

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

MARY VILFRANC,	)	
	)	
Appellant,	)	
	)	
v.	)	Vet. App. No. 15-904
ROBERT A. MCDONALD	)	
Secretary of Veterans Affairs,	)	
	)	
Appellee	)	

**APPELLANT’S MOTION FOR ORAL ARGUMENT**

Pursuant to U.S. Vet. App. R. 27, 34, Appellant hereby moves for oral argument in the instant case. The Counsel for Appellee has indicated that he has no position on this motion.

On July 26, 2016, the Court issued an order in the case in which it submitted the matter to a panel for a decision without oral argument. In *Frankel v. Derwinski*, 1 Vet. App. 23, 25-26 (1990), the Court held that a single judge disposition is only proper when the case:

1. does not establish a new rule of law;
2. does not alter, modify, criticize, or clarify an existing rule of law;
3. does not apply an established rule of law to a novel fact situation;
4. does not constitute the only recent, binding precedent on a particular point of law within the power of the Court to decide;

5. does not involve a legal issue of continuing public interest; and
6. the outcome is not reasonably debatable.

Appellant asserts the Court will be further enlightened by oral argument given the Court's finding that the case is not appropriate for a single judge decision given one or more of the aspects of the case which make it unsuitable under *Frankel*. This appeal involves the issue of whether the Board misinterpreted 38 C.F.R. §§ 4.25 and 4.150 (2016) when it denied the Veteran separate 10 percent ratings for her bilateral service-connected temporomandibular joint dysfunction. Resolution of this and other questions presented in this case would be better informed if argument were held.

Therefore, Appellant respectfully requests the Court to schedule oral argument in the present case.

Respectfully submitted,  
Mary Vilfranc  
By Her Attorneys,

/s/ Sarah K. Barr  
SARAH K. BARR  
CHISHOLM, CHISHOLM & KILPATRICK  
One Turks Head Place, Suite 1100  
Providence, RI 02903  
(401) 331-6300  
(401) 421-3185 Facsimile