

**ROLAND F. SPEAR,** )  
Appellant, )  
 )  
v. ) Vet.App. No. 18-6700  
 )  
**ROBERT L. WILKIE,** )  
Secretary of Veterans Affairs, )  
Appellee. )

Pursuant to U.S. Vet. App. Rule 39(a)(1), Appellee responds to Appellant's application for an award of attorney fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

Appellee, for the sole purpose of avoiding further litigation and the costs related thereto, does not contest the reasonableness of Appellant's attorney fees or expenses, in the instant case, under the current case law (see 28 U.S.C. § 2412(d)(1)(C)) and is prepared to make payment to Appellant and his representative of record. Appellee's concession here, however, in no way denotes Appellee's position as to any issue or matter presented herein which may

potentially affect the litigation or settlement of future applications for attorney fees and costs filed with this Court pursuant to 28 U.S.C. § 2412.

### **CONCLUSION**

**WHEREFORE**, Appellee respectfully responds to Appellant's application for the award of attorney fees and other expenses, and advises the Court that he does not contest an award in an amount deemed reasonable by the Court, up to **\$24,293.27**.

Respectfully submitted,

**WILLIAM A. HUDSON, JR.**  
Principal Deputy General Counsel

**MARY ANN FLYNN**  
Chief Counsel

/s/ James B. Cowden  
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