

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

THOMAS S. PRATT,

Appellant,

V.

Vet. App. No. 19 - 919

ROBERT L. WILKIE,

Secretary of Veterans Affairs,

Appellee

**APPELLANT’S APPLICATION FOR AN AWARD OF REASONABLE
ATTORNEY FEES AND EXPENSES UNDER 28 U.S.C. § 2412(d)**

Appellant Thomas S. Pratt, by counsel and pursuant to both the Equal Access to Justice Act (“EAJA”) (Title 28 U.S. Code §2412) and Rule 39 of the Court of Appeals for Veterans Claims’ Rules of Practice and Procedure, moves this Court for an award of reasonable attorney’s fees and expenses in the amount of \$12,976.93.

I. PROCEDURAL HISTORY

On December 17, 2018, the Board of Veterans' Appeals (Board) issued a decision that denied Appellant entitlement to a change in his vocational rehabilitation program under Chapter 31 of Title 38 of the United States Code. Board of Veterans' Appeals Decision, December 17, 2018 (Docket No. C 29 731 036). Appellant timely appealed the Board's denial of his claims by filing a Notice of Appeal with the Court on February 11, 2019.

Following the submission of his Notice of Appeal, Appellant's case proceeded on the merits under the Court's Rules of Practice and Procedure. Counsel for the Appellant entered an appearance in the case on May 10, 2019, and submitted no dispute with the 3599-page Record Before the Agency (RBA). The Court ordered the Appellant to file a

brief within sixty days of May 29, 2019, and subsequently ordered a telephonic conference under Court Rule 33 to be held on July 9, 2019. Upon motion of the Secretary, the conference was rescheduled to August 12, 2019.

The telephonic conference with counsel for Appellant, counsel for the Secretary, and a member of CLS was held on August 12, 2019. The parties were unable to reach agreement and subsequently filed briefs with the Court. The Court released a Memorandum Decision setting aside the Board's decision and remanding Appellant's claim on May 13, 2020.

The Court entered judgment on June 4, 2020. Appellant filed an unopposed motion to expedite entry of mandate on June 4, 2020. The Court granted the motion and entered mandate on June 5, 2020.

II. GROUND FOR AN AWARD

This Court has identified four elements as being necessary to warrant an award by the Court of attorneys' fees and expenses to an eligible party pursuant to the EAJA. These are: (1) a showing that the appellant is a prevailing party; (2) a showing that the appellant is eligible for an award; (3) an allegation that the government's position is not substantially justified; and (4) an itemized statement of the fees sought. *Owens v. Brown*, 10 Vet. App. 65, 66 (1997) (*quoting Bazalo v. Brown*, 9 Vet. App. 304, 308 (1996)). *See also* 28 U.S.C. §§ 2412(d)(1)(A) and (B). As demonstrated below, Appellant satisfies each of the above-enumerated requirements for EAJA.

A. THE APPELLANT SATISFIES EACH OF THE REQUIREMENTS FOR AN AWARD OF ATTORNEY'S FEES AND EXPENSES

1. *Appellant Is a Prevailing Party*

The Appellant in the instant matter is a prevailing party. A prevailing party includes one who obtains relief in the form of a remand predicated on administrative error. *Zuberi v. Nicholson*, 19 Vet. App. 541, 546 (2006). In this case, the appellant is a prevailing party because the Secretary agreed that the Board's decision should be vacated and remanded to the Board due to administrative errors by the Board.

With regard to Appellant's claim for entitlement to a change in his vocational rehabilitation training plan, the Court stated in its Memorandum Decision that in denying Appellant's requested change in his vocational rehabilitation training program, the Board erred in relying on the fact that Appellant has established entitlement to a rating of total disability for individual unemployment ("TDIU") since 1991. The Court also stated that the Board erred by failing to provide an adequate statement of reasons or bases for its explicit or implicit rejection of favorable evidence in the record on the issue of whether the pharmacy vocational goal is reasonably feasible under 38 C.F.R. § 21.53(d), and thus remand was required for the Board to provide an adequate statement of reasons or bases. Thus, the Court agreed that vacatur and remand of this claim was warranted.

