

In his application, Appellant sought an award of \$44,200.55. However, Appellant agreed to reduce the total amount requested to \$38,700.55 if the Secretary agreed to not challenge the reasonableness of that amount. For the sole purpose of avoiding further litigation and the costs related thereto, the Secretary does not contest the reasonableness of the reduced amount and is prepared to make payment to Appellant and his representative of record. The

Secretary's concession here, however, in no way denotes his position as to any issue or matter presented herein which may potentially affect the litigation or settlement of future applications for attorney fees and costs filed with this Court pursuant to 28 U.S.C. § 2412.

CONCLUSION

WHEREFORE, Appellee, Secretary of Veterans Affairs, respectfully responds to Appellant's application for the award of attorney fees and other expenses and advises the Court that he does not contest an award in an amount deemed reasonable by the Court, up to the reduced amount of \$38,700.55.

Respectfully submitted,

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