

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

LOUIS FRANTZIS,)	
)	
Appellant,)	
)	
v.)	Vet. App. No. 20-5236
)	
DENIS MCDONOUGH,)	
Secretary of Veterans Affairs,)	
)	
Appellee.)	

NOTICE OF CORRECTION OF ANSWER MADE AT ORAL ARGUMENT

Appellee, Denis McDonough, Secretary of Veterans Affairs, hereby notifies the Court of a correction regarding a statement that the Secretary's counsel made during Oral Argument in this case on Thursday, April 14, 2022. The misstatement took place during an exchange between Presiding Judge Allen and the Secretary's counsel between 49:35 and 52:14.¹ In this exchange, Judge Allen asked the Secretary's counsel about the meaning of the first sentence of 38 U.S.C. § 7102. The Secretary's counsel misunderstood the question and did not agree with the reasonable interpretation of that sentence that Judge Allen

¹ The Secretary relies on the video recording uploaded on the Court's YouTube site.

posited, and he misspoke when he rejected that interpretation as inconsistent with the Secretary's position.²

In fact, the Government's position is that "[a] proceeding" in statutory section 7102 does not refer to a hearing, and this position is consistent with the interpretation noted by Judge Allen. While the Secretary's counsel provided other arguments in support of this position, he misspoke when he rejected the interpretation.

Appellee submits this correction for the Court's review and apologizes for any confusion or inconvenience that may have been caused at Oral Argument.

Respectfully submitted,

RICHARD A. SAUBER
General Counsel

MARY ANN FLYNN
Chief Counsel

/s/ Kenneth A. Walsh
KENNETH A. WALSH
Deputy Chief Counsel
Office of General Counsel (027J)
U.S. Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420
(202) 632-5987

Attorneys for Appellee Secretary
of Veterans Affairs

² To be clear, the Secretary does not state that the interpretation reflects the Court's actual position, but the Court posited it as a useful discussion point for the parties to consider.