

**Department of Veterans Affairs
Office of General Counsel
Washington, DC 20420**

June 28, 2019

In reply refer to: 027B

Mr. Gregory O. Block
Clerk of the Court
United States Court of Appeals
for Veterans Claims
625 Indiana Avenue, NW
Suite 900
Washington, DC 20004

Re: *Cornell v. Wilkie*, U.S. Vet. App. No. 15-3191

Mr. Block:

Pursuant to U.S. Vet. App. R. 30(b), the Secretary of Veterans Affairs, the appellee in the subject case, hereby provides this Court with notice of newly issued authority that is pertinent and significant with respect to the issues currently before the Court in the subject case.

On June 26, 2019, this Court issued a precedential decision in *Casey v. Wilkie*, U.S. Vet. App. No. 18-1051. In that case, as in the subject case, duplicate payments were erroneously made to two individuals, where only one of those individuals was entitled to those funds. And, like in the subject case, the appealed-from Board decision pertained only to the matter of entitlement to the funds that were the subject of duplicate payments. The Court in *Casey*, however, unlike in the subject case, asserted no jurisdiction to reach the equities of Secretarial recoupment efforts concerning the funds underlying the duplicate payments. The incongruity between this aspect of the decisions in *Casey* and in the subject case, both of which are precedential, underscores the uncertainty in an otherwise settled legal landscape discussed by the Secretary in his June 20, 2019, motion for full-Court consideration in the subject case. (Secretary's motion for full-Court review at 13-15).

Sincerely,

/s/ Mark D. Gore
Mark D. Gore
Attorney for the Appellee,
Secretary of Veterans Affairs