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November 16, 2023

Mr. Tiffany M. Wagner  
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: Jackson, Gary Dean**  
**Vet. App. No. 22-3042**  
**Citation to Supplemental Authority by the Appellant**

Dear Clerk:

Pursuant to U.S. Vet.App. R. 30(b), Mr. Jackson brings 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:

The website for Cleveland Clinic

[my.clevelandclinic.org/health/diseases/21501-type-2-diabetes](https://my.clevelandclinic.org/health/diseases/21501-type-2-diabetes)

This authority pertains to the question addressed at oral argument t regarding how VA must consider the use of medication when rating diabetes under 38 C.F.R. § 4.119, Diagnostic Code (DC) 7913. During the argument Judge Falvey inquired of counsel for Mr. Jackson about the fact that the medication received by Mr. Jackson is not insulin injections but an oral hypoglycemic agent and whether his not receiving insulin was a bar to a rating more than 20 percent under DC 7913.

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RE: Jackson, Gary Dean

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Citation to Supplemental Authority by the Appellant

After oral argument, Mr. Jackson visited the above website to better understand the disease of type two diabetes. This website is an authoritative medical source which informs that Type 2 diabetes happens when your body can't use insulin properly. It also informs that Type 2 diabetes (T2D) is a chronic condition that happens when you have persistently high blood sugar levels (hyperglycemia). T2D happens because your pancreas doesn't make enough insulin (a hormone), your body doesn't use insulin properly, or both.

Mr. Jackson submits this supplemental medical authority in support of his interpretation of 38 C.F.R. § 4.119, Diagnostic Code (DC) 7913, specifically, that since medication is required to treat Diabetes, whether orally or by injection the effect upon the resulting disability is the same. Mr. Jackson believes that this both pertinent and significant authority.

Respectfully submitted by:

/s/ Kenneth M. Carpenter

Kenneth M. Carpenter (00B)

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