

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 98-354

RICHARD D. SIMMONS,

APPELLANT,

v.

HERSHEL W. GOBER,
ACTING SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before HOLDAWAY, STEINBERG, and GREENE, *Judges*.

ORDER

The appellant appeals, through counsel, a January 1998, decision of the Board of Veterans' Appeals (Board) that determined that an April 1977 decision by a Department of Veterans Affairs (VA) regional office, which had denied VA service connection for arthritis and a nervous disorder, did not contain clear and unmistakable error. On August 30, 2000, the Court issued an opinion affirming the Board decision. *Simmons v. Gober*, 14 Vet.App. 84 (2000).

Subsequently, Congress enacted several laws regarding veterans benefits claims. *See Holliday v. Gober*, __ Vet.App. __, No. 99-1788, 2000 WL 1770048 (Dec. 1, 2000) (per curiam order) (discussing recent Congressional enactments) [hereinafter *Holliday* briefing order] (a copy of which is attached to this order). In view of the changes in law described in the *Holliday* briefing order, the Court requires supplemental briefing from the parties on the following questions: Do any of the new laws discussed in the *Holliday* briefing order apply to this claim; if so, which provision(s) and how does any applicable provision affect this case? In addition, in such supplemental briefing, each party may, but need not, address the questions enumerated in the *Holliday* briefing order.

Upon consideration of the foregoing, it is

ORDERED that, not later than 30 days after the date of this order, the Secretary file and serve on the appellant a memorandum in response to this order. It is further

ORDERED that, not later than 30 days after service of the Secretary's memorandum, the appellant file a response to this order and the Secretary's response thereto.

DATED: December 21, 2000

PER CURIAM.