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June 28, 2024

Mr. Tiffany M. Wagner
Clerk of the Court
U.S. Court of Appeals for Veterans Claims
625 Indiana Ave., N. W. - Suite 900
Washington, D.C. 20004-2950

RE: Frazier, Jeanine
No. 22-4670
Citation to Supplemental Authority by the Appellant

Dear Clerk:

Pursuant to U.S. Vet.App. R. 30(b), this is to bring to the Court's attention supplemental authority that is relevant to the above-referenced case now pending before the Court. The supplemental authorities are as follows:

Loper Bright Enterprises v. Raimondo, 603 U. S. ____ (2024), slip opinion, decided June 28, 2024 which overruled deference to federal agency interpretations of statutes.

This matter is currently pending a decision on Ms. Frazier's motion for panel reconsideration of 38 U.S.C. § 5212A(a)(1) read that statute to require that a person who is allowed to substitute on the grounds that they bore the expense of a veteran's last sickness and burial is limited by the amount of such expense when allowed to substitute into a deceased veteran's claim . Court's May 23, 2014, slip opinion, p. 18. This supplementary authority is submitted as an alternative basis for reconsideration by the panel should the panel not agree that the interpretation made of § 5212A(a)(1) was not an advisory opinion.

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Thank you for your attention to this matter.

Sincerely,

/s/Kenneth M. Carpenter
Kenneth M. Carpenter
Counsel for Appellant,
Jeanine Frazier
Electronically filed June 28, 2024