



LET'S TALK ABOUT

**Appeals At The U.S.
Court Of Appeals
For Veterans Claims**

**The Veterans
Consortium**

PRO BONO PROGRAM®



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Consortium**

PRO BONO PROGRAM
CAVC PRACTICE

The Veterans Consortium Pro Bono Program (TVC)

Since 1992, TVC has provided veterans and their family members with **FREE legal representation** at the U.S. Court of Appeals for Veterans Claims. If a claim has merit and the Veteran (or Claimant) qualifies financially, we will provide an attorney for their appeal, **free of charge**.

**TVC never asks for compensation or
any portion of benefits.**

Our Founding Partners



NVLSP
NATIONAL VETERANS LEGAL SERVICES PROGRAM



How The Veterans Consortium Pro Bono Program Can Help Veterans and Their Families.

If you know a veteran or qualified family member (claimant) of a veteran whose disability claim was denied by the **Board of Veterans' Appeals (BVA)**, we may be able to help them. At their request, we will review their case, determine its merits, and if there is clear legal or factual error in the decision, assign a TVC volunteer attorney, free of charge, to represent them at the **U.S. Court of Appeals for Veterans Claims (Court)**.

We are here to help.

There is no case that is too large or too small for us to take. We have highly trained volunteer attorneys who are committed to providing the best legal services free of charge to veterans and qualified family members. If we are unable to place a veteran's case after a review of the issues, TVC is still available as a resource to veterans and stands ready to answer questions and provide options for their case, **free of charge**.

When a **veteran or a claimant** fills out our Program forms, we will do a case evaluation even if other attorneys have declined services.

Our cases are not automatically placed with an attorney. It is important for your clients to know that **they must apply and then qualify for assistance.**



Has the Veteran or Claimant received a Decision from the BVA in the past 120 days? They have **120 days** from the mailing date of the final BVA decision to file an appeal. The Court cannot usually extend this time, *so they need to file their appeal as soon as possible!*

PLEASE NOTE THAT TVC DOES NOT PROVIDE LEGAL ASSISTANCE FOR THE FOLLOWING:

- Original claims at a local VA Regional Office
- Appeals pending before the BVA
- Military justice (criminal) matters or civilian criminal matters
- Physical disability evaluation cases
- Federal Tort Claims Act cases (e.g., medical malpractice)
- Foreclosures
- Landlord-tenant disputes
- USERRA cases (e.g., reemployment rights)
- Americans with Disabilities Act (ADA)
- Class Actions



Has the Veteran or Claimant received a Decision from the BVA in the past 120 days? They have **120 days** from the mailing date of the final BVA decision to file an appeal. The Court cannot usually extend this time, *so they need to file their appeal as soon as possible!*

Questions? Contact Us!

For VSOs: vsosupport@vetsprobono.org

For Veterans: mail@vetsprobono.org



Who Qualifies?

It is important to understand who qualifies for free representation through The Veterans Consortium Pro Bono Program.

The Veteran or Claimant may be eligible if:

They **received a final decision** from the BVA.

They **do not currently have a lawyer representing them** at the Court level.

They have **at least one viable issue** to be argued before the Court.

The Veteran or Claimant may not be eligible if:

They **don't have a final decision** from the BVA.

They **currently have a lawyer representing them** at the Court and have signed a retainer agreement.

Their case is still under review at the **Regional Office (RO)** or **BVA**. (*Note: this includes pending Motions for Reconsideration at the BVA which have not yet been decided*).



Has the Veteran or Claimant received a Decision from the BVA in the past 120 days? They have **120 days** from the mailing date of the final BVA decision to file an appeal. The Court cannot usually extend this time, *so they need to file their appeal as soon as possible!*

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How TVC Works

If your client is a veteran or a qualified family member (claimant) of a veteran and has had a case decided by the Board of Veterans Appeals, we may be able to assist them.

If the veteran or the claimant files an appeal to the U.S. Court of Appeals for Veterans Claims, they can request assistance from TVC. Please contact us at mail@vetsprobono.org for the forms we need filled out to see if they qualify for assistance. The forms are:

A. Engagement Agreement and Power of Attorney

This gives us legal permission to review the case and potentially represent them. We can't review the case until this form is received.

B. Filing Fee Status

This simple form enables us to determine their financial eligibility for free representation. We only review their current employment information (if applicable).

C. General Information

This form is not required and does not affect our decision to provide representation. We use this information to better serve veterans.

After the forms are received, the case is screened by our experienced attorneys, and they will decide if the case contains a viable claim(s). If so, we will assign a highly trained TVC volunteer attorney to represent the Veteran or Claimant, free of charge. This attorney will be with them throughout the appeals process at the Court.

For more information or help regarding these forms, please email mail@vetsprobono.org

Filing An Appeal

Please Note: If your client has not yet filed an appeal to the Court and **it has been less than 120 days** since they received a denial of benefits decision from the BVA, see Page 8 for step-by-step instructions for filing an appeal.

When should the appeal be filed?

Remember, you only have 120 days from the mailing date of the BVA decision to file an appeal. *(In very rare circumstances there are exceptions to this deadline.)*

If the BVA has recently denied a Veteran's claim for benefits, a Veteran or Claimant has the right to appeal the decision to the U.S. Court of Appeals for Veterans Claims (Court), a special federal appellate court for Veterans and their families. The Court is an independent body and is NOT part of the VA.

How Do You File An Appeal?

