

**UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS**

**PERFORMANCE AND ACCOUNTABILITY REPORT,  
INDEPENDENT AUDITOR'S REPORT  
AND  
FINANCIAL STATEMENTS**

**FOR THE YEARS ENDED  
SEPTEMBER 30, 2012 AND 2011**



**Prepared By  
Brown & Company CPAs, PLLC  
November 14, 2012**



**UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS  
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INDEPENDENT AUDITOR’S REPORT  
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FINANCIAL STATEMENTS  
FOR THE YEARS ENDED  
SEPTEMBER 30, 2012 AND 2011**

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# Management's Discussion and Analysis for FY 2012





UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
OFFICE OF THE CLERK  
625 Indiana Avenue, NW, Suite 900  
Washington, DC 20004-2950

## Management's Discussion and Analysis for FY 2012

### Introduction

Management's Discussion and Analysis (MD& A) is an integral part of the Court's annual financial statements that provides an overview, from management's perspective, of the Court's structure, functions, past performance, current financial condition, and a general outlook for the near future. The MD&A supplements the financial data so as to provide a complete picture of the use and application of the Court's appropriated funds.

### Mission and Organization Structure

The U. S. Court of Appeals for Veterans Claims (Court) is an appellate court of record established under Article I of the U.S. Constitution by the Veterans' Judicial Review Act, Pub. L. No.100-687, Division A (1988). The Act, as amended, is codified in part at 38 U.S.C. §§ 7251-7299. The Court has jurisdiction to, inter alia, (1) review decisions of the Board of Veterans' Appeals (Board) and may affirm, vacate, reverse, or remand as appropriate in such cases, (2) issue all writs necessary or appropriate in aid of its jurisdiction (28 U.S.C. § 1651), (3) set aside rules, and regulations issued or adopted by the Secretary, the Board, or the Board Chairman that are arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law, contrary to constitutional right, in excess of statutory jurisdiction or authority, or without observance of the procedures required by law, and (4) compel actions of the Secretary of Veterans Affairs that were unlawfully withheld or unreasonably delayed.

The Court is authorized nine judges, one of whom serves as Chief Judge. The judges are appointed by the President, "by and with the Advice and Consent of the Senate," for fifteen-year terms. Each judge has a staff of four law clerks and one administrative assistant. The Chief Judge has additional support staff because of his administrative duties. Court support staff includes (1) a Clerk of the Court to manage Court support operations under the supervision of the Chief Judge, (2) a Public Office that manages the Court's docket, (3) a

Central Legal Staff responsible for facilitating case resolution through a conferencing process, screening cases, and working as needed with the Court's Senior Judges recalled for service; (4) an Information Technology Office that provides direct support to personnel and administers the Court's Case Management/Electronic Case Filing (CM/ECF) program, (5) an Administrative Office that provides personnel, procurement, and facilities management functions, and (6) a Financial Office responsible for financial management.

The Court is a national court authorized to sit anywhere in the United States, but its principal office is located in Washington, DC.

### **Procedures**

The Court's Rules of Practice and Procedure, with new revisions effective September 15, 2011, govern its procedures and are available on the Court's website. As an appellate Court, the Court does not hold trials, hear witness testimony, or receive new evidence. In deciding a case, it considers the Board decision, the record before the Board, and the briefs submitted by the parties. If the issues warrant, the Court holds oral argument.

Most arguments are held in Washington, D.C., but on occasion the Court sits in other locations. In FY 2012, as part of its educational outreach program, the Court held oral argument at University of Detroit-Mercy School of Law in Detroit, MI and Yale Law School in New Haven, CT.

### **Opinions**

The Court's precedential opinions are published in West's Veterans Appeals Reporter. They are available in WESTLAW, LEXIS, and--without digest--on the Court's website under Orders and Opinions. They are also sent to the Government Printing Office for microfilm distribution to its nationwide depository library system.

