



Office of General Counsel
Washington DC 20420

In reply refer to: 027E

July 2, 2021

Mr. Gregory O. Block

Clerk of the Court
U.S. Court of Appeals for Veterans Claims
625 Indiana Avenue, NW, Suite 900
Washington, DC 20004

Re: *Davis v. McDonough*, U.S. Vet. App. No. 19-7214

Dear Mr. Block:

Pursuant to U.S. Vet. App. R. 30(b), the Secretary hereby advises the Court of *Sears v. Principi*, 16 Vet.App. 244 (2002), which is pertinent and significant authority for the matters on appeal. Specifically, *Sears* provides an analysis of the interplay between 38 U.S.C. § 5108 and 38 U.S.C. § 5110. See 16 Vet.App. at 247-48. Both parties rely extensively on § 5108 and § 5110 and, indeed, the relationship between § 5108 and § 5110 is a point of contention on appeal. See (Appellant's Brief at 5-16; Secretary's Brief at 9-18). Thus, this case is pertinent and significant authority.

Sincerely,

/s/ William Hornbeck
William Hornbeck
Counsel for the Secretary