

IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS

GENE S. GROVES,

Petitioner,

v.

Vet. App. No. 14-269[Writ]

Robert A. McDonald,
Secretary of Veterans Affairs,

Respondent.

MOTION FOR AWARD OF EXPENSES

In response to this Court's order of November 25, 2014, Mr. Groves seeks award of expenses and fees associated with the preparation, presentation, and filing of this motion in accordance with 28 U.S.C. 2412(d)(1)(A), (1)(B), (2)(B).

Appellant asserts that he is the prevailing party, that his net worth does not exceed \$2,000,000.00; that the Secretary's position was not substantially justified; and an itemized statement of the fees and expenses is also submitted. See 28 U.S.C. 2412(d)(1)(A), (1)(B), (2)(B); *Scarborough v. Principi*, 541 U.S. 401, 408 (2004).

Mr. Groves seeks expenses "customarily charged to the client where the case is tried", and ordinarily arising in the course of providing

legal services' to a client: internet, messenger service, postage, and computer-assisted research, which are recoverable under EAJA section 2412(d)(1)(A) as 'expenses'; *March v. Brown*, No. 91-1104 (Decided November 18, 1994); *Holden v. Bowen*, 668 F. Supp. 1042 (N.D. Ohio 1986) (awarding telephone, messenger service, postage, computer-assisted research, and travel expenses); *Cook*, (citing *Oliveira*, 827 F.2d at 743) ("[T]he weight of case law suggests that all 'legal expenses ordinarily arising in the course of providing legal services' to a client are recoverable under EAJA section 2412(d)(1)(A) as 'expenses'"); *Hirschey v. FERC*, 777 F.2d 1, 6 (D.C. Cir. 1985)(finding that "a charge ... for computer research is appropriate").

Appellant submits the following expenses associated with this action:

- (1.) Postage of \$52.00;
 - (2.) Photocopying of \$298.00;
 - (3.) Computer legal/records research equivalent to 13 trips to the nearest library hours, at \$75.00 per equivalent, for \$975.00;
- Total of expenses being \$1,325.00.

The nearest college library which would contain current and relevant Court Orders and relevant case law is approximately 150 miles from my residence. At the current mileage rate of \$1.00 per mile this would equate to

\$150.00, Mr. Groves has instead listed half that cost, \$75.00 for 13 trips, as computer research which was necessary in order to keep the Court up to date on current and evolving case law[*Rule 30(b), Murphy v. Shinseki, No. 12-1700(Decided April 4, 2014)*] and supportive caselaw citations required by the Court and used in support of all motions submitted.

No expenses have been submitted for the cost of paper or envelopes or the multitude of hours spent composing, writing, and rewriting motions and briefs.

Mr. Groves, the prevailing party, has not “during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.” § 2412(d)(1)(C); *see also* § 2412(d)(2)(D) (noting that “fees and expenses may not be awarded to a party for any portion of the litigation in which the party has unreasonably protracted the proceedings”). In light of this statutory language, the Supreme Court has held that “absent dilatory conduct by the prevailing party in ‘any portion’ of the litigation, which would justify denying fees for that portion, a fee award presumptively encompasses *all aspects* of the civil action,” including the appeal. *Jean*, 496 U.S. at 162 (emphasis added).

The Supreme Court instructs that courts presume that the fee award should reimburse plaintiffs for their involvement in all phases of this litigation. *Hensley v. Eckerhart*, 461 U.S. 424, 433-37 (1993)

The greater the exposure to liability for attorneys' fees and costs, the greater the incentive for the government not to act unreasonably. Decreasing the amount of compensation that is owed to plaintiffs would only act to decrease that incentive.

Appellant is pro se.

Respectfully submitted this 9th day of December 2014



Gene S. Groves
HCR 67 RR Box 22
Shafter, TX. 79843-0022

00016699-03

\$1.30

0001

UNITED STATES
POSTAL SERVICE
 U.S. POSTAGE
 PAID
 MARFA, TX
 79843
 JUN 12 2014
 AMOUNT

U.S. POSTAL SERVICE MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER	
Received From:	Gene Groves HER 67 Box 22 Shafter TX 79843
One piece of ordinary mail addressed to:	Clerk of Court U.S. Court App Vet Claims Suite 900 Wash DC 20004-2950

PS Form 3817, Mar. 1989 GPO : 1993 O - 151-051

MARFA

MARFA, Texas

798439998

4879830863-0098

06/12/2014 (432)729-4001 03:14:37 PM

Sales Receipt

Product Description	Sale Unit Qty	Unit Price	Final Price
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WASHINGTON First-Class Mail Large Env	1	\$1.19	\$1.19
1.40 oz.			
Expected Delivery		/16/14	

