



Department of Veterans Affairs
Office of General Counsel
Washington DC 20420

In reply refer to: 0271

Mr. Gregory O. Block Clerk of the Court
U.S. Court of Appeals for Veterans Claims
625 Indiana Avenue, NW
Washington, DC 20004

Re: **GERRY E. GUDINAS**
Vet. App. No. 19-2640

January 12, 2021

Dear Mr. Block,

Pursuant to U.S. Vet. App. R. 30(b), the Secretary hereby advises the Court of pertinent and significant authority of which the undersigned became aware after the Secretary filed his brief in this appeal on April 17, 2020. This case is scheduled for oral argument before the Court on January 22, 2021.

The additional authority includes *Ross v. Peake*, 21 Vet. App. 528 (2008), which provides additional guidance on what constitutes a claim for increased compensation.

This authority is relevant to the Secretary's position, as argued in pages 3-7 of his brief, that a sympathetic reading of Appellant's May 2014 claim for service connection for sleep apnea fails to establish that he intended to seek benefits for sleep apnea as secondary to his service-connected post-traumatic stress disorder (PTSD) or an increased rating for his PTSD.

Sincerely,

/s/ Shondriette D. Kelley
SHONDRIETTE D. KELLEY
Appellate Attorney
Counsel for the Secretary