

TIMOTHY DAVIS,)
Appellant)
)
v.) Vet. App. No. 19-7214
)
DENIS MCDONOUGH,)
Secretary of Veterans Affairs,)
Appellee.)

On December 17, 2021, Appellant's counsel notified the Court that Appellant died on November 20, 2021. On January 13, 2022, the Court ordered Appellant's counsel to provide a copy of Appellant's death certificate and to show cause why the Court should not dismiss the Equal Access to Justice Act (EAJA) application in this matter, as Appellant died after mandate was issued but before the EAJA application was filed. Appellant's counsel responded on February 14, 2022, informing the Court that he was not in possession of Appellant's death certificate at that time. On January 5, 2023, the Court ordered the Secretary to provide the Court with Appellant's death certificate, or to inform the Court that the Secretary is not in possession of the death certificate.

In response, the Secretary provides the Court with the attached death certificate. The document confirms that Appellant died on November 20, 2021.

WHEREFORE, the Secretary respectfully responds to the Court's January 5, 2023, Order with the death certificate confirming Appellant's death on November 20, 2021.

Respectfully submitted,

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Deputy General Counsel
for Veterans Programs

MARY ANN FLYNN
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