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February 24, 2022

Mr. Gregory O. Block
Clerk of the Court
U.S. Court of Appeals for Veterans Claims
625 Indiana Ave., N. W. - Suite 900
Washington, D.C. 20004-2950

RE: **Cowan, William**
No. 20-6227
Citation to Supplemental Authority by the Appellant

Dear Clerk:

Pursuant to U.S. Vet.App. R. 30(b), this is to bring to the Court's attention supplemental authority that is relevant to the above-referenced case now pending before the Court. The supplemental authority is as follows:

In *DAV v. Principi*, 327 F.3d 1339, 1346-1347 (Fed Cir 2003) expressly held that:

The statutory reference to the "Secretary" cannot be interpreted to refer only to the AOJ. By statute, the Board is an agent of the Secretary, as are the AOJs. See 38 U.S.C. § 7101(a) (2000) ("There is in the Department a Board of Veterans' Appeals...."). Together, §§ 511(a) and 7104(a) dictate that the Board acts on behalf of the Secretary in making the ultimate decision on claims and provides "one review on appeal to the Secretary" of a question "subject to decision by the Secretary" under § 511(a). *Id.* § 7104(a).

DAV, 327 F.3d 1346-1347.

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During oral argument there was discussion of whether the statutory reference to the “Secretary” should be interpreted to refer only to the AOJ and not to the Board. Mr. Cowan submits that this question has been answered by the Federal Circuit and is therefore controlling.

Mr. Cowan submits the above supplemental authority in support of his appeal.

Thank you for your attention to this matter.

Sincerely,

/s/Kenneth M. Carpenter
Kenneth M. Carpenter
Counsel for Appellant,
William Cowan
Electronically filed February 24, 2022

KMC:al

cc: Alex L. Kutrolli, VAGC