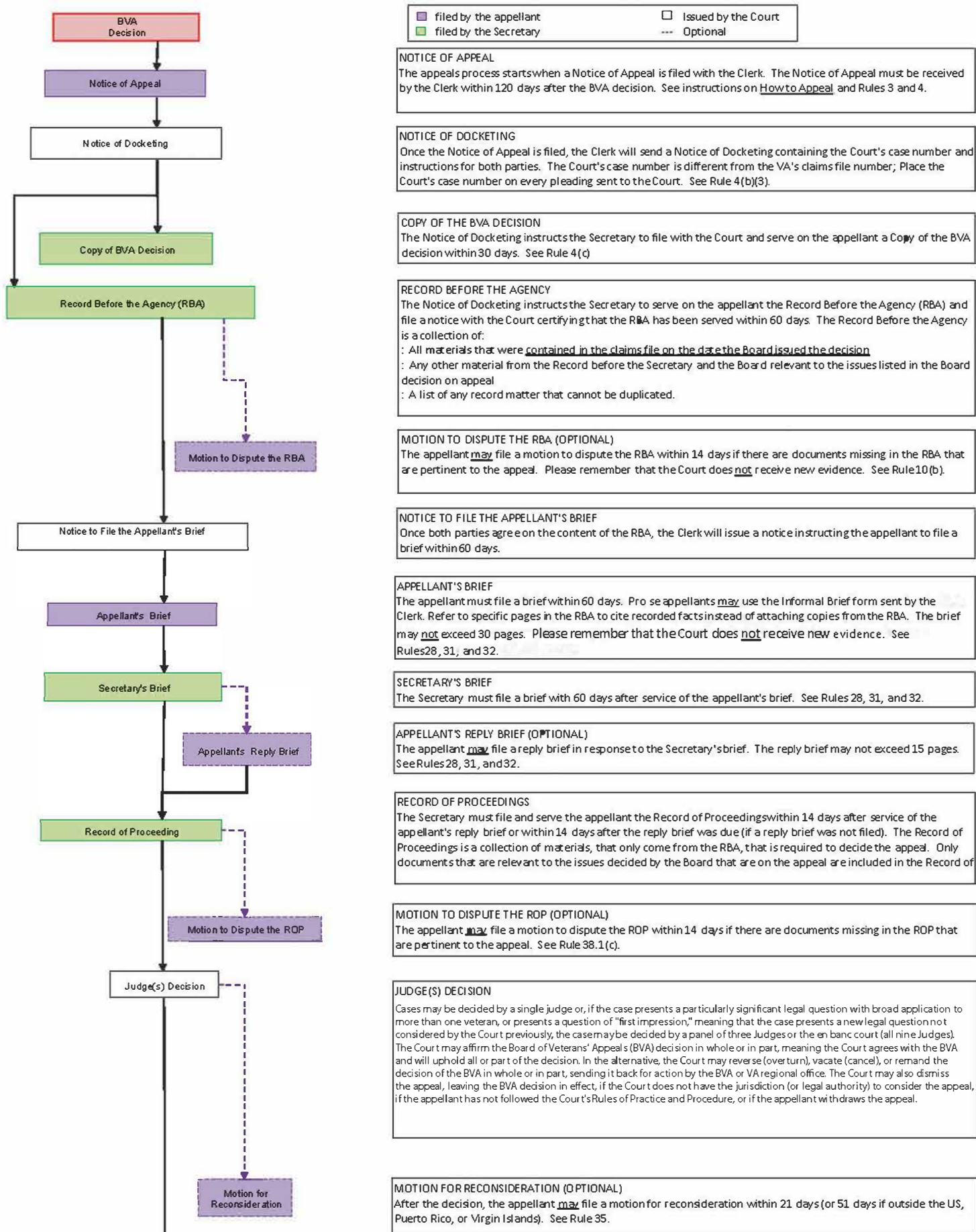


Court Process

The U.S. Court of Appeals for Veterans Claims provides judicial review of the final decisions by the Board of Veterans' Appeals (BVA or Board). The Court reviews the BVA decision, the written record, and the briefs of the parties.

