

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

ROGER C. ELLIOT,)	
)	
Appellant,)	
)	
v.)	Vet. App. No. 19-0877
)	
ROBERT L. WILKIE,)	
Secretary of Veterans Affairs,)	
)	
Appellee.)	

**APPELLEE’S UNOPPOSED MOTION FOR LEAVE TO
REFILE THE RECORD OF PROCEEDINGS**

Under U.S. Vet. App. R. 27(a), The Secretary moves the Court for leave to refile the record of proceedings (ROP). Appellant filed his reply brief on February 3, 2020, thus triggering the Secretary’s deadline within which to file the ROP, which fell on February 18, 2020. See U.S. Vet. App. R. 28.1(a)(3). The Secretary filed the ROP on February 3, 2020, the same day Appellant filed his reply brief.

Appellant’s counsel has since informed the Secretary’s counsel that the Secretary omitted page 592 of the record before the agency (RBA), which Appellant had cited in his brief. The Secretary has corrected the error in the ROP and seeks leave to refile it. Though the Secretary’s original deadline within which to file the ROP has not yet passed, it is, in fact, today, the Secretary, out of an abundance of caution, files this motion for leave to refile the ROP. Appellant is not opposed to this motion.

Respectfully submitted,

WILLIAM A. HUDSON, JR.
Acting General Counsel

MARY ANN FLYNN

Chief Counsel

Date: 2/18/2020

/s/ Sarah W. Fusina _____

SARAH W. FUSINA

Deputy Chief Counsel

/s/ Mark D. Vichich _____

MARK D. VICHICH

Senior Appellate Attorney

Office of the General Counsel (027H/I)

U.S. Department of Veterans Affairs

810 Vermont Avenue, N.W.

Washington, D.C. 20420

(202) 632-5985

Attorneys for Appellee Secretary
of Veterans Affairs