

THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

BRUCE MOSEBY BRACK,
Appellant,

PRISCILLA BRACK,
Movant,

v.

DENIS MCDONOUGH,
Secretary of Veterans Affairs,
Appellee.

VET. APP. NO. 22-3957

MOTION TO SUBSTITUTE

Priscilla Brack, surviving spouse of Bruce Brack, respectfully moves this court for leave to be substituted as Appellant in this appeal. In support of her motion Priscilla Brack states as follows:

1. Bruce Brack has a pending appeal before this Court and died on December 27, 2023. Attached is a copy of the death certificate.
2. Priscilla Brack, as the surviving spouse of Bruce Brack, is an appropriate person to be substituted as appellant under U.S. Vet.App Rule 43(b) as the deceased appellant's spouse and as such is a living person who would be eligible to receive accrued benefits under 38 U.S.C. § 5121(a)(2)(A).
3. Priscilla Brack is in the process of filing a timely and appropriate request to substitute with the VA through her Agency-level counsel at Gumps V.A. Comp. Services, LLC. Counsel is informed, by Gumps V.A., that the AOJ

issued a rating decision just prior to his death, on December 19, 2023; thus establishing a pending claim at the agency for substitution purposes there.

The undersigned has contacted Secretary's counsel and he takes no position to this motion and reserves the right to respond in writing.

WHEREFORE, Priscilla Brack respectfully requests the Court to be substituted as the Appellant in this proceeding since if successful she will be able to be substituted in the remand proceedings in accordance with 38 U.S.C. § 5121A(a).

Respectfully submitted,

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