



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,

RICHARD J. HIPOLIT  
Acting General Counsel

MARY ANN FLYNN  
Chief Counsel

/s/ Sarah W. Fusina  
SARAH W. FUSINA  
Deputy Chief Counsel

/s/ Ronen Morris  
RONEN MORRIS  
Senior Appellate Attorney  
Office of General Counsel  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420  
(202) 632-7113

Attorneys for Appellee  
Secretary of Veterans Affairs