Issue PVI: \$1.19

Domestic Certificate of Mailing	1	\$1.30	\$1.30
WASHINGTON DC 20004 Zone-7			\$1.19
First-Class Mail Large Env			
1.40 oz.			
Expected Delivery		Mon 06/16/14	

Issue PVI: \$1.19

PVI Line Item Void			-\$1.19
Domestic Certificate of Mailing	1	\$1.30	\$1.30
PVI Line Item Void			-\$1.30
WASHINGTON DC 20420 Zone-7			\$1.19
First-Class Mail Large Env			
1.40 oz.			
Expected Delivery		Mon 06/16/14	

Issue PVI: \$1.19

Total: \$3.68

Paid by:	
Cash	\$4.00
Change Due	-\$0.32

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 9012 3080 1762 3989 09
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

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MAP, Texas
38439998
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05/27/2014 (432) 729-4001 03:54:01 PM

Sales Receipt		
Product Description	Sale Unit Qty Price	Final Price
Unnumbered Parcel Mail Pickup		\$0.00
WASHINGTON DC 20420 Zone-7		\$1.19
First-Class Mail Large Env		
1.90 oz.		

Expected Delivery: Fri 05/30/14

Issue PVI: \$1.19

@@ ~ WASHINGTON DC \$5.60

20004-2917 Zone-7
Priority Mail 2-Day
Flat Rate Env

2.70 oz.

Expected Delivery: Thu 05/29/14

USPS Tracking #:
9114901230801762398909
Includes \$50 insurance

Issue PVI: \$5.60

Domestic Certificate of Mailing	1	\$1.30	\$1.30
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Total: \$8.09

Paid by: \$9.00
Cash -\$0.91
Change Due:

@@ For tracking or inquiries go to
USPS.com or call 1-800-222-1811

PS Form 3817, Mar. 1989

U.S. Court Appellate Claims
125 Indiana Ave Ste 900
Wash DC 20004-2950

One piece of ordinary mail addressed to:

Shaffer TX 79843
Clerk of Court

Received From:

Gene Groves

HCR 67 Box 22

U.S. POSTAL SERVICE
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT
PROVIDE FOR INSURANCE - POSTMASTER

CERTIFICATE OF MAILING

U.S. POSTAGE
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MAR 27, 2014
79843
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Sales Receipt		
Product Description	Sale Unit Qty Price	Final Price

WASHINGTON DC 20420 Zone-7		\$1.61
First-Class Mail Large Env		

~~3.80 oz.~~
Expected Delivery: Thu 05/22/14

Issue PVI: \$1.61

@@ ~ WASHINGTON DC \$5.60
20004-2917 Zone-7

Priority Mail 2-Day

Flat Rate Env

4.60 oz.

Expected Delivery: Wed 05/21/14

USPS Tracking #:

9114901230801762397964

Includes \$50 insurance

Issue PVI: \$5.60

Domestic Certificate of Mailing	1	\$1.30	\$1.30
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Total: \$8.51

Paid by:

Cash

\$20.00

Change Due:

-\$11.49

@@ For tracking or inquiries go to
USPS.com or call 1-800-222-1811.

~~ Save this receipt as evidence of
insurance. For information on filing
an insurance claim go to
usps.com/ship/file-domestic-claims.htm

Order stamps at usps.com/shop or
call 1-800-Stamp24. Go to

80-67691000

\$1.30

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U.S. POSTAGE
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MARFA, TX
79843
MAY 19, 14
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U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:		Gene Garove	
		HCR 67 Box 22	
		Shafter TX 79843	
One piece of ordinary mail addressed to:		Clerk of Court	
		U.S. Court App Vet Claims	
		Suite 900	
		625 Indiana Ave NW,	

GPO : 1993 O - 151-051

PS Form 3817, Mar. 1989



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CERTIFICATE OF MAILING

U.S. POSTAL SERVICE
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE - POSTMASTER

Received From:

Groves
HCR 67 Box 22
Shafter, TX 79843

One piece of ordinary mail addressed to:

Clerk Court
U.S. Ct App Vet Claims
625 Indiana Ste 900
Wash DC 20004-2950

PS Form 3817, Mar. 1989

U.S. POSTAGE
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MARFA, TX
79843
MAY 05 14
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\$1.30
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4879830863-0099

05/05/2014 (432)729-4001 04:19:36 PM

Sales Receipt

Product Description	Sale Unit Qty	Unit Price	Final Price
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WASHINGTON DC 20420 Zone-7			\$1.40
First-Class Mail Large Env			
2.50 oz.			

Expected Delivery: Thu 05/08/14

Priority Mail

Flat Rate Env

3.30 oz.

Expected Delivery: Wed 05/07/14

USPS Tracking #:

9114301230801762395038

Includes \$50 insurance

Issue PVI: \$5.60

Domestic Certificate of Mailing	1	\$1.30	\$1.30
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Total: \$8.30

Paid by:

Cash \$20.00

Change Due: -\$11.70

@@ For tracking or inquiries go to
USPS.com or call 1-800-222-1811.

