

UNITED STATES COURT OF VETERANS APPEALS

MISC. NO. 2-95

IN RE:

RULES 26(C) AND 35

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

O R D E R

Pursuant to 38 U.S.C. § 7264(a) and consistent with 28 U.S.C. § 2071(b) and (e), the Court has determined that there is an immediate need to amend this Court's Rules of Practice and Procedure to clarify the time for filing motions for reconsideration and review. It is

ORDERED that Rules 26 and 35 of the Court's Rules of Practice and Procedure are amended, effective immediately, to read as shown on the attachment to this order.

Public comment on these amendments is invited. Such comment must be submitted to the Clerk of this Court at 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004-2950, by June 30, 1995.

DATED: May 23, 1995

BY THE COURT:

  
FRANK Q. NEBEKER  
Chief Judge

**Amendments to Rules of Practice and Procedure  
of the United States Court of Veterans Appeals**

1. In Rule 26(c), the last sentence is amended to read as follows:

~~Except as provided in Rule 35(d),~~ Additional time is not added to the periods prescribed in orders and notices issued by the Court.

*[Reason: Corresponds to deletion of the Rule 26(c) reference in Rule 35(d).]*

2. In Rule 35(a), the third sentence is deleted.

*[Reason: Removes conflict with newer, more specific, and more liberal standard in Rule 35(d).]*

3. In Rule 35(b), the second sentence is deleted.

*[Reason: Removes duplication with newer material in Rule 35(c).]*

4. Rule 35(d) is amended to read as follows:

**(d) Time for Motion.** A motion, whether separate or in the alternative, for single-judge reconsideration or panel review of a single-judge decision must be made filed within 14 days, plus the additional time allowed in Rule 26(e) 21 days (51 days if the motion is filed by a person located in a jurisdiction other than a state, the District of Columbia, Puerto Rico, or the Virgin Islands) after the date of the single-judge decision. A motion, whether separate or in the alternative, for panel reconsideration or full Court review of a panel decision (including panel denial of review) must be made filed within 14 days, plus the additional time allowed in Rule 26(e) 21 days (51 days if the motion is filed by a person located in a jurisdiction other than a state, the District of Columbia, Puerto Rico, or the Virgin Islands) after the date of the initial panel decision. A motion for initial consideration of a case by the full Court must be made filed not later than the date on which the Secretary's brief is first due.

*[Reason: Clarifies the computation of time allowed for a motion for review by incorporating, rather than referring to, the language in Rule 26(c), by expanding the time period slightly, and by using the more specific term "file" rather than "make."]*