

**DECLARATION OF JULIE L. GLOVER, ATTORNEY**

STATE OF TEXAS                       §  
COUNTY OF DALLAS             §  
  §

Pursuant to 28 U.S.C. § 1746, I, Julie L. Glover, declare under penalty of perjury that the foregoing is true and correct:

My name is Julie L. Glover, Attorney. I am more than eighteen years of age, of sound mind, and fully competent to make this affidavit. I am the attorney for Appellant in *Patrick Rodriguez v. Robert L. Wilkie*, 19-287, and in that capacity I have personal knowledge of the following itemization, and it is true and accurate.

Date	Description	Total Time
12/20/2018	Conducted initial review of December 17, 2018 BVA decision denying service connection for Appellant's right shoulder condition, disability evaluation in excess of 30 percent for Appellant's headaches, and disability evaluation in excess of 30 percent for Appellant's PTSD to assess whether an appeal should be filed. Made notes for appeal.	0.80
12/21/2018	Drafted notes on possible appeal. Researched previous CAVC decisions on the issue of when claimant had raised a theory of service connection on a secondary basis that was not acknowledged by the Board; also researched caselaw pertinent to improper denial of increased disability evaluations for psychiatric conditions and migraines. Outlined and analyzed CAVC cases where it was found that those elements had/had not been established based on the content of the hearing transcript and the evidence of record to discern likelihood of success of appeal.	1.0
1/3/2019	Conferred with Appellant regarding viability of appealing the BVA decision. Discussed issues identified in the BVA decision and potential timeline of appeal. Discussed attorney-client agreement terms/limitations/fee structure/expenses, and scope of representation at CAVC. Appellant requested to proceed with an appeal.	0.40

1/4/2019	Drafted and emailed Notice of Appeal, Notice of Appearance, 21-22a, and copy of fee agreement with CAVC. Paid the Court's \$50.00 filing fee.	0.50
1/18/2019	Communicated with Appellant to provide update on CAVC appeal and discussed expected timelines.	0.10
2/13/2019	Received and reviewed notice of BVA Decision filed with the Court.	0.0
3/05/2019	Downloaded VA OGC appearance (Margaret Sorrenti), updated Appellant's case file with OGC contact information	0.10
3/19/2019	RBA disk received. Downloaded to Appellant's file and performed cursory review for completeness.	0.40
4/04/2019	Reviewed briefing notice, calendared dates.	0.10
4/22/2019	Reviewed, filed, and calendared court order on Rule 33 briefing conference.	0.10
4/26/2019	Reviewed RBA pages 1-538, drafted notes on content for use in procedural history and statement of the facts. Prepared record citations with annotations of content. Also drafted notes for Rule 33 memo and Appellant brief.	2.00
4/29/2019	Reviewed RBA pages 539-1026, drafted notes on content for use in procedural history and statement of the facts. Prepared record citations with annotations of content. Also drafted notes for Rule 33 memo and Appellant brief.	2.00

4/30/2019	Reviewed RBA pages 1027-1500, drafted notes on content for use in procedural history and statement of the facts. Prepared record citations with annotations of content. Also drafted notes for Rule 33 memo and Appellant brief.	2.00
4/30/2019	Began drafting Rule 33 memo for briefing conference. Applied law to facts of the case relying on notes from prior research, conducted additional research based on new information obtained from granular review of the entire record. Drafted argument on the Board's failure to address Appellant's theory of service connection for his right shoulder disability as secondary to his neck condition.	2.00
5/1/2019	Continued drafting Rule 33 memo. Drafted argument regarding Board's failure to apply <i>Pierce v. Principi</i> in evaluation whether Appellant's headaches were productive of severe economic inadaptability; drafted argument regarding Board's qualification of Appellant's "thoughts of death" as non-serious suicidal ideation being impermissible under <i>Bankhead v. Shulkin</i> .	1.40
5/2/2019	Finished drafting Rule 33 memo. Conducted final proofreading, shepardized and cite-checked authority used. Attached RBA cites.	0.20
5/3/2019	Emailed Rule 33 memo to OGC and Court staff.	0.00
5/3/2019	Drafted and filed Certificate of Service for Summary of the Issues.	0.10
5/20/2019	Prepared for Rule 33 conference. Reviewed notes and summary of issues.	0.50
5/20/2019	Rule 33 CLS conference held. Unable to agree to remand on issues. Determined that post-conference correspondence was necessary to clarify applicable regulations regarding Appellant's opting into RAMP.	0.50

