U.S. COURT OF APPEALS
FOR VETERANS CLAIMS
Feb 26, 2020
RECEIVED

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
625 Indiana Avenue, NW Suite 900
Washington, DC 20004-2950

NOTICE TO FILE BRIEF TO THE SELF-REPRESENTED APPELLANT

DOCKET NO: 19-7151

BRIAN W. CALMON, APPELLANT,

V.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

TO THE SELF-REPRESENTED APPELLANT:

The Secretary's counsel has sent the Record Before the Agency to you.

Your brief is due **within 60 days** after the date of this notice. You may use the informal brief form enclosed with this notice.

Dated: January 6, 2020

FOR THE COURT:

GREGORY O. BLOCK
Clerk of the Court

By: /s/ Robyn Willis
Deputy Clerk

Copies to:

Brian W. Calmon

VA General Counsel (027)

[X] Enclosed: Instructions for submitting the Informal Brief and Informal Brief Form
If you need assistance submitting this form, you may contact the Veterans Consortium Pro Bono Program's Helpline for Self-Represented Appellants at 1-855-446-9678.

Form 12 (Rev 2/2017)

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
625 Indiana Avenue, NW Suite 900
Washington, DC 20004-2950

APPELLANT'S INFORMAL BRIEF

Docket No: 19-7151

Brian W. Calmon, Appellant,

v.

Robert L. Wilkie,
Secretary of Veterans Affairs, Appellee.

Type or legibly write your answers to each question. If the Court cannot read your handwriting, your brief may be returned to you.

1. If there is more than one issue listed on the first page of the Board decision, which issue(s) are you appealing?
Please note that if you choose not to list an issue here, the Court might not review that issue.

(1) SLEEP APNEA (TO INCLUDE AS PROXIMATE TO RATED DEVIATED NASAL SEPTUM)

(2) HYPERTENSION

Questions 2-6 ask you for information regarding the issues you believe were incorrectly decided by the Board.

2. For each issue you listed in Question 1, did the Board incorrectly state any facts?
Yes ✓ No ___
If yes, what are the correct facts? *Please list the page number(s) from the Record Before the Agency (RBA) that support your argument.*

PG. #6 "THE BOARD STATES THE 5/2012 (PRIVATE DR.) & 4/2019 (VA DOCTOR) LETTERS TO BE OF LITTLE PROBATIVE VALUE, ETC."

3. Are there any documents in the Record Before the Agency (RBA) that support your claim(s)?

Yes ✓ No ___

If yes, what are those documents? *Please list the page number(s) in the RBA where they can be found and explain why you think they support your claim.*

Pg 6 - (1) VA LTR. DTD. 4/2019 - VA CLINICIAN CLAIM(ED) RELATIONSHIP BETWEEN RATED CONDITION & SLEEP APNEA.

Pg 7 (2) - TREATMENT FOR HYPERTENSION ON AT LEAST 2 OCCASIONS ON ADJ THIS IS THE ESSENCE OF DIRECT SC

4. Did VA fail to obtain any documents identified by you or your representative or mentioned in the Record Before the Agency (RBA) when it was gathering evidence for your case?

Yes ___ No ✓

If yes, list the page number(s) of the RBA that show that these documents exist and explain:

- How each document relates to your claim(s)
- Why each document is important to your case

The Court cannot consider documents that were not before the Board. Also, please do not attach any pages from the RBA.

5. To your knowledge, did the Board fail to apply or misapply any law, case, or regulation?

Yes ✓ No ___

If yes, what is that law, case, or regulation and how should the Board have applied it?

38 CFR §§ 3.102 - BENEFIT OF DOUBT
- EVALUATION OF EVIDENCE

6. Do you think that the Board decision is wrong for any other reason(s)?
Yes ✓ No ___

If yes, what are those reason(s)? *Please list the page number(s) from the RBA that support your argument.*

Pg 6 (1.) BVA DECISION INDICATED MISTAKEN VARIANCE WITH RESPECT TO VA LTR. DTD 4/2019

Pg 7 (2.) AFTER PROCEDURE ON AD, PHARMACEUTICAL REGIMEN, POST OP, CAN OFFSET READINGS,

Finally, Questions 7-8 ask you for information that will help the Court process your case.

7. What action do you want this Court to take?

(1.) AWARD SCLERO-APNEA (TO INCLUDE 2ND TO RATED CONDITION

(2.) AWARD 10% FOR HYPERTENSION TREATED ON AD

8. If you needed extra pages to answer the questions above, how many extra pages did you attach to this form? N/A

Please remember that your brief cannot exceed 30 pages total (including this form). Do not attach any pages from the RBA.

On any attached pages, make sure to include your name and your Court docket number.

Please sign and date this form after you have finished completing it.

Appellant's Telephone Number: 848-992-7402

Appellant's Address: 1316 MERMAID AVE. BEACHWOOD NJ - 08722

Appellant's Signature: Brian W Ash Date: 2/26/2020