IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

PETER VAN DERMARK,) Vot App No. 10 2705
Appellant,) Vet. App. No. 19-2795
V.	
DENIS MCDONOUGH , Secretary of Veterans Affairs,	
Appellee.	}

APPELLANT COUNSEL'S MOTION TO WITHDRAW FROM REPRESENTATION

Pursuant to U.S. Vet. App. R. 46, Appellant's counsel moves the Court to allow him to withdraw from representing Appellant in this matter.

On April 26, 2019, Appellant's notice of appeal, declaration of financial hardship, fee agreement, and notice of appearance were filed. On September 5, 2019, a Rule 33 conference was held. On November 21, 2019, Appellant's brief was filed. On March 6, 2020, Appellee's brief was filed. On May 4, 2020, Appellant's reply brief was filed. On October 20, 2020, oral argument was held. On June 1, 2021, an Opinion was issued affirming the April 17, 2019 Board of Veterans' Appeals decision. On June 14, 2021, this Court received Appellant's motion for reconsideration, which was filed by Appellant and not by Appellant's counsel. On June 14, 2021, this Court returned Appellant's motion for reconsideration.

Appellant's counsel seeks withdrawal as there is an irreparable breakdown

in the attorney client relationship. Appellant's counsel does not believe he can continue to effectively represent Appellant as the Appellant has and continues to file pleadings with this Court without counsel's knowledge, Appellant sought appeal to this Court without counsel's knowledge, Appellant engaged with other attorneys and law firms regarding matters Appellant's counsel is representing Appellant without counsel's knowledge, Appellant filed documents with the Board of Veterans' Appeals without counsel's knowledge that impede cases pending at this Court, and Appellant continues to engage in other activities that undermine counsel's ability to effectively advocate for Appellant.

Appellant's current address is: 11042 Wood Owl Ave, Weeki Wachee, FL 34614; and telephone number is: (352) 488-8328.

Appellant does not consent to withdrawal. Appellant was contacted to provide his position on whether he consents to withdrawal or not. Appellant provided a response, and the relevant portion of that response is included below:

"SECOND I DO NOT CONSENT TO YOUR WITHDRAWAL AS I ALSO VALUE YOUR EXPERTISE AND PREVIOUSLY STATED YOU COULD WITHDRAW THE RECONSIDERATION. I DO WANT YOU TO WIN. PLEASE ALSO LOOK AT MY SUBMISSION."

All documents filed by the parties, all notices and orders accumulated by Appellant's counsel, and all files belonging to Appellant have been provided to Appellant.

WHEREFORE, Appellant's counsel respectfully moves the Court to allow

him to withdraw from representation in this matter.

DATED this 14th day of June, 2021.

Respectfully submitted,

/s/ Luke D. Miller Luke D. Miller, Esq. Attorney for Appellant Military Disability Lawyer, LLC. 1567 Edgewater St. NW, PMB 43 Salem, OR 97304 (800) 392-5682

CERTIFICATE OF SERVICE

I certify that on June 14, 2021, I caused a true copy of the APPELLANT COUNSEL'S MOTION TO WITHDRAW FROM REPRESENTATION to be served, via the Court's CM/ECF system, to the following:

James Drysdale
Appellate Attorney
United States Department of Veterans Affairs
Office of the General Counsel (027J)
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Washington, DC 20420
James.drysdale@va.gov

DATED this 14th day of June, 2021.

Military Disability Lawyer, LLC.

By /S/ Luke D. Miller
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