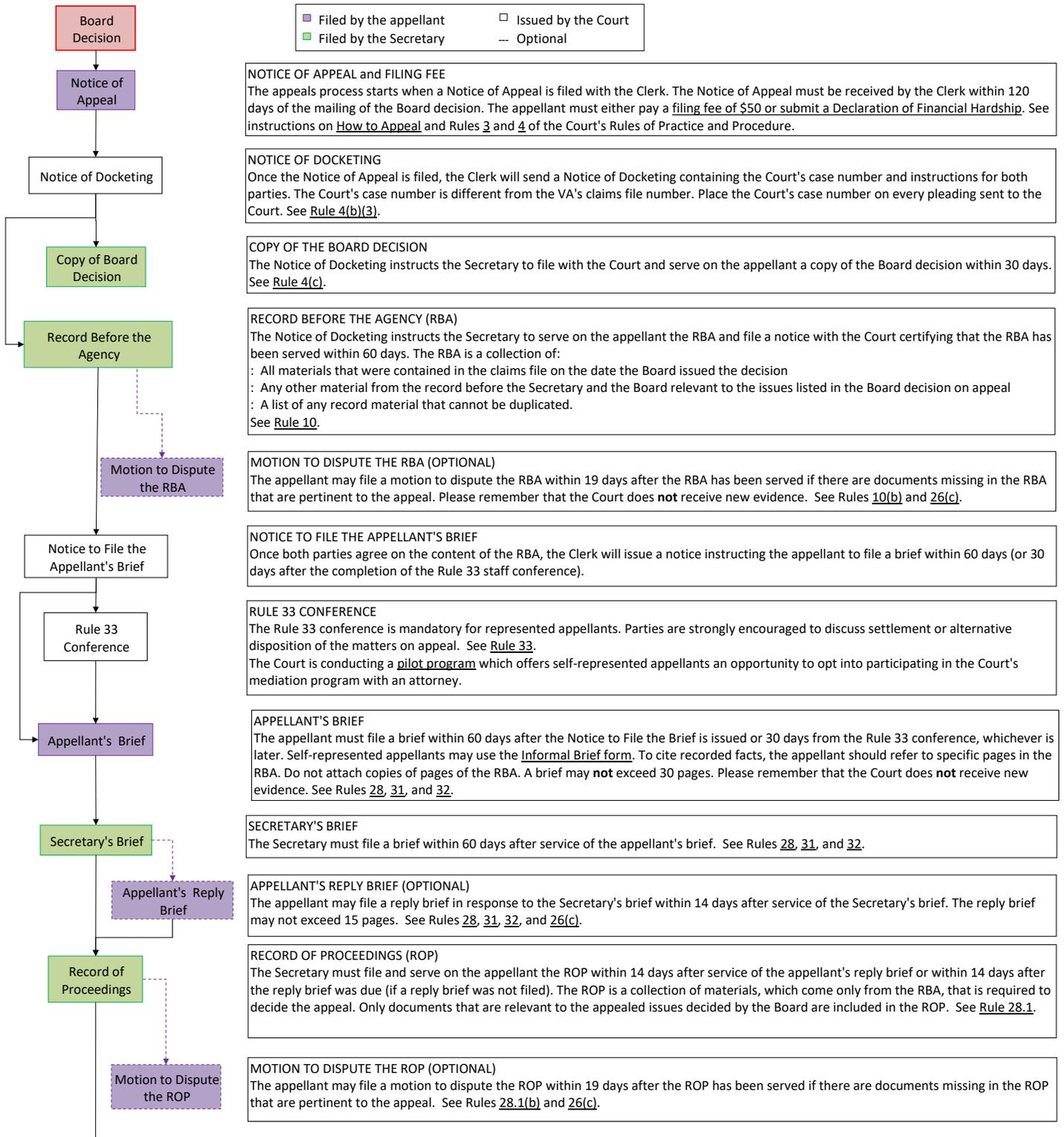