5/20/2019	Conferred with law partner regarding issues raised in Rule 33 conference. Drafted and sent email to Ms. Sorrenti regarding said issues.	1.0
5/21/2019	Researched Federal Register comment. Drafted and sent email to Ms. Sorrenti as addendum to prior correspondence noting the Federal Register entry regarding AMA issue.	0.50
6/6/2019	Reviewed correspondence from Ms. Sorrenti regarding proposed reasons and bases remand; compared proposal to Summary of the Issues and assented to proposed terms.	1.0
6/11/2019	Reviewed update from Ms. Sorrenti that Appellant's optimal recourse on claim for entitlement to service connection for his right shoulder disability was submission of a Supplemental Claim rather than remand back to the Board; affirmed that Appellant wished to proceed with the proposed reasons and bases remand terms offered on June 6.	0.50
6/12/2019	Reviewed reply from Ms. Sorrenti that OGC was no longer able to offer a remand on the issue of Appellant's entitlement to service connection for his right shoulder condition. Reviewed issue.	0.80
6/13/2019	Conferred with client regarding the proposed reasons and bases remand and Ms. Sorrenti's update; explained ramifications of agreement and non-agreement to OGC's terms.	0.50
6/18/2019	Drafted and sent correspondence to Ms. Sorrenti notifying OGC that Appellant was unable to agree to a remand.	0.20
6/18/2019	Drafted and filed Motion for a 45-Day Extension of Time to File Appellant's Brief.	0.30
6/24/2019	Corrected errors identified by the Court on the previously-filed Motion; filed revised Motion for a 45-Day Extension of Time to File Appellant's Brief.	0.00

7/26/2019	Began drafting Appellant's Brief. Drafted Statement of the Case, Statement of the Facts, and Standard of Review.	4.50
7/29/2019	Continued drafting Appellant's Brief. Drafted argument related to the Board's failure to consider Appellant's theory of entitlement to service connection for his right shoulder condition as secondary to his neck disability; input research from precedential and non-precedential but factually similar CAVC decisions with attendant analyses.	2.80
7/30/2019	Continued drafting Appellant's brief. Drafted argument regarding the Board's failure to apply <i>Pierce v. Principi</i> to evaluate Appellant's headaches in terms of whether they are capable of producing severe economic inadaptability; drafted <i>Bankhead v. Shulkin</i> argument for Board's deficient analysis of Rodriguez's documented suicidal ideation. Input research from precedential and non-precedential but factually similar CAVC decisions with attendant analyses.	4.80
8/1/2019	Finished drafting Appellant's brief. Drafted summary of the argument, statement of issues, table of contents, table of authorities, and RBA cites. Final proofreading and cite check.	3.20
8/2/2019	Filed Appellant's Brief via ECF.	0.0
11/15/2019	Received and reviewed Appellee's brief.	1.50
11/19/2019	Began drafting Appellant's Reply Brief. Drafted arguments in response to Secretary's assertion that the Board's failure to order a VA Examination to evaluate Appellant's right shoulder condition was harmless error.	2.50
11/21/2019	Continued drafting Appellant's Reply Brief. Drafted argument in response to Secretary's assertion that the Board's misapplication of <i>Pierce v. Principi</i> was tenable and Appellant was merely disagreeing with weighing of the evidence; drafted argument countering the Secretary's contention that Appellant's <i>Bankhead</i> argument amounted to mere disagreeing with weighing of the evidence.	3.30

11/25/2019	Finished drafting Appellant's Reply Brief. Final proofreading and authority check.	1.50
11/26/2019	Filed Appellant's Reply Brief via ECF.	0.00
4/30/2020	Downloaded and reviewed Court's Memorandum Decision vacating and remanding the Board's decision.	0.40
4/30/2020	Conferred with Appellant; informed him of Court's decision and outlined next steps in appellate process.	0.30
7/29/2020	Downloaded and reviewed Court's judgment and mandate, calendared date for EAJA petition.	0.10
8/20/2020	Drafted EAJA Petition, verified fees and eliminated time that was spent on issues not appealed or dismissed, duplicative, or not a benefit to Appellant. Verified costs, reviewed and finalized petition and affidavit.	1.50
<b>Total Time</b>		
<b>Date</b>	<b>Description</b>	<b>Total Expense</b>
11/18/2019	Appellant's payment of Filing Fee	\$50.00
<b>Total Expenses</b>		<b>\$50.00</b>

## TOTALS

45.40 hours at \$200.50 \$9,102.70

Expenses \$50.00

Total \$9,152.70

Executed on: 8/25/2020

Signed: /s/Julie L. Glover

Attorney for Appellant

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