condition. *See* Appellant’s Mot. for Panel Discussion (Nov. 2019). Specifically, Appellant sought panel review on the question of whether the VA regulations contemplate, as a matter of law, the level of a functional impairment of earning capacity necessary to demonstrate a present disability under Saunders, 886 F.3d at 1368. *See id.* at 2.

Following Appellant’s motion for panel review, on December 26, 2019, the Court withdrew its memorandum decision and scheduled oral argument for this case to take place on June 23, 2020 at 10:00 a.m.

To focus the issues to be addressed at oral argument, the Appellant hereby notifies the Court that he abandons the issue of entitlement to service connection for left knee disability, consistent with the Court's since-withdrawn memorandum decision.

Appellant's position as to the Board's denial of entitlement to service connection for a right hip condition remains unchanged. The Appellant intends to use his oral argument time to address the Board's denial of service connection for right hip, in line with the arguments raised in Appellant's motion for panel review.

Respectfully submitted,

/s/ Alyse E. Galoski

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