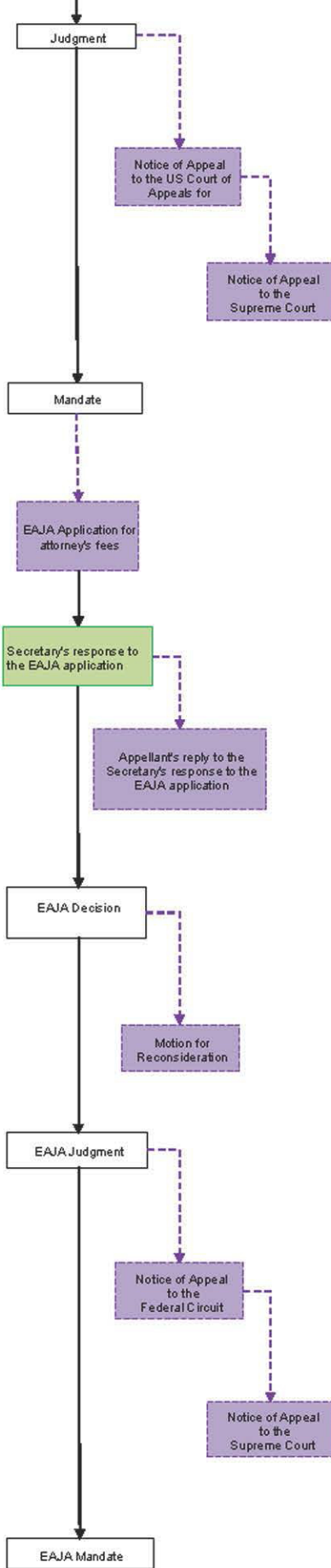
A person who files an appeal at the Court is called an "appellant." An appellant appealing a BVA decision is bringing legal action against the Secretary of Veterans Affairs, who is also referred to as the "Secretary" or "appellee."



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JUDGMENT
The judgment is entered on the docket 21 days after the decision (if no motion for reconsideration is filed) or when the time allowed for reconsideration in Rule 35 has expired. The judgment starts the 60 day appeal time to the US Court of Appeals for the Federal Circuit. See Rule 36.

NOTICE OF APPEAL TO THE FEDERAL CIRCUIT (OPTIONAL)
If the appellant still disagrees with the Court's decision after reconsideration, he or she may file a Notice of Appeal to the US Court of Appeals for the Federal Circuit through the Court within 60 after the judgment has issued. The Court will forward the notice of appeal and filing fee to the Federal Circuit. The case at this Court will be stayed pending the decision of the Federal Circuit. See the Federal Circuit's Rules of Practice.

APPEAL TO THE SUPREME COURT (OPTIONAL)
The decision of the Federal Circuit may be further appealed to the US Supreme Court. See the Supreme Court's Rules of Practice. The case at this Court will resume after the decision of the Federal Circuit and will continue through the Court process even if the appellant has an appeal at the Supreme Court.

MANDATE
The mandate of the Court will be issued 60 days after the date of the entry of the Judgment or in accordance with 38 U.S.C. § 7291. It confirms the closing of the appeal. See Rule 41.

EQUAL ACCESS TO JUSTICE ACT (EAJA) APPLICATION (OPTIONAL)
If the appellant wins the case, the appellant's representative may file an EAJA application for attorney fees within 30 days after the mandate has issued. **The EAJA process does NOT affect the decision on the appeal. An EAJA award does NOT affect the money that the appellant receives from the VA.** See Rule 39 (a).

SECRETARY'S RESPONSE TO THE EAJA APPLICATION
The Secretary must file a response to the EAJA application within 30 days, stating if the VA is contesting the application. See Rule 39 (b).

APPELLANT'S RESPONSE TO THE SECRETARY (OPTIONAL)
If the Secretary is contesting the EAJA application, the appellant's representative may file a reply to further justify the EAJA claim. See Rule 39 (c).

EAJA DECISION
Uncontested EAJA claims are reviewed and approved by the Clerk of the Court. Contested EAJA claims are decided by a Judge or panel of Judges. The single Judge assigned to the case may decide to have the case heard by a panel of 3 Judges or en banc (all 7 Judges) if he or she believes that the case present a particularly significant legal question with broad application to more than one veteran, or present a question of "first impression."

MOTION FOR RECONSIDERATION (OPTIONAL)
After the decision, the appellant's representative may file a motion for reconsideration within 21 days. See Rule 35.

EAJA JUDGMENT
The judgment is entered on the docket 21 days after the decision (if no motion for reconsideration is filed) or when the time allowed for reconsideration in Rule 35 has expired. The judgment starts the 60 day appeal time to the US Court of Appeals for the Federal Circuit. See Rule 36.

NOTICE OF APPEAL TO THE FEDERAL CIRCUIT (OPTIONAL)
If the appellant's representative still disagrees with the Court's decision after reconsideration, he or she may file a Notice of Appeal to the US Court of Appeals for the Federal Circuit through the Court within 60 after the judgment has issued. The Court will forward the notice of appeal and filing fee to the Federal Circuit. The case at this Court will be stayed pending the decision of the Federal Circuit. See the Federal Circuit's Rules of Practice.

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MANDATE
The man date of the Court will be issued 60 days after the date of the entry of the Judgment or in accordance with 38 U.S.C. § 7291. It confirms the closing of the appeal. See Rule 41.