IN THE UNITED STATES COURT OF APPEA[LS]
FOR VETERANS CLAIMS

FRAZIER FOREMAN,)
)
Appellant,)
)
v.)   Vet. App. No. 15-3463
)
DAVID J. SHULKIN, M.D.,)
Secretary of Veterans Affairs,)
)
Appellee.)

APPELLEE'S MOTION FOR LEAVE TO WITHDRAW HIS PRINCIPAL
BRIEF AND FILE A SUBSTITUTE BRIEF

Pursuant to U.S. Vet.App. Rules 10, 26, 27 and 45(g), Appellee David J. Shulkin, M.D., Secretary of Veterans Affairs, respectfully requests leave of the Court to withdraw his Principal Brief and file a Substitute Brief.

This motion is being filed because, after receiving further input from the client and reading the Brief submitted by Amicus Curiae on May 8, 2017, the Secretary's position as to whether 38 C.F.R. § 3.304(f) is a liberalizing law has changed. He wishes to brief the issue and request reversal because the Board clearly erred in failing to assign an effective date of September 23, 2008, for the award of entitlement to service connection for post-traumatic stress disorder (PTSD). As such, the Secretary respectfully seeks leave to withdraw his principal brief and file a substitute brief.

Appellant is acting *pro se* in this matter.

WHEREFORE, Appellee, David J. Shulkin, M.D., Secretary of Veterans Affairs, respectfully requests leave to withdraw his principal brief and file a substitute brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify under possible penalty of perjury under the laws of the United States of America, that on this June 22, 2017, a copy of the foregoing was mailed, postage prepaid, to:

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>/s/ Nathan Paul Kirschner
>**NATHAN PAUL KIRSCHNER**
>Appellate Attorney