

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

<b>EVERETT W. COOK,</b>	)	
	)	
Appellant,	)	
	)	
v.	)	Vet. App. No. 20-6853
	)	
<b>DENIS MCDONOUGH,</b>	)	
Secretary of Veterans Affairs,	)	
	)	
Appellee.	)	

**APPELLEE'S MOTION FOR LEAVE TO FILE THE AMENDED RECORD  
BEFORE THE AGENCY (RBA) NOTICE OUT OF TIME**

Pursuant to U.S. Vet.App. R. 27(a), the Secretary respectfully moves the Court for leave to file the Amended RBA notice out of time.

Appellee filed the RBA notice on November 30, 2020. However, on October 11, 2022, Appellant filed a motion for leave to file a dispute as to the contents of the Record of Proceedings (ROP), seeking to have a document added to the RBA and ROP. Appellee has done so, and today transmitted an Amended RBA to Appellant and certified service of the same, and has also filed an Amended ROP. The Secretary apologizes for any inconvenience to the Court and Appellant, and respectfully moves the Court to accept the certification of service of the Amended RBA out of time, which has been filed the same date as this motion

Appellant is unopposed to this motion.

**WHEREFORE**, the Secretary respectfully moves the Court for leave to certify service of the Amended RBA out of time.

Respectfully submitted,

**CATHERINE C. MITRANO**  
Acting General Counsel

**MARY ANN FLYNN**  
Chief Counsel

/s/ Dustin P. Elias  
**DUSTIN P. ELIAS**  
Deputy Chief Counsel

/s/ William Hornbeck  
**WILLIAM HORNBECK**  
Appellate Attorney  
Office of the General Counsel (027E)  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420  
(202) 632-6798

For the Secretary of Veterans Affairs