



**Department of Veterans Affairs**  
**Office of General Counsel**  
**Washington DC 20420**

In reply refer to: **027D/E**

• Ms. Tiffany M. Wagner  
Clerk of the Court  
U.S. Court of Appeals for Veterans Claims  
625 Indiana Avenue, NW  
Washington, DC 20004

Re: **ALEXANDRA M. JACKSON**  
Vet. App. No. 22-3528

April 15, 2024

Dear Ms. Wagner,

Pursuant to U.S. Vet. App. R. 30(b), the Secretary hereby advises the Court of additional, pertinent, and significant authority that undersigned counsel has become aware of since the Secretary filed his brief on April 7, 2023.

Specifically, the Court's decision *Gumpenberger v. McDonough*, 35 Vet.App. 195 (2002), was affirmed by the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) in a nonprecedential opinion on March 25, 2024. See *Gumpenberger v. McDonough*, 2024 U.S. App. LEXIS 6952\* (Fed. Cir., Mar. 25, 2024).

This is relevant to the parties' arguments as to what defines "the case" as discussed at oral argument on March 7, 2024.

Sincerely,

/s/ Nathan Paul Kirschner  
**NATHAN PAUL KIRSCHNER**  
Senior Appellate Counsel  
Counsel for the Secretary