

**RUSSELL E. COOLEY,** )  
Appellant, )  
 )  
v. ) Vet. App. No. 20-7254 EAJA  
 )  
**DENIS MCDONOUGH,** )  
Secretary of Veterans Affairs, )  
Appellee. )

Pursuant to U.S. Vet. App. Rule 39(a)(1), Appellee respectfully responds to Appellant's application for an award of attorney fees and expenses under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

Appellee, for the sole purpose of avoiding further litigation and the costs related thereto, does not contest the reasonableness of Appellant's attorney fees or expenses in the instant case under the current case law and is prepared to make payment to Appellant and the representative of record. Appellee's concession here, however, in no way denotes Appellee's position as to any issue or matter

presented herein which may potentially affect the litigation or settlement of future applications for attorney fees and expenses filed with this Court pursuant to 28 U.S.C. § 2412.

### **CONCLUSION**

**WHEREFORE**, Appellee respectfully responds to Appellant's application for the award of attorney fees and other expenses, and advises the Court that Appellee does not contest an award in an amount deemed reasonable by the Court, up to \$4,815.21.

Respectfully submitted,

**CATHERINE C. MITRANO**  
Acting General Counsel

**MARY ANN FLYNN**  
Chief Counsel

/s/ Catherine A. Chase  
**CATHERINE A. CHASE**  
Deputy Chief Counsel

/s/ Ebony K. Walters  
**EBONY K. WALTERS**  
Paralegal Specialist (027 Records)  
Office of General Counsel  
U.S. Department of Veteran Affairs  
810 Vermont Avenue, N.W.  
Washington, DC 20420  
(202) 632-4399

For the Secretary of Veterans Affairs