

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

**TIMOTHY DAVIS,**  
Appellant,

v.

**DENIS MCDONOUGH,**  
Secretary of Veterans Affairs,  
Appellee.

**VET. APP. NO. 19-7214**

**APPELLANT'S RESPONSE TO COURT ORDER  
DATED JANUARY 12, 2022**

Attorney for Appellant submits this response to the Court's January 12, 2022, Order, which directed Appellant to show cause why the EAJA application should not be dismissed.

Please be advised that Lynnlee Giannirakis submitted a VA Form 21P-087, *Request for Substitution of Claimant upon Death of Claimant*, on January 7, 2022. We are now awaiting a decision from the Regional Office on substitution.

Additionally, we have discovered that Mr. Davis died while admitted to Aspinwall VA medical center. We are working with Counsel for the Secretary to obtain proof of the veteran's death with this new information and the date of death, November 20, 2021. At this time we do not have a death certificate; but submit that as Mr. Davis died while in a VA medical facility the Secretary should have access to this information.

Therefore, Attorney for Appellant, respectfully responds to the Court's January 13, 2022, Order and submits this information for the Court's review and any action deemed appropriate.

Respectfully submitted,

    /s/ Kenneth H. Dojaquez      
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