^^ Save this receipt as evidence of

U.S. POSTAL SERVICE MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	CERTIFICATE OF MAILING
Received From: <i>Gene Groves</i> <i>Hill 67 Box 22</i> <i>Shafter TX</i> <i>79343</i>	
One piece of ordinary mail addressed to:	
<i>U.S. Court App. Ct. Clerk</i> <i>125 Indiana St. Ste 700</i> <i>Wash DC 20004-2750</i>	

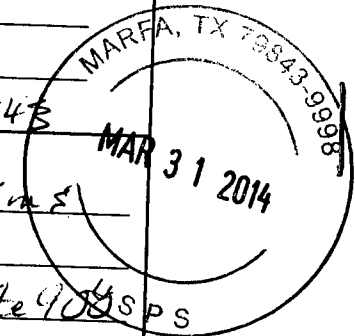
Affix fee here in stamps
or meter postage and
post mark. Inquire of
Postmaster for current
fee.

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MARFA, Texas
798439998
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03/31/2014 (432)729-4001 03:37:16 PM

Product Description	Sale Unit Qty	Price	Final Price
WASHINGTON DC 20004 Zone-7 First-Class Mail Large Env 2.10 oz. Expected Delivery: Thu 04/03/14			\$1.40
Issue PVI:			\$1.40
WASHINGTON DC 20004 First-Class Mail 0.70 oz. Expected Delivery: Thu 04/03/14			\$0.49
Issue PVI:			\$0.49
WASHINGTON DC 20420 Zone-7 First-Class Mail Letter 0.70 oz. Expected Delivery: Thu 04/03/14			\$0.49
Issue PVI:			\$0.49
WASHINGTON DC 20420 Zone-7 First-Class Mail Letter 1.60 oz. Expected Delivery: Thu 04/03/14			\$0.70
Issue PVI:			\$0.70
Total:			\$3.08
Paid by: Cash			\$4.00

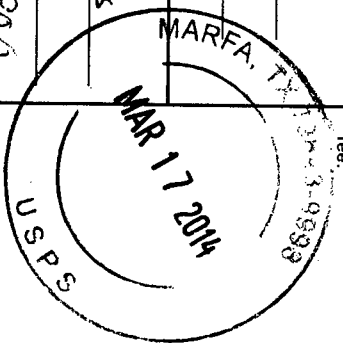
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MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
Gene Groves	
HCR 67 Box 52	
Shafter TX 79845	
One piece of ordinary mail addressed to:	
U.S. Court App'el. Claims	
Clerk of Court	
625 Indiana Ave Ste 900	
Wash DC 20004-2950	

Affix fee here in stamps
or meter postage and
post mark. Inquire of
Postmaster for current
fee.



PS Form 3817, Mar. 1989

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
Gene Groves			
HERLOT Buss			
Shafter TX 79843			
One piece of ordinary mail addressed to:			
U.S. Court App Vet Clms			
Clerk of Court			
625 Indiana Ave Ste 900			
Wash DC 20004-2950			



Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.

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MARFA, Texas
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03/17/2014 (432)729-4001 03:41:39 PM

Product Description	Sale Unit Qty	Price	Final Price
WASHINGTON DC 20420 Zone-7 First-Class Mail Letter 0.80 oz.			\$0.49

Expected Delivery: Thu 03/20/14

Issue PVI: \$0.49

WASHINGTON DC 20004 Zone-7 First-Class Mail Large Env 1.20 oz.

Issue PVI: \$1.19

Total: \$1.68

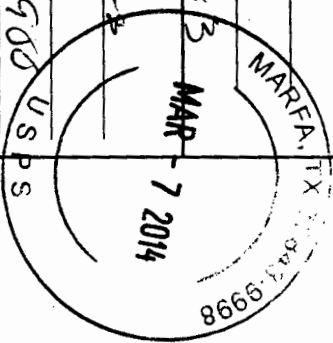
Paid by: Cash

Change Due: \$2.00

- \$0.32

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
Helen Groves			
H2267 13422			
Shafter TX 79843			
MAR 7 2014			
One piece of ordinary mail addressed to:			
U.S. Gt App Vet Claims			
Clerk			
125 Indiana Ste 900			
Wash DC 20004-2950			



Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.