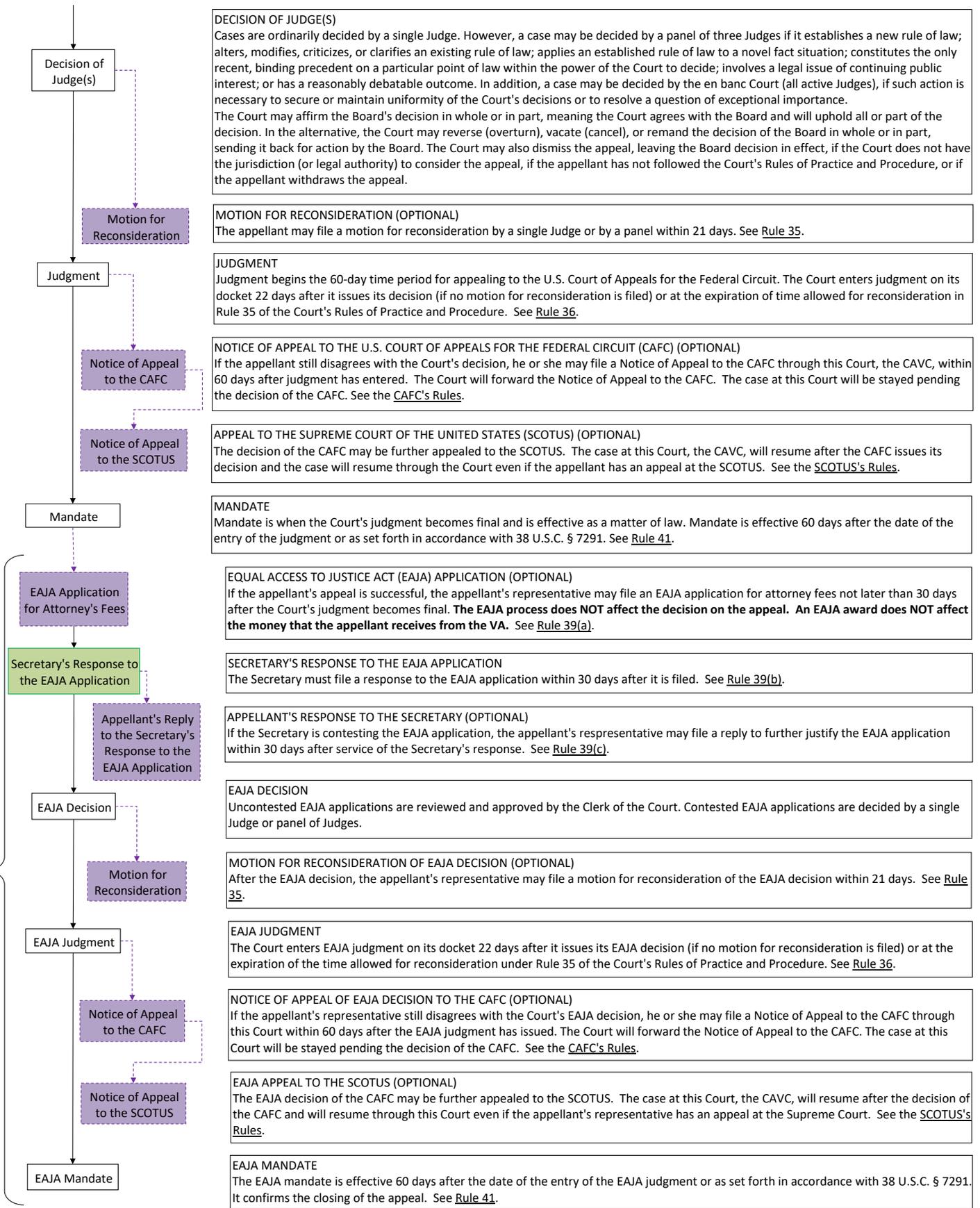


