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January 8, 2019

Mr. Gregory O. Block
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: Ravin, Sean A.
No. 16-2057
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 authority is as follows:

Culbertson v. Berryhill, 586 U.S. ____ (2019) decided January 8, 2019.

In this case, the Supreme Court in a unanimous opinion addressed whether the Social Security statutory scheme limited the aggregate amount of fees for both stages of representation to 25% of the claimant's past-due benefits. The Supreme Court held that because 42 U.S.C. § 406(b) by its terms imposes a 25% cap on fees only for representation before a court, and § 406(a) has separate caps on fees for representation before the agency, that the statute does not impose a 25% cap on aggregate fees.

Mr. Ravin believes that this decision supports the overruling of *Carpenter v. Principi*, 15 Vet. App. 64 (2001) based upon the recognition under the Social Security statutory scheme that fees earned for representation before the agency is different work from fees earned for representation before a court, it follows that work performed before VA is

not the same work as performed in representation before this Court.

Thank you for your attention to this matter.

Sincerely,

/s/Kenneth M. Carpenter
Kenneth M. Carpenter
Counsel for Appellant,
Sean A. Ravin
Electronically filed January 8, 2019