2. *Appellant Is Eligible For An EAJA Award*

Appellant also satisfies the EAJA requirement that his net worth at the time his appeal was filed did not exceed \$2,000,000. 28 U.S.C. § 2412(d)(2)(B). Appellant had a net worth under \$2,000,000 on the date this action was commenced. Therefore, Appellant is a person eligible to receive an award under the EAJA.

3. *The Position of the Secretary Was Not Substantially Justified*

In *White v. Nicholson*, 412 F.3d 1314 (Fed. Cir. 2004), the Federal Circuit applied the totality of the circumstances test and noted, “EAJA requires that the record must supply the evidence of the Government’s substantial justification.” 412 F.3d at 1316. Here, the government’s position was not reasonable, either in law or in fact, and was not substantially justified during either the administrative or litigation phases of this case.

With regard to Appellant’s claim for entitlement to a change in his vocational rehabilitation training plan, the Court stated in its Memorandum Decision that in denying Appellant’s requested change in his vocational rehabilitation training program, the Board erred in relying on the fact that Appellant has established entitlement to a rating of total disability for individual unemployment (“TDIU”) since 1991. The Court also stated that the Board erred by failing to provide an adequate statement of reasons or bases for its explicit or implicit rejection of favorable evidence in the record on the issue of whether the pharmacy vocational goal is reasonably feasible under 38 C.F.R. § 21.53(d), and thus remand was required for the Board to provide an adequate statement of reasons or bases. Thus, the Court agreed that this constituted error, and vacatur and remand of this claim was warranted.

Moreover, there is no evidence that special circumstances exist in Appellant’s case that would make an award of reasonable fees and expenses unjust. 28 U.S.C. § 2412(d)(1)(A). The errors committed by the Board described above did not present issues of first impression before this Court, nor did the Secretary advance good faith arguments to change the law in this Court, nor did this case involve issues related to new,

different, or more stringent requirements for adjudication. *See Doria v. Brown*, 8 Vet. App. 157, 162 (1995); *Scarborough v. Nicholson*, 19 Vet. App. 253 (2005).

B. ITEMIZED STATEMENT OF SERVICES RENDERED AND AMOUNTS OF REASONABLE ATTORNEY’S FEES

Appellant has claimed a reasonable amount of attorneys’ fees, predicated upon “the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Ussery v. Brown*, 10 Vet. App. 51, 53 (1997) (*quoting Elczyn v. Brown*, 7 Vet. App. 170, 176-77 (1994)). Attached as Exhibit A to this fee petition are the hours worked.

Included in petition is a certification that counsel has “(1) reviewed the combined billing statement and is satisfied that it accurately reflects the work performed by all counsel and (2) considered and eliminated all time that is excessive or redundant.” *Baldrige and Demel v. Nicholson*, 19 Vet. App. 227, 240 (2005). Appellant seeks attorneys’ fees at the following rates for representation in the Court of Appeals for Veterans Claims.

Attorney Mark D. Matthews is accredited by the Court to represent veterans. He has twenty years of legal practice experience and is a 1999 graduate of William & Mary Law School. His rate is billed at \$217.53 from May 2019 through December 2019 and \$219.66 from January 2020 onward.¹ Attorney Matthews has billed 59.6 hours on Appellant’s case for a total fee amount of \$12,976.93.

¹ A rate in excess of \$125 per hour for the attorney for Appellant in this case is justified based on the increase in the cost of living since the EAJA was amended in March 1996. See 28 U.S.C. § 2412(d)(2)(A)(ii). The \$125 attorney fee rate, adjusted for inflation for the Tampa-St. Petersburg-Clearwater area, was \$217.53 from May 2019 onward, and \$219.66 from January 2020 onward. See CPI-U (Exhibits B and C). These rates were calculated by multiplying

I, Mark D. Matthews, am the counsel in this case. I certify that I have reviewed the combined billing statement and am satisfied that it accurately reflects the work performed. I have considered and eliminated all time that I believe, based upon my over twenty years of practice, is either excessive or redundant.

III. CONCLUSION

WHEREFORE, Appellant respectfully requests that the Court award attorneys' fees and expenses in the total amount of \$12,976.93.

Dated this 8th day of June, 2020.

