Department of Veterans Affairs
Office of General Counsel
Washington DC 20420

In reply refer to: 027I

Mr. Gregory O. Block
Clerk of the Court
U.S. Court of Appeals for Veterans Claims
625 Indiana Avenue, NW
Washington, DC 20004

Re: **GARY PHILBROOK**
Vet. App. No. 18-5628

April 14, 2020

Dear Mr. Block,

Pursuant to U.S. Vet. App. R. 30(b), the Secretary hereby advises the Court of pertinent and significant authority of which the undersigned became aware after the Secretary filed his brief in this appeal on September 19, 2019. This case is scheduled for oral argument before the Court on April 21, 2020.

The additional authorities include *Wanless v. Shinseki*, 23 Vet.App. 143 (2009) and *Wanless v. Shinseki*, 618 F.3d 1333 (Fed Cir. 2010), which provide additional guidance on the structure and legislative history of 38 U.S.C. § 5313(c).

These authorities are relevant to the Secretary's position, as argued in pages 5-7 of his brief, that the primary legislative purpose for the limitation imposed by section 5313 is to preclude duplication of government payments, namely the paying for both compensation and incarceration.

Sincerely,

/s/ Shondriette D. Kelley
SHONDRIETTE D. KELLEY
Appellate Attorney
Counsel for the Secretary