CAVC Court Process

The U.S. Court of Appeals for Veterans Claims (CAVC) provides judicial review of final decisions by the Board of Veterans' Appeals (Board). The Court reviews the Board 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 Board decision is bringing legal action against the Secretary of Veterans Affairs, who is also referred to as the "Secretary" or "appellee."





DECISION OF JUDGE(S)
 Cases are ordinarily decided by a single Judge. However, a case may be decided by a panel of three Judges if it establishes a new rule of law; alters, modifies, criticizes, or clarifies an existing rule of law; applies an established rule of law to a novel fact situation; constitutes the only recent, binding precedent on a particular point of law within the power of the Court to decide; involves a legal issue of continuing public interest; or has a reasonably debatable outcome. In addition, a case may be decided by the en banc Court (all active Judges), if such action is necessary to secure or maintain uniformity of the Court's decisions or to resolve a question of exceptional importance. The Court may affirm the Board's decision in whole or in part, meaning the Court agrees with the Board and will uphold all or part of the decision. In the alternative, the Court may reverse (overturn), vacate (cancel), or remand the decision of the Board in whole or in part, sending it back for action by the Board. The Court may also dismiss the appeal, leaving the Board decision in effect, if the Court does not have the jurisdiction (or legal authority) to consider the appeal, if the appellant has not followed the Court's Rules of Practice and Procedure, or if the appellant withdraws the appeal.

MOTION FOR RECONSIDERATION (OPTIONAL)
 The appellant may file a motion for reconsideration by a single Judge or by a panel within 21 days. See [Rule 35](#).

JUDGMENT
 Judgment begins the 60-day time period for appealing to the U.S. Court of Appeals for the Federal Circuit. The Court enters judgment on its docket 22 days after it issues its decision (if no motion for reconsideration is filed) or at the expiration of time allowed for reconsideration in Rule 35 of the Court's Rules of Practice and Procedure. See [Rule 36](#).

NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) (OPTIONAL)
 If the appellant still disagrees with the Court's decision, he or she may file a Notice of Appeal to the CAFC through this Court, the CAVC, within 60 days after judgment has entered. The Court will forward the Notice of Appeal to the CAFC. The case at this Court will be stayed pending the decision of the CAFC. See the [CAFC's Rules](#).

APPEAL TO THE SUPREME COURT OF THE UNITED STATES (SCOTUS) (OPTIONAL)
 The decision of the CAFC may be further appealed to the SCOTUS. The case at this Court, the CAVC, will resume after the CAFC issues its decision and the case will resume through the Court even if the appellant has an appeal at the SCOTUS. See the [SCOTUS's Rules](#).

MANDATE
 Mandate is when the Court's judgment becomes final and is effective as a matter of law. Mandate is effective 60 days after the date of the entry of the judgment or as set forth in accordance with 38 U.S.C. § 7291. See [Rule 41](#).

EQUAL ACCESS TO JUSTICE ACT (EAJA) APPLICATION (OPTIONAL)
 If the appellant's appeal is successful, the appellant's representative may file an EAJA application for attorney fees not later than 30 days after the Court's judgment becomes final. **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 after it is filed. 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 application within 30 days after service of the Secretary's response. See [Rule 39\(c\)](#).

EAJA DECISION
 Uncontested EAJA applications are reviewed and approved by the Clerk of the Court. Contested EAJA applications are decided by a single Judge or panel of Judges.

MOTION FOR RECONSIDERATION OF EAJA DECISION (OPTIONAL)
 After the EAJA decision, the appellant's representative may file a motion for reconsideration of the EAJA decision within 21 days. See [Rule 35](#).

EAJA JUDGMENT
 The Court enters EAJA judgment on its docket 22 days after it issues its EAJA decision (if no motion for reconsideration is filed) or at the expiration of the time allowed for reconsideration under Rule 35 of the Court's Rules of Practice and Procedure. See [Rule 36](#).

NOTICE OF APPEAL OF EAJA DECISION TO THE CAFC (OPTIONAL)
 If the appellant's representative still disagrees with the Court's EAJA decision, he or she may file a Notice of Appeal to the CAFC through this Court within 60 days after the EAJA judgment has issued. The Court will forward the Notice of Appeal to the CAFC. The case at this Court will be stayed pending the decision of the CAFC. See the [CAFC's Rules](#).

EAJA APPEAL TO THE SCOTUS (OPTIONAL)
 The EAJA decision of the CAFC may be further appealed to the SCOTUS. The case at this Court, the CAVC, will resume after the decision of the CAFC and will resume through this Court even if the appellant's representative has an appeal at the Supreme Court. See the [SCOTUS's Rules](#).

EAJA MANDATE
 The EAJA mandate is effective 60 days after the date of the entry of the EAJA judgment or as set forth in accordance with 38 U.S.C. § 7291. It confirms the closing of the appeal. See [Rule 41](#).