

**Department of Veterans Affairs
Office of General Counsel
Washington, DC 20420**

July 15, 2020

In reply refer to: 027B

Mr. Gregory O. Block
Clerk of the Court
United States Court of Appeals
for Veterans Claims
625 Indiana Avenue, NW,
Suite 900
Washington, DC 20004

Re: *Bailey v. Wilkie*, U.S. Vet.App. No. 19-2661

Mr. Block:

Pursuant to U.S. Vet. App. Rule 30(b), the Secretary of Veterans Affairs, the appellee in the subject case, hereby provides this Court with notice of newly issued authority that is pertinent and significant with respect to the issues currently before the Court in the subject case.

On July 15, 2020, the United States Court of Appeals for the Federal Circuit (Federal Circuit) issued a decision in the matter of *Sellers v. Wilkie*, Docket No. 2019-1769. In its decision, the Federal Circuit underscored that, in order to raise a claim for compensation for a particular disability, the document expressing an intention to seek compensation must reasonably identify that disability as the subject of the claim. Insofar as the Secretary has argued that Appellant has not identified anything in the record reasonably raising claims concerning diarrhea or lymphedema that were before the Board (Secretary's Brief at 7, 12), the Federal Circuit's discussion in *Sellers* is pertinent and significant to the Court's consideration of the instant appeal.

Sincerely,

/s/ Mark D. Gore

Mark D. Gore
Attorney for the Appellee,
Secretary of Veterans Affairs