

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

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| J. RONI FREUND & MARY S. MATHEWSON, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | Vet. App. No. 21-4168 |
| |) | |
| DENIS MCDONOUGH, |) | |
| Secretary of Veterans Affairs, |) | |
| |) | |
| Respondent. |) | |

**APPELLEE’S RESPONSE TO APPELLANT’S MOTION TO SUBSTITUTE AND
THE COURT’S SEPTEMBER 19, 2022, ORDER**

Respondent, the Secretary of Veterans Affairs, hereby files his response to the Court’s September 19, 2022, Order and the September 14, 2022, Motion to Substitute Mr. Mark Freund for Petitioner J. Roni Freund (Ms. Freund).

On August 8, 2022, Counsel for Petitioners notified the Court that Ms. Freund died on July 7, 2022. On September 14, 2022, Counsel for Petitioners filed a Motion to Substitute Mr. Mark Freund as Petitioner, asserting that he meets all requirements for substitution for Ms. Freund for the purposes for processing to completion her claims that were non-final when she died. The Motion for Substitution indicated that the Secretary took no position as to the motion.

The Department of Veterans Affairs (VA) received a Request for Substitution of Claimant Upon Death of Claimant from Mr. Mark Freund on September 8, 2022. On September 22, 2022, the Agency of Original Jurisdiction (AOJ) granted Mr. Mark Freund’s request for substitution, recognizing him as a substitute claimant.

As such, the Secretary is unopposed to the Motion to Substitute Mr. Mark Freund for Petitioner J. Roni Freund.

WHEREFORE, Respondent, the Secretary of Veterans Affairs, hereby responds to the Court's September 19, 2022, Order and the September 14, 2022, Motion to Substitute Mr. Mark Freund for Petitioner J. Roni Freund.

Respectfully submitted,

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