### **Performance Goals, Objectives and Results**

The Court's goal is to provide timely judicial review of cases that have been appealed to the Court from the Board of Veterans Appeals annually. The Court has a heavy caseload, ranging from about 4000 to almost 5000 appeals filed over the past several years. In FY 2012, the Court decided more than 4,500 appeals, in addition to several thousand procedural determinations and actions on Equal Access to Justice (EAJA) applications. The Court's annual reports are available on the Court's website: [www.uscourts.cavc.gov](http://www.uscourts.cavc.gov).

### **Limitations of the Financial Statements**

Although the Court is part of the judiciary and not subject to 31 U.S.C. § 3515 (b) (requiring executive agencies to file annual financial reports), the Court, as an independent Article I Court, also is not part of the annual financial reporting prepared by the Administrative

Office of the Courts. Recognizing, however, that routine review of the Court's operations and use of appropriated funds is a sound financial practice, the Court voluntarily complies with the substantive requirements of section 3515 (b). The Court's principal financial statements have been prepared by the Administrative Resource Center at the U.S. Department of the Treasury Bureau of Public Debt. The statements have been prepared from the Court's books and records in accordance with Generally Accepted Accounting Principles (GAAP) for federal entities and the formats prescribed by the Office of Management and Budget (OMB) in the OMB Circular A-136 .

#### **Analysis of Financial Statements**

The Court's annual appropriated funds are used for salaries, benefits, facilities rent and maintenance, information technology (IT) contractor and intergovernmental services and support, and an annual contribution to the Judges' Retirement Trust Fund. The Court also has been appropriated funds for assessing with General Service Administration the construction of a Courthouse to house the Court in lieu of the commercially rented space currently housing the Court. Additionally, the Court receives pass-through funding for a congressionally-mandated grant to Legal Services Corporation for managing the Veterans Consortium Pro Bono Program that provides counsel to *pro se* appellants.

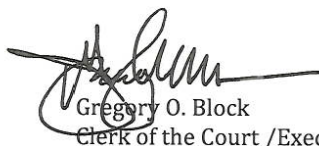
#### **Analysis of Systems, Controls and Legal Compliance**

The Court recognizes the importance of adequate controls for its administrative functions. The Clerk of the Court and Court support staff develop, implement, evaluate, and modify, as necessary, controls to provide reasonable assurance that there is adequate accountability of Court resources. Given the small size of the Court, the Court contracts for accounting, financial reporting, administrative payments, and some procurement services with the Bureau of Public Debt's Administrative Resource Center (ARC); the Court also contracts for payroll and personnel services with the Department of Agriculture's National Finance Center (NFC). Although this contracting necessitates reliance on the performance of entities outside our managerial control, it also permits an outside look into our own management of appropriated funds that augments and compliments our internal controls.

#### **Conclusion**

The Court is making proper and effective use and application of its appropriated funds.

November 14, 2012



Gregory O. Block  
Clerk of the Court /Executive Officer

**UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS**

**INDEPENDENT AUDITOR'S REPORT  
AND  
CONSOLIDATED FUNDS  
FINANCIAL STATEMENTS**

**FOR THE YEARS ENDED  
SEPTEMBER 30, 2012 AND 2011**



**Prepared By  
Brown & Company CPAs, PLLC  
November 14, 2012**



## INDEPENDENT AUDITOR'S REPORT ON THE FINANCIAL STATEMENTS

To: Chief Judge Bruce E. Kasold  
Thru: Gregory O. Block, Clerk of the Court, Executive Officer  
United States Court of Appeals for Veterans Claims  
Washington, DC

We have audited the accompanying balance sheet of the U.S. Court of Appeals for Veterans Claims (CAV) as of September 30, 2012 and 2011, and the related statements of net cost, changes in net position, and budgetary resources, for the years then ended (collectively referred to as the financial statements). These financial statements are the responsibility of CAV's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *U.S. Government Auditing Standards*, issued by the Comptroller General of the United States; and, Office of Management and Budget (OMB) Bulletin No. 07-04 as amended, *Audit Requirements for Federal Financial Statements*. Those standards and OMB Bulletin No. 07-04 as amended, require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the CAV as of September 30, 2012 and 2011, and its net costs, changes in net position, and budgetary resources for the years then ended in conformity with accounting principles generally accepted in the United States of America.


