

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

No. 15-4082

**ALFRED PROCOPIO, JR.,
Claimant - Appellant**

v.

**ROBERT L. WILKIE, Secretary of Veterans Affairs,
Respondent - Appellee**

REPLY TO THE SECRETARY'S OPPOSITION TO EAJA PETITION

NOW COMES BEFORE this honorable Court Appellant Alfred Procopio. Jr., who replies to the Secretary's Opposition to Appellant's Application for Fees under the Equal Access to Justice Act (EAJA).

Based on the decision of the Court of Appeals for the Federal Circuit, the opposition filed by the Secretary and the denial of *certiorari*, by the Supreme Court of the United States, Appellant has decided to waive earned fees under the Equal Access to Justice Act and withdraw the pending application. Appellant disagrees that the Secretary's position was substantially justified or that any award should be reduced based on the Secretary's unreasonable demand for further specificity, but concedes, after exhaustive research that the law of the case doctrine does control. This, of course, moots the other issues. To save the Court's time from reviewing a long and probably futile argument, Appellant has decided that further proceedings on this issue are counter-productive.

WHEREFORE, Appellant withdraws his application for attorney fees under the Equal Access to Justice Act.

Respectfully Submitted,

/s/ John B. Wells
John B. Wells
LA Bar #23970
P. O. Box 5235
Slidell, LA70469-5235
769 Robert Blvd, Suite 201D
Slidell, LA70458
985-641-1855
JohnLawEsq@msn

CERTIFICATE OF SERVICE

The undersigned certifies that the within was served on counsel for the Secretary and the court via the CM/ECF filing system this 7th day of June 2020

/s/ John B. Wells
John B. Wells

