

UNITED STATES COURT OF VETERANS APPEALS

No. 97-131

EDWARD W. SCHROEDER,

APPELLANT,

v.

TOGO D. WEST, JR.,

SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before NEBEKER, *Chief Judge*, and KRAMER, FARLEY,
HOLDAWAY, IVERS, STEINBERG, and GREENE, *Judges*.

ORDER

In his brief, the appellant has, inter alia, moved for an initial decision by the full Court on the issue of whether a duty to assist attaches pursuant to 38 U.S.C. § 5107(a) prior to the submission of a well-grounded claim. However, the Court notes that the decision of the U.S. Court of Appeals for the Federal Circuit in *Epps v. Gober*, 126 F.3d 1464, 1468 (Fed. Cir. 1997), *cert. denied sub nom. Epps v. West*, 118 S. Ct. 2348 (1998) (mem.), expressly rejected the appellant's contention in this case, and that that case is binding on this Court.

On consideration of the foregoing and the record on appeal, it is

ORDERED that the motion is denied.

DATED: February 8, 1999

PER CURIAM.