Respectfully Submitted,

FOR APPELLANT:

/s/ Mark D. Matthews
Mark D. Matthews, Esq.
Mark Matthews Law
11387 Ridgewood Circle
Seminole, Florida 33772
(804) 339-6138
mark@markmatthewslaw.com
Counsel for the Appellant

the \$125 attorney fee rate by the quotient of the Tampa-St. Petersburg-Clearwater area CPI-U November 2018 (CPI-U is measured semi-annually) divided by its CPI-U in 1996 (CPI-U was measured annually). Specifically, $\$125 \times (229.018 \div 131.6) = \217.53 and $\$125 \times (231.258 \div 131.6) = \219.66 . See Exhibits B and C; *Mannino v. West*, 12 Vet. App. 242 (1999). The market rates for Appellant's attorneys exceeded \$221.67 per hour during the relevant time period. See *Covington v. District of Columbia*, 839 F. Supp. 894, 904-05 (D.D.C. 1993), aff'd, 58 F.3d 1101 (D.C. Cir. 1995).

EXHIBIT A: Thomas S. Pratt v. Robert L. Wilkie, CAVC Docket No. 19-919

Mark Matthews Law, Matter No. CAVC-023

DATE	DESCRIPTION	HOURS	RATE	FEE
10-May-2019	Prepare initial greeting correspondence to Appellant introducing myself as his attorney, explaining my role, and providing my contact information.	0.2	\$217.53	\$43.51
10-May-2019	Prepare and e-file Notice of Appearance	0.2	\$217.53	\$43.51
20-May-2019	Telephone conference with Appellant re the future process of the case.	0.3	\$217.53	\$65.26
26-May-2019	Analyze and review screening memorandum from The Veterans Consortium Pro Bono Program.	0.3	\$217.53	\$65.26
26-May-2019	Begin analysis and review of the 3,599-page Record Before the Agency (RBA) for completeness.	4.1	\$217.53	\$891.87
27-May-2019	Continue analysis and review of the 3,599-page Record Before the Agency (RBA) for completeness.	4.4	\$217.53	\$957.13
28-May-2019	Complete analysis and review of the 3,599-page Record Before the Agency (RBA) for completeness.	3.8	\$217.53	\$826.61
28-May-2019	Review and analyze prior Board decisions and prior Court opinions in this case to determine procedural history of this claim.	1.4	\$217.53	\$304.54
28-May-2019	Begin to prepare draft of Procedural History & Facts section of the Rule 33 memorandum.	2.2	\$217.53	\$478.57
28-May-2019	Review and analyze secondary materials on vocational rehabilitation.	1.7	\$217.53	\$369.80
29-May-2019	Prepare and e-file No Dispute With RBA.	0.2	\$217.53	\$43.51
17-Jun-2019	Prepare first draft of discussion portion of the Rule 33 memorandum, including addressing the five reasons the Board gives for denying Appellant's claim.	3.5	\$217.53	\$761.36
17-Jun-2019	Analyze and review the prior Board decisions and Court opinions in this case to determine substantive bases for assignments of error in the Board decision.	2.8	\$217.53	\$609.08
18-Jun-2019	Revise first draft of discussion portion of the Rule 33 memorandum.	2.7	\$217.53	\$587.33

18-Jun-2019	Prepare correspondence to co-counsel regarding possibility of requesting reversal of the Board decision instead of remand.	0.2	\$217.53	\$43.51
19-Jun-2019	Additional grammatical and typographical edits to the Rule 33 memorandum.	0.4	\$217.53	\$87.01
19-Jun-2019	Telephone conference with Appellant re Rule 33 memorandum, and agree to send to him for his review.	0.2	\$217.53	\$43.51
20-Jun-2019	Revise portion of the Rule 33 memorandum regarding the Board's prior establishment of the position that the change in vocational rehabilitation plan would be feasible in the long term.	3.3	\$217.53	\$717.85
21-Jun-2019	Prepare email correspondence enclosing Rule 33 memorandum to Appellant for his review.	0.1	\$217.53	\$21.75
23-Jun-2019	Review email correspondence from Appellant re Rule 33 memorandum.	0.1	\$217.53	\$21.75
23-Jun-2019	Final edits to Rule 33 memorandum.	0.3	\$217.53	\$65.26
24-Jun-2019	Prepare email correspondence to OGC counsel and CLS enclosing Rule 33 memorandum.	0.1	\$217.53	\$21.75
24-Jun-2019	Prepare and e-file Rule 33 memorandum certificate of service.	0.2	\$217.53	\$43.51
24-Jun-2019	Prepare email correspondence to Appellant with final form of Rule 33 memorandum.	0.1	\$217.53	\$21.75
24-Jun-2019	Prepare email correspondence to Pro Bono Program with Rule 33 memorandum	0.1	\$217.53	\$21.75
3-Jul-2019	Review and respond to email correspondence from OGC counsel requesting change in date/time of Rule 33 conference.	0.1	\$217.53	\$21.75
5-Jul-2019	Telephone conference with Appellant re OGC counsel's request to change the date/time of the Rule 33 conference.	0.2	\$217.53	\$43.51
8-Jul-2019	Review and analyze motion and order changing date/time of the Rule 33 conference; prepare email correspondence to Appellant with new date/time.	0.1	\$217.53	\$21.75

