

Gregory O. Block
Clerk, U.S. Court of Appeals for Veterans Claims
625 Indiana Avenue, NW, Suite 900
Washington, D.C. 20004-2950

Re: CAVC Case No. 15-904, Appellant Mary Vilfranc

Supplemental Citation of Authority

Dear Mr. Block:

Pursuant to Rule 30(b), U. S. Court of Appeals for Veterans Claims, appellant provides the following citation: *Southall-Norman v. McDonald*, ___ Vet. App. ___ (15-1357, decided December 15, 2016).

Southall-Norman clarified that section 4.59 “condition[s] the award of a minimum compensable evaluation for a musculoskeletal disability . . . on evidence of an actually painful . . . joint or periarticular region and the presence of a compensable evaluation in the applicable DC.” Slip. Op. at 7. The Court recognized that this is so irrespective of whether pain in a joint or periarticular region causes functional loss.” Slip op. at 8 (footnote 5). It rejected “the Secretary’s attempts to read into the regulation a limitation to its applicability that is simply not there.” Slip Op. at 7.

In her briefing and at oral argument, Appellant argued that § 4.59 in conjunction with DC 9905 provided an avenue for compensating Ms. Vilfranc separately for each of her actually painful temporomandibular joints. Apa. Reply Brief at 2; *Vilfranc v. McDonald*, __ Vet.App. __ (No. 15-904, argued December 6, 2016, oral argument at 8:24-9:05).

Thank you. Please call if you have any questions.

Very truly yours,

/s/ Sarah K. Barr
Sarah K. Barr