

**UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

Virginia T. Mayfield,)	
Appellant,)	
)	
v.)	No. 21-8176
)	
Denis McDonough,)	
Secretary of Veterans Affairs,)	
Appellee.)	
_____)	

CITATION OF SUPPLEMENTAL AUTHORITY

Pursuant to U.S. Vet. App. R. 30(b), undersigned hereby notifies the Court of new relevant authority. The Court appropriately considers *Taylor v. McDonough*, No. 2019-2211 (Fed. Cir. June 15, 2023) (attached) because it establishes “and the *government accepts*” that “there is a *constitutional right of access* to adjudicatory forums and that it *applies to access to the VA benefits adjudicatory system.*” *Id.* at *35 (emphasis supplied). Mrs. Covington submits that the Secretary’s process for resolving her substitution request (i.e., her right to access the VA benefits adjudicatory system), to the extent that it is not arbitrary, capricious, or otherwise not in accordance with law, is inadequate for determinations of constitutional dimensions. Further, to the extent that the Court’s Rule 43 relies on the Secretary’s inadequate process, it too is a legally inadequate gatekeeper rule.

As the *Taylor* Court's legal analysis and conclusions are clearly relevant to the issues before this Court, this precedential and controlling decision is properly considered in adjudicating this matter.

Respectfully submitted,

/s/ Douglas J. Rosinski
Douglas J. Rosinski, Esq.
701 Gervais Street
Suite 150-405
Columbia, SC 29201-3066
803.256.9555 (tel)
888.492.3636 (fax)
djr@djrosinski.com

Counsel to Jacquelyn Covington