30-Jul-2019	Prepare written correspondence to Appellant updating him on current status of the case.	0.1	\$217.53	\$21.75
12-Aug-2019	Attend telephonic Rule 33 conference.	0.5	\$217.53	\$108.77
12-Aug-2019	Telephone conference with Appellant re outcome of Rule 33 conference.	0.2	\$217.53	\$43.51
12-Aug-2019	Telephone conference with co-counsel re path forward on filing Appellant's Brief to the Court	0.3	\$217.53	\$65.26
5-Sep-19	Analyze and review Rule 33 memorandum to determine arguments to make in Appellant's Brief to the Court.	0.6	\$217.53	\$130.52
5-Sep-19	Prepare Statement of the Issues and Statement of the Case for Appellant's Brief.	0.5	\$217.53	\$108.77
5-Sep-19	Prepare Statement of the Facts and Procedural History of the Current Case for Appellant's Brief.	1.2	\$217.53	\$261.04
5-Sep-19	Prepare Summary of the Argument for Appellant's Brief.	0.7	\$217.53	\$152.27
6-Sep-19	Prepare Standard of Review portion of Appellant's Brief.	1.3	\$217.53	\$282.79
6-Sep-19	Prepare first draft of Brief argument regarding the Board imposing requirement that Appellant seek employment.	1.8	\$217.53	\$391.55
6-Sep-19	Prepare first draft of Brief argument regarding the Board considering Appellant's previous rehabilitational goals.	1.4	\$217.53	\$304.54
6-Sep-19	Prepare first draft of Brief argument regarding the Board considering Appellant's TDIU rating and assuming no employment was possible when he applied for his change in his plan.	1.3	\$217.53	\$282.79
9-Sep-19	Prepare first draft of Brief argument regarding the Board's change of position on whether a new long-range rehabilitation goal is more likely.	1.6	\$217.53	\$348.05
9-Sep-19	Prepare first draft of Brief argument regarding authority to retroactively reimburse for vocational rehabilitation expenses.	1.8	\$217.53	\$391.55

9-Sep-19	Edit and revise Brief arguments.	2.6	\$217.53	\$565.58
9-Sep-19	Telephone conference with Appellant re Brief and email to him for review.	0.2	\$217.53	\$43.51
9-Sep-19	Prepare first draft of table of contents including table of authorities and references.	1.1	\$217.53	\$239.28
10-Sep-19	Final edits and revisions to Brief.	1.1	\$217.53	\$239.28
10-Sep-19	Final edits and revisions to table of contents including table of authorities and references.	0.8	\$217.53	\$174.02
10-Sep-19	Prepare and e-file Appellant's Brief to the Court.	0.3	\$217.53	\$65.26
30-Dec-2020	Analyze and review Appellee's Brief to the Court.	0.8	\$217.53	\$174.02
31-Dec-2020	Telephone conference with Appellant re Appellee's Brief and strategy for Reply Brief.	0.4	\$217.53	\$87.01
3-Jan-2020	Prepare Appellant's Reply Brief.	2.3	\$219.66	\$505.22
3-Jan-2020	E-file Appellant's Reply Brief.	0.1	\$219.66	\$21.97
3-Jan-2020	Prepare e-mail correspondence to Appellant enclosing Reply Brief.	0.1	\$219.66	\$21.97
12-May-2020	Prepare written correspondence to Appellant with current status of the case.	0.1	\$219.66	\$21.97
13-May-2020	Review and analyze the Court's opinion as well as briefs filed by both sides to understand the Court's reasoning.	0.3	\$219.66	\$65.90
13-May-2020	Prepare email correspondence to Appellant with the Court's opinion and my analysis.	0.2	\$219.66	\$43.93
16-May-2020	Analyze and review Appellant's response to my email correspondence.	0.1	\$219.66	\$21.97
16-May-2020	Analyze and review previous Board decision and criteria for motions for reconsideration.	0.4	\$219.66	\$87.86
19-May-2020	Telephone conference with Appellant about appeals and motion for reconsideration.	0.4	\$219.66	\$87.86
20-May-2020	Review and analyze the 2016 Board decision for findings of fact.	0.2	\$219.66	\$43.93
20-May-2020	Prepare email correspondence to Appellant with proposed course of action.	0.1	\$219.66	\$21.97

