



Department of Veterans Affairs  
Office of General Counsel  
Washington DC 20420

In reply refer to : **027L**

• Mr. Gregory O. Block  
Clerk of the Court  
U.S. Court of Appeals for Veterans Claims  
625 Indiana Avenue, NW  
Washington, DC 20004

Re: **Veterans Legal Advocacy Group (VetLAG) v. McDonough**  
Vet. App. No. 20-8291

October 21, 2021

Dear Mr. Block,

Under U.S. Vet. App. R. 30(b), the Secretary advises the Court of the United States Court of Appeals for the Federal Circuit's (Federal Circuit) opinion in *Military-Veterans Advocacy v. Sec'y of Veterans Affairs*, \_\_\_F.4th\_\_\_, 2019-1600, 2021 U.S. App. Lexis 22608 (Fed. Cir. July 30, 2021). The Federal Circuit issued this decision on July 30, 2021, after the parties had submitted their final responses to the Court in the above captioned appeal. Oral argument in the above captioned appeal is scheduled for October 29, 2021. In compliance with Rule 30(b), the Secretary submits this notice more than seven days before the argument.

In *Military-Veterans Advocacy*, the Federal Circuit addressed the threshold requirements for a party to establish entitlement to standing. Particularly, the Federal Circuit noted that for a party to establish an injury in fact it was not sufficient for a party to provide "generalized allegations of harm untethered to the application of the challenged regulations." *Military-Veterans Advocacy*, slip. op. at 13-14 (internal quotations omitted). The Secretary addressed this threshold requirement at pages 3-8 in his response to the Court's January 15, 2021, Order. Petitioner addressed these threshold requirements at page 6 in its response to the Court's December 8, 2020, Order.

Further, in addressing the burden to establish entitlement to third-party standing, the Federal Circuit cited to this Court's precedential opinion *In re Stanley*, 9 Vet.App. 203, 213 (1996), when discussing the burden that must be demonstrated to meet the second prong of third-party standing. *Military-Veterans Advocacy*, slip. op. at 31. The Secretary referred to *In re Stanley*, on

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pages 8-12 in his response to the Court's January 15, 2021, Order. Petitioner discussed the requirements of third-party standing on pages 4-6 in its response to the Court's December 8, 2020, Order.

Sincerely,

/s/ Melissa A. Timbers  
**MELISSA A. TIMBERS**  
Senior Appellate Attorney  
Counsel for the Secretary