

IN THE UNITED STATES COURT
OF APPEALS FOR VETERANS CLAIMS

MOTION GRANTED

For the Panel



Michael P. Allen
Judge

August 3, 2020

PATRICIA L. ROMERO,
Appellant,

vs.

ROBERT L. WILKIE,
Secretary of Veterans Affairs,
Appellee.

Vet. App. No. 19-3687

APPELLANT'S OPPOSED MOTION FOR ORAL ARGUMENT

Pursuant to U.S. Vet. App. Rule 34(b), Appellant moves the Court for an order to hear oral argument in this case. The Court's rule governing this motion notes that oral argument will not normally be granted for a single-judge decision. This does not dissuade Ms. Romero from asking for argument here because this case presents issues that are not appropriate for single-judge decision. *See Frankel v. Derwinski*, 1 Vet.App. 23, 25 (1990) (finding that, if a case is of relative simplicity, a decision by a single judge is appropriate).

The issues presented in this case are not of relative simplicity. *See Frankel*, 1 Vet.App. at 25 (1990). The case involves questions pertaining to VA's long-enjoyed presumption of regularity and the Department's widespread mailing problems. The parties dispute issues of law that implicate critical policies and procedures of profound importance to claimants seeking VA benefits. For example, the parties do not agree on how to interpret and apply *Routen v. West*, 142 F.3d 1434 (Fed. Cir. 1998) and

Ashley v. Derwinski, 2 Vet.App. 307 (1992); nor do they agree on questions surrounding the attachment and rebuttal of VA's presumption of regularity. *See, e.g.*, Apa. Reply at 9-13. Because of the myriad disagreements and the implications for the entire VA benefits system, the Court should hear from the parties and would benefit from counsel expounding upon their pleadings.

Counsel for the Secretary is opposed to this motion and reserves the right to respond in writing.

Respectfully submitted,

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