20-May-2020	Telephone conference with OGC counsel re proposed motion to expedite entry of judgment and mandate.	0.1	\$219.66	\$21.97
20-May-2020	Prepare email correspondence to OGC counsel re proposed motion to expedite entry of judgment and mandate.	0.1	\$219.66	\$21.97
4-Jun-2020	Finish and e-file motion to expedite entry of mandate.	0.3	\$219.66	\$65.90
8-Jun-2020	Prepare correspondence to Appellant re mandate.	0.2	\$219.66	\$43.93
8-Jun-2020	Prepare and e-file EAJA petition.	0.7	\$219.66	\$153.76
	Total hours	59.6		\$12,976.93

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Tampa-St. Petersburg-Clearwater, FL Economy at a Glance:

Data Series	Back Data	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
Labor Force Data							
Civilian Labor Force ⁽¹⁾		⁽²⁾ 1,577.4	⁽²⁾ 1,570.9	⁽²⁾ 1,566.7	1,569.3	1,581.7	^(P) 1,567.8
Employment ⁽¹⁾		⁽²⁾ 1,531.6	⁽²⁾ 1,526.4	⁽²⁾ 1,525.1	1,519.9	1,534.0	^(P) 1,500.1
Unemployment ⁽¹⁾		⁽²⁾ 45.8	⁽²⁾ 44.5	⁽²⁾ 41.6	49.4	47.7	^(P) 67.6
Unemployment Rate ⁽³⁾		⁽²⁾ 2.9	⁽²⁾ 2.8	⁽²⁾ 2.7	3.1	3.0	^(P) 4.3
Nonfarm Wage and Salary Employment							
Total Nonfarm ⁽⁴⁾		1,399.2	1,409.0	1,412.4	1,401.5	1,412.8	^(P) 1,407.7
12-month % change		2.5	2.2	2.3	2.6	2.5	^(P) 2.0
Mining and Logging ⁽⁴⁾		0.3	0.3	0.3	0.3	0.3	^(P) 0.3
12-month % change		0.0	0.0	0.0	0.0	0.0	^(P) 0.0
Construction ⁽⁴⁾		83.3	83.3	83.1	82.5	82.3	^(P) 82.2
12-month % change		5.0	4.8	4.3	4.2	3.1	^(P) 2.5
Manufacturing ⁽⁴⁾		69.7	69.8	70.2	69.9	70.7	^(P) 71.3
12-month % change		3.0	2.5	2.8	2.9	3.4	^(P) 3.9
Trade, Transportation, and Utilities ⁽⁴⁾		252.8	258.2	260.4	255.0	254.3	^(P) 254.2
12-month % change		1.8	0.7	0.9	1.1	1.4	^(P) 1.6
Information ⁽⁴⁾		25.4	25.6	25.6	25.3	25.4	^(P) 25.3
12-month % change		-1.2	-1.2	-1.9	-1.2	-1.9	^(P) -1.6
Financial Activities ⁽⁴⁾		121.8	123.0	123.5	123.5	123.7	^(P) 123.3
12-month % change		2.7	3.2	2.9	3.4	3.0	^(P) 2.7
Professional and Business Services ⁽⁴⁾		252.8	253.0	252.8	252.5	250.9	^(P) 250.9
12-month % change		3.0	2.2	2.6	2.9	1.5	^(P) 1.8
Education and Health Services ⁽⁴⁾		223.2	224.0	225.1	224.2	227.9	^(P) 226.5
12-month % change		4.4	4.0	4.6	5.0	5.7	^(P) 5.0
Footnotes ⁽¹⁾ Number of persons, in thousands, not seasonally adjusted. ⁽²⁾ Data were subject to revision on April 17, 2020. ⁽³⁾ In percent, not seasonally adjusted. ⁽⁴⁾ Number of jobs, in thousands, not seasonally adjusted. See About the data . ⁽⁵⁾ All Urban Consumers, base: 1987=100, not seasonally adjusted. ⁽⁶⁾ Urban Wage Earners and Clerical Workers, base: 1987=100, not seasonally adjusted. ^(P) Preliminary							

