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January 18, 2019

Gregory O. Block, Clerk  
U.S. Court of Appeals for Veterans Claims  
625 Indiana Avenue, NW, Suite 900  
Washington, DC 20004

Re: Jessie B. Lewis v. Robert L. Wilkie, Docket No: 18-2075  
(Corrected Statement of Supplemental Authorities)

Dear Mr. Block:

Pursuant to U.S. Vet. App. R. 30(b), Petitioner, Jessie Lewis, hereby advises the Court of additional pertinent and significant authority that has come to the attention of the undersigned counsel since the Petitioner filed his August 16, 2018 response to the Court's Order in the above referenced case. This is submitted in advance of the oral argument scheduled for January 22, 2019, at 10:00 AM.

Petitioner informs the Court of Acree v. O'Rourke, 891 F.3d 1009, 1012-13 (Fed. Cir. 2018), holding that even a voluntary withdrawal of a claim must be shown to be: (1) "explicit"; (2) "unambiguous"; and (3) "done with a full understanding of the consequences of such action on the part of the [veteran]." (citing DeLisio v. Shinseki, 25 Vet.App. 45, 57 (2011)). The case is relevant to the Secretary's argument that there was a waiver of the sinusitis claim in this case.

The Petitioner would also draw the Court's attention to the fact that Carter v. Shinseki, 26 Vet.App. 534 (2014) was reversed by Carter v. McDonald, 794 F.3d 1342 (Fed. Cir. 2015).

Respectfully submitted,

/s/Francis M. Jackson  
Francis M. Jackson

FMJ/bmd  
cc: Joshua L. Wolinsky, Esq.