

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 08-1667

VALERIE Y. SMITH, APPELLANT,

v.

ERIC K. SHINSEKI,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before HAGEL, LANCE, and DAVIS, *Judges*.

ORDER

On August 17, 2010, the Court issued an opinion affirming a May 2, 2008, Board of Veterans' Appeals decision in this matter. On November 9, 2010, mandate issued. At this time, the Court will withdraw mandate and issue an errata to its August 17, 2010, decision, as follows:

In the first paragraph on page 10, at the end of the sentence that concludes, "direct evidence *both* that a worsening of the condition occurred *during* the period of active duty for training *and* that the worsening was *caused by* the period of active duty for training," insert new footnote 6, which shall read, "Because we are concerned primarily with the issue of whether the presumption of aggravation applies in the case of a veteran serving on active duty for training, in this opinion, we use the word 'cause' in its colloquial and most general sense."

It is so ORDERED.

DATED: November 16, 2010

PER CURIAM.

Copies to:

Michael G. Smith, Esq.

VA General Counsel (027)