In accordance with *U.S. Government Auditing Standards* and OMB Bulletin No. 07-04 as amended, we have also issued reports dated November 14, 2012 on our consideration of the CAV internal control over financial reporting and its compliance with provisions of laws and regulations. Those reports are an integral part of an audit performed in accordance with *U.S. Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

Accounting principles generally accepted in the United States of America require that the Management Discussion and Analysis (MD&A) be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by OMB Circular A-136, *Financial Reporting Requirements*, as revised, that considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the



information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

This report is intended solely for the information and use of the management of the CAV, OMB and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

  
Largo, Maryland  
November 14, 2012



**INDEPENDENT AUDITOR'S REPORT  
ON INTERNAL CONTROL OVER FINANCIAL REPORTING**


To: Chief Judge Bruce E. Kasold  
Thru: Gregory O. Block, Clerk of the Court, Executive Officer  
United States Court of Appeals for Veterans Claims  
Washington, DC

We have audited the financial statements of the U.S. Court of Appeals for Veterans Claims (CAV) as of and for the year ended September 30, 2012 and have issued our report thereon dated November 14, 2012. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *U.S. Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 07-04 as amended, *Audit Requirements for Federal Financial Statements*.

In planning and performing our audit, we considered the CAV's internal control over financial reporting by obtaining an understanding of the CAV's internal control, determined whether internal controls had been placed in operation, assessed control risk, and performed tests of controls in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements. We limited our internal control testing to those controls necessary to achieve the objectives described in OMB Bulletin No. 07-04 as amended. The objective of our audit was not to provide an opinion on internal control and therefore, we do not express an opinion on internal control.

Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be a significant deficiency or material weakness. Under standards issued by the American Institute of Certified Public Accountants and OMB Bulletin No. 07-04 as amended, a material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency in internal control, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. Because of inherent limitations in internal controls, misstatements, losses, or non-compliance may nevertheless occur and not be detected. However, we noted no matters involving the internal control and its operation that we considered to be a material weakness as defined above.

This report is intended solely for the information and use of the management of the CAV, OMB and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

  
Largo, Maryland  
November 14, 2012



**INDEPENDENT AUDITOR'S REPORT ON  
COMPLIANCE WITH LAWS AND REGULATIONS**

To: Chief Judge Bruce E. Kasold  
Thru: Gregory O. Block, Clerk of the Court, Executive Officer  
United States Court of Appeals for Veterans Claims  
Washington, DC


We have audited the financial statements of the U.S. Court of Appeals for Veterans Claims (CAV) as of and for the year ended September 30, 2012, and have issued our report thereon dated November 14, 2012. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *U.S. Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 07-04 as amended, *Audit Requirements for Federal Financial Statements*.

The management of the CAV is responsible for complying with laws and regulations applicable to the CAV. As part of obtaining reasonable assurance about whether the CAV's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts, and certain other laws and regulations specified in OMB Bulletin No. 07-04 as amended. We limited our tests of compliance to these provisions and we did not test compliance with all laws and regulations applicable to the CAV.

The results of our tests of compliance disclosed no material noncompliance with laws and regulations discussed in the preceding paragraph that are required to be reported under *U.S. Government Auditing Standards* or OMB Bulletin No. 07-04 as amended.

Providing an opinion on compliance with certain provisions of laws and regulations was not an objective of our audit, and, accordingly, we do not express such an opinion. However, we noted no noncompliance with laws and regulations, which could have a direct and material effect on the determination of financial statement amounts.