A VSO, Veteran or Claimant can begin the Appeals process by filling out the Court's Notice of Appeal (NOA) Form (Form 1). There's a \$50 filing fee, but it can be waived by sending in a Declaration of Financial Hardship Form (Form 4)

Why Does The Veteran Need Representation?

We strongly recommend that appellants take advantage of TVC's free legal services. They could be at a significant disadvantage without one.

While there's no requirement to have legal representation during an appeal, the likelihood of success increases tremendously if the Veteran or Claimant has a TVC attorney. Our trained attorneys will guide you through the process and make the best arguments for you. The Court has specific rules and procedures unfamiliar to many and you will be facing a VA attorney who is an expert in Veterans' benefits law.



Has the Veteran or Claimant received a Decision from the Board in the past 120 days? They have **120 days** from the mailing date of the final BVA decision to file an appeal. The Court cannot usually extend this time, *so they need to file their appeal as soon as possible!*

How To File An Appeal

Please Note: If the Veteran or Claimant has not yet filed an appeal and **it has been less than 120 days** since they received a denial of benefits decision from the BVA, see below for step-by-step instructions for filing an appeal.

- Complete the **Court's Form 1 (Notice of Appeal)** and send it to the Court. See the Court's website for additional information: **U.S. Court of Appeals for Veterans Claims (www.uscourts.cavc.gov)**
- Submit the **Court's Form 4 (Declaration of Financial Hardship)** to waive the filing fee; or in the alternative, they can pay the one-time \$50 filing fee.
- If they are unable to download the forms from the Court's website, contact us at **mail@vetsprobono.org**, and we can send them.
- If they are coming close to their **120 day deadline**, they can write their own Notice of Appeal to the Court. Simply write on a piece of paper (hand written or typed): *"I want to appeal my BVA decision dated _____."* Make sure they include their **name, current mailing address, phone number, email address (if they have one), and their VA Claim number.**
- They do not need a lawyer to file the appeal.
- Note: They can only appeal a final BVA decision that denied some or all of their requests for benefits.



Scan here for more information and resources on how to file an appeal.

If the Veteran or Claimant is struggling to access or understand the required forms, please call **(888) 838-7727 Option 3** or email **mail@vetsprobono.org** for guided assistance.



How To File An Appeal

Please Note: If the Veteran or Claimant has not yet filed an appeal and **it has been less than 120 days** since they received a denial of benefits decision from the BVA, see Page 8 for step-by-step instructions for filing an appeal.

Don't forget the 120-day deadline for filing.
Mail, email, or fax the completed form(s) to:

Clerk of Court
U.S. Court of Appeals for Veterans Claims
625 Indiana Avenue, N.W., Suite 900
Washington, DC 20004-2950

Email: self-rep@uscourts.cavc.gov

To contact the Court, call, **(202) 501-5970**.
Their fax number is **(202) 501-5848***

*If the **Court Forms** are faxed to the Court, **contact the Court to confirm that they were received**. The Court is not responsible for faxed, but unconfirmed, Notices of Appeal.

A **Notice of Appeal** will still be considered on time even if the Court does not receive it within the 120-day deadline **IF** it is mailed to the Court's correct address **AND** it contains a legible U.S. Postal Service postmark dated within the 120-day time limit. **Regular, first class mail is fine**. Do not send it express mail, priority mail, or certified mail.*

*Federal Express, UPS or other delivery service date stamp, or foreign postal service postmark, does not count, and if a Notice of Appeal is sent in any of these ways, the date the Court actually receives the Notice of Appeal will be the filing date.

Please note that there are two parties to every appeal to the Court. The Veteran or Claimant will always be the **"appellant"** in the case, while the opposing counsel in every appeal is the Secretary of Veterans Affairs. The Secretary will always be referred to as the **"appellee."**

Who Is Taking The Veteran or Claimant's Case?

And other frequently asked questions!

Who is taking the Veteran or Claimant's case?	TVC recruits volunteer attorneys from top law firms around the country who want to help veterans with their expertise, free of charge. They receive highly specialized training in veteran's benefits law and join our TVC National Volunteer Corps, fighting for justice for veterans.
Will the Veteran or Claimant be charged a fee?	NO. TVC will never charge a fee and will never ask for a portion of a veteran's benefits.
Are you affiliated with other veterans' organizations?	Yes. TVC was founded by four national veterans service organizations: The American Legion, the Disabled American Veterans, the National Veterans Legal Services Program, and the Paralyzed Veterans of America. Representatives from each VSO are active on our Executive Board.

We will evaluate applications, **when requested**, even if other attorneys have declined services.

Our cases are not automatically placed. It is important for the Veteran or Claimant to know that **they must apply and then qualify for assistance.**

Next Steps



Once Your Case Is Accepted by TVC's CAVC Program

An attorney from our office will continue to review the case as we work to assign an additional attorney who will work alongside the Veteran or Claimant and us at the Court. During this time, TVC keeps track of all deadlines on the case to ensure nothing is missed. If your case is assigned an additional attorney, they will keep the Veteran or Claimant updated on their progress at the Court.

If the Case is sent back to the BVA (Remanded), the Veteran or Claimant may find it helpful to have someone assist them with their remand. We encourage the Veteran or Claimant to contact you, as the Veteran's Service Officer (VSO), to continue representation at the VA levels.

If you, the Veteran, or the Claimant, have questions about the process or how to get started, please call us at **888-838-7727 (option 3)** or email us at **mail@vetsprobono.org**. You can also go to **www.vetsprobono.org** for more information and to obtain the forms needed to apply for our services.

WE LOOK FORWARD TO ASSISTING YOU

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The Veterans Consortium

PRO BONO PROGRAM®

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