MARFA
MARFA, Texas
798439998
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03/07/2014 (432)729-4001 04:02:53 PM

Sales Receipt			
Product Description	Sale Unit Qty	Unit Price	Final Price

WASHINGTON DC 20004 Zone-7			\$1.40
First-Class Mail Large Env			
2.50 oz.			
Expected Delivery: Mon 03/10/14			

Issue PVI: \$1.40

WASHINGTON DC 20420 Zone-7			\$0.91
First-Class Mail Letter			
2.10 oz.			
Expected Delivery: Mon 03/10/14			

Issue PVI: \$0.91

Total: \$2.31

Paid by: \$3.00
Cash
Change Due: -\$0.69

Order stamps at usps.com/shop or
call 1-800-Stamp-24. Go to
usps.com/ print
shipping label. For

PRESIDIO
 PRESIDIO, Texas
 798459800
 4879830845-0099
 02/08/2014 (432)229-3375 09:58:29 AM

Product Description	Sale Unit Qty	Sales Receipt Price	Final Price
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WASHINGTON DC 20420 Zone-7			\$2.45
First-Class Mail Large Env			
7.10 oz.			

Expected Delivery: Tue 02/11/14

Issue PVI: \$2.45

WASHINGTON DC 20004 Zone-7			\$2.45
First-Class Mail Large Env			
7.10 oz.			

Expected Delivery: Tue 02/11/14

Issue PVI: \$2.45

Domestic Certificate of Mailing	1	\$1.30	\$1.30
2c Navajo Jewelry PSA	15	\$0.02	\$0.30
1c Tiffany Lamp PSA	15	\$0.01	\$0.15

Total: \$6.65

Paid by:
 Cash \$7.00
 Change Due: -\$0.35



1000

U.S. POSTAGE
 PAID
 PRESIDIO, TX
 79845
 FEB 08, 14
 AMOUNT

\$1.30
 00055509-01

U.S. POSTAL SERVICE	CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	Gene Graves
	HCR 167 Box 22
	Shafter TX 79843
One piece of ordinary mail addressed to:	U.S. Court App Vet Cms
	625 Indiana Ste 400
	Wash, TX, 79004-2950

PS Form 3817, Mar. 1989

USPS TRACKING # **9114 9011 2308 6818 5586 48**
 & CUSTOMER RECEIPT
 For Tracking or inquiries go to USPS.com
 or call 1-800-222-1811.

MARFA
 MARFA, Texas
 798439998
 4879830863-0098
 01/24/2014 (432)729-4001 04:02:43 PM

Product Description	Sale Unit Qty	Unit Price	Final Price
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@@ ~ WASHINGTON DC			\$5.60
20004-2550 Zone-7			
Priority Mail 2-Day			
Flat Rate Env			
11.80 oz.			
Expected Delivery: Mon 01/27/14			
Label #:			
9114901123086818558648			
Includes \$50 insurance			

Issue PVI: \$5.60

Domestic Certificate of Mailing	1	\$1.20	\$1.20
WASHINGTON DC 20420 Zone-7			\$1.72
First-Class Mail Large Env			
4.20 oz.			
Expected Delivery: Mon 01/27/14			

Issue PVI: \$1.72

Total: \$8.52

Paid by: \$9.00
 Cash
 Change Due: -\$0.48

@@ For tracking or inquiries go to
 USPS.com or call 1-800-222-1811.

~~ Save this receipt as evidence of

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U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE - POSTMASTER		
Received From:		
Gene Greves		
HCR07 Box 22		
Shafter 79843		
One piece of ordinary mail addressed to:		
U.S. Court App. Vet Claims		
1025 Indiana Ave NW		
Suite 900		
Wash DC 20004-2950		



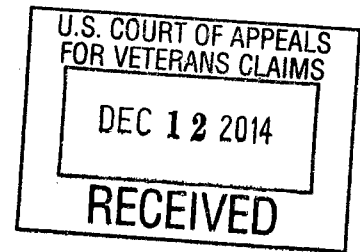
1000

U.S. POSTAGE
 PAID
 MARFA, TX
 79843
 JAN 24, 14
 AMOUNT

\$1.20

COVER LETTER / December 8, 2014

MOTION FOR EXPENSES



From:

Gene S. Groves, [REDACTED]

HCR 67 RR Box 22

Shafter, TX 79843-0022

TOTAL PAGES ATTACHED: 14

CERTIFICATION OF HANDING THE PETITION TO THE VA GENERAL COUNSEL AND VA SECRETARY

I certify that I have delivered this Petition to the VA General Counsel, ATTN: Kenneth A. Walsh, Attorney, Office of General counsel, 810 Vermont Ave. N.W., Washington, DC. 20420 this 8th day of Dec, 2014 before having delivered it to the Veterans Court, as required.

Signed:

A handwritten signature in black ink, appearing to be "G. S. Groves".

Gene S. Groves, [REDACTED]

HCR 67 RR Box 22

Shafter, TX. 79843-0022

No phone, Email - desertdweller20042004@yahoo.com

Groves
H&R 67
Box 22
-79843

Clerk of Court
U. S. Court Appeals
625 Indiana, Ave. NW,
Washington, DC.
20004-2950