This report is intended solely for the information and use of the management of the CAV, OMB and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

  
Largo, Maryland  
November 14, 2012

**FINANCIAL STATEMENTS AND NOTES**

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
CONSOLIDATED FUNDS  
BALANCE SHEET  
AS OF SEPTEMBER 30, 2012 AND 2011  
(In Dollars)**

	2012	2011
<b>Assets:</b>		
Intragovernmental		
Fund Balance With Treasury (Note 2)	\$ 21,335,337	\$ 18,932,343
Investments (Note 3)	28,565,593	24,672,059
<b>Total Intragovernmental</b>	<b>49,900,930</b>	<b>43,604,402</b>
Accounts Receivable, Net (Note 4)	-	522
Property, Equipment, and Software, Net (Note 5)	779,386	354,067
<b>Total Assets</b>	<b>\$ 50,680,316</b>	<b>\$ 43,958,991</b>
<b>Liabilities (Note 6):</b>		
Intragovernmental		
Other (Note 8)	\$ 158,120	\$ 134,155
<b>Total Intragovernmental</b>	<b>158,120</b>	<b>134,155</b>
Accounts Payable	44,247	105,333
Federal Employee and Veterans' Benefits (Note 7)	27,764,637	23,550,804
Other (Note 8)	1,432,656	1,325,506
<b>Total Liabilities</b>	<b>\$ 29,399,660</b>	<b>\$ 25,115,798</b>
<b>Net Position:</b>		
Unexpended Appropriations - Other Funds	\$ 20,184,421	\$ 17,794,223
Cumulative Results of Operations - Earmarked Funds (Note 10)	959,858	1,298,512
Cumulative Results of Operations - Other Funds	136,377	(249,542)
<b>Total Net Position</b>	<b>\$ 21,280,656</b>	<b>\$ 18,843,193</b>
<b>Total Liabilities and Net Position</b>	<b>\$ 50,680,316</b>	<b>\$ 43,958,991</b>

The accompanying notes are an integral part of these financial statements.

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
CONSOLIDATED FUNDS  
STATEMENT OF NET COST  
FOR THE YEARS ENDED SEPTEMBER 30, 2012 AND 2011  
(In Dollars)**

	2012	2011
<b>Program Costs:</b>		
Administrative Expenses	\$ 22,160,457	\$ 21,176,517
Pension Expense before assumption changes	2,039,658	2,007,501
Less: Earned Revenue		
Other Revenue	(25,526)	(28,991)
Interest Earned	(219,746)	(123,172)
Employee Contributions	(45,470)	(53,384)
Net Expense before Gain/Loss from changes in assumptions	\$ 23,909,373	\$ 22,978,471
<b>(Gain)/loss on assumption changes:</b>		
Discount Rate assumption	\$ 1,788,559	\$ 2,272,120
Other Assumption Changes	1,378,676	(3,096,186)
From Experience	321,863	938,226
Net (gain)/loss on assumption changes	\$ 3,489,098	\$ 114,160
Net Cost of Operations (Note 11)	\$ 27,398,471	\$ 23,092,631

The accompanying notes are an integral part of these financial statements.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
CONSOLIDATED FUNDS  
STATEMENT OF CHANGES IN NET POSITION  
FOR THE YEARS ENDED SEPTEMBER 30, 2012 AND 2011  
(In Dollars)

	2012		2012		2011		2011	
	Earmarked Funds	All Other Funds	Consolidated Total	Earmarked Funds	All Other Funds	Consolidated Total	Earmarked Funds	All Other Funds
<b>Cumulative Results of Operations:</b>								
Beginning Balances	\$ 1,298,512	\$ (249,542)	\$ 1,048,970	\$ 1,686	\$ (129,204)	\$ (127,518)		
<b>Budgetary Financing Sources:</b>								
Appropriations Used	-	26,742,090	26,742,090	-	23,531,020	23,531,020		
<b>Other Financing Sources (Non-Exchange):</b>								
Imputed Financing Sources (Note 12)	-	703,646	703,646	-	738,099	738,099		
Total Financing Sources	-	27,445,736	27,445,736	-	24,269,119	24,269,119		
Net Cost of Operations	(338,654)	(27,059,817)	(27,398,471)	1,296,826	(24,389,457)	(23,092,631)		
Net Change	(338,654)	385,919	47,265	1,296,826	(120,338)	1,176,488		
Cumulative Results of Operations	\$ 959,858	\$ 136,377	\$ 1,096,235	\$ 1,298,512	\$ (249,542)	\$ 1,048,970		
<b>Unexpended Appropriations:</b>								
Beginning Balances	\$ -	\$ 17,794,223	\$ 17,794,223	\$ -	\$ 14,465,557	\$ 14,465,557		
<b>Budgetary Financing Sources:</b>								
Appropriations Received	-	30,770,000	30,770,000	-	27,615,000	27,615,000		
Other Adjustments	-	(1,637,713)	(1,637,713)	-	(755,314)	(755,314)		
Appropriations Used	-	(26,742,089)	(26,742,089)	-	(23,531,020)	(23,531,020)		
Total Budgetary Financing Sources	-	2,390,198	2,390,198	-	3,328,666	3,328,666		
Total Unexpended Appropriations	\$ -	\$ 20,184,421	\$ 20,184,421	\$ -	\$ 17,794,223	\$ 17,794,223		
Net Position	\$ 959,858	\$ 20,320,798	\$ 21,280,656	\$ 1,298,512	\$ 17,544,681	\$ 18,843,193		