Data Series	Back Data	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
Leisure and Hospitality ⁽⁴⁾		163.2	163.2	163.6	160.7	166.0	(P) 163.0
12-month % change		2.4	2.7	2.6	1.8	2.1	(P) -1.6
Other Services ⁽⁴⁾		47.1	47.4	47.0	48.1	48.6	(P) 48.3
12-month % change		0.0	0.9	0.0	2.8	2.7	(P) 1.9
Government ⁽⁴⁾		159.6	161.2	160.8	159.5	162.7	(P) 162.4
12-month % change		0.2	0.6	0.9	0.9	1.6	(P) 1.5
Consumer Price Index: Tampa-St. Petersburg-Clearwater, FL							
CPI-U, All items ⁽⁵⁾			229.740		231.258		231.619
CPI-U, All items, 12-month % change ⁽⁵⁾			2.0		3.8		2.1
CPI-W, All items ⁽⁶⁾			226.518		228.106		228.416
CPI-W, All items, 12-month % change ⁽⁶⁾			1.3		3.1		1.3
Footnotes (1) Number of persons, in thousands, not seasonally adjusted. (2) Data were subject to revision on April 17, 2020. (3) In percent, not seasonally adjusted. (4) Number of jobs, in thousands, not seasonally adjusted. See About the data . (5) All Urban Consumers, base: 1987=100, not seasonally adjusted. (6) Urban Wage Earners and Clerical Workers, base: 1987=100, not seasonally adjusted. (P) Preliminary							

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Consumer Price Index Overview Table – Southeast

Consumer Price Index for All Urban Consumers, all items, in the U.S., South, and selected metropolitan areas, not seasonally adjusted
(1982-84=100 unless otherwise noted)

Area (Links provide news releases)	Back data	Annual average 2018	May 2019	Jun 2019	Percent change		
					Annual average 2017 to 2018	12 months ended	
						May 2019	Jun 2019
U.S. City Average		251.107	256.092	256.143	2.4	1.8	1.6
South region⁽¹⁾		242.737	246.667	246.515	2.2	1.4	1.1
South City Size Class (population)							
A (over 2.5 million)		246.970	251.949	251.247	2.5	1.9	1.2
B/C (2.5 million or less)⁽²⁾		153.447	155.595	155.687	2.1	1.1	1.1
South divisions							
South Atlantic⁽³⁾⁽⁴⁾		101.954	104.045	103.886		1.9	1.6
East South Central⁽³⁾⁽⁵⁾		101.666	102.455	102.478		0.3	0.3
West South Central⁽³⁾⁽⁶⁾		101.485	102.732	102.800		1.0	0.7
Metropolitan areas							
Atlanta-Sandy Springs-Roswell, GA⁽⁷⁾		238.577		243.087	2.4		1.1
Miami-Fort Lauderdale-West Palm Beach, FL⁽⁷⁾		265.065		269.119	3.3		1.2
Tampa-St. Petersburg-Clearwater, FL⁽⁷⁾⁽⁸⁾		224.263	229.018			2.2	

Footnotes

⁽¹⁾ The South includes Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

⁽²⁾ December 1996=100.

⁽³⁾ December 2017=100.

⁽⁴⁾ The South Atlantic division includes Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

⁽⁵⁾ The East South Central division includes Alabama, Kentucky, Mississippi, and Tennessee.

⁽⁶⁾ The West South Central division includes Arkansas, Louisiana, Oklahoma, and Texas.

⁽⁷⁾ Published in alternate months.

⁽⁸⁾ 1987=100

Source: [Consumer Price Index](#)

The Consumer Price Index (CPI) measures changes in prices of all goods and services purchased for consumption by urban households.

Schedule of [Upcoming Releases for the Consumer Price Index](#)

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