The accompanying notes are an integral part of these financial statements.

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
COMBINED FUNDS  
STATEMENT OF BUDGETARY RESOURCES  
FOR THE YEARS ENDED SEPTEMBER 30, 2012 AND 2011  
(In Dollars)**

	2012	2011
<b>Budgetary Resources:</b>		
Unobligated Balance Brought Forward, October 1	\$ 7,761,758	\$ 4,741,733
Recoveries of Prior Year Unpaid Obligations	1,782,297	328,715
Other changes in unobligated balance	(1,637,713)	(700,085)
Unobligated balance from prior year budget authority, net	7,906,342	4,370,363
Appropriations	32,110,448	28,901,343
<b>Total Budgetary Resources</b>	<b>40,016,790</b>	<b>33,271,706</b>
<b>Status of Budgetary Resources:</b>		
Obligations Incurred (Note 14)	\$ 28,590,255	\$ 25,509,948
Unobligated balance, end of year:		
Apportioned	3,612,271	3,476,013
Exempt from apportionment	153,846	138,959
Unapportioned	7,660,418	4,146,786
Total unobligated balance, end of year	11,426,535	7,761,758
<b>Total Status of Budgetary Resources</b>	<b>40,016,790</b>	<b>33,271,706</b>
<b>Change in Obligated Balance:</b>		
Unpaid Obligations, Brought Forward, October 1	\$ 11,132,286	\$ 11,092,641
Adjustment to obligated balance, start of year	(9,903,745)	(11,132,286)
Obligated balance, start of year, as adjusted	1,228,541	(39,645)
Obligations Incurred	28,590,255	25,509,948
Outlays (gross)	(28,036,500)	(25,141,588)
Recoveries of Prior Year Unpaid	(1,782,297)	(328,715)
Obligated balance, end of year		
Unpaid obligations, end of year	9,903,745	11,132,286
<b>Obligated balance, end of year</b>	<b>9,903,745</b>	<b>11,132,286</b>
<b>Budget Authority and Outlays, Net:</b>		
Budget authority, gross	\$ 32,110,448	\$ 28,901,343
<b>Budget Authority, net</b>	<b>32,110,448</b>	<b>28,901,343</b>
Outlays, gross	\$ 28,036,500	\$ 25,141,588
Outlays, net	28,036,500	25,141,588
Distributed Offsetting Receipts	(4,955,470)	(3,266,385)
<b>Agency outlays, net</b>	<b>23,081,030</b>	<b>21,875,203</b>

The accompanying notes are an integral part of these financial statements.





## UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS NOTES TO THE FINANCIAL STATEMENTS

### NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### A. Reporting Entity

The United States Court of Appeals for Veterans Claims (CAV) is a court of special jurisdiction created under Article I of the Constitution by the Veterans' Judicial Review Act (Public Law No. 100-687) on November 18, 1988. Originally named the United States Court of Veterans Appeals, its name was changed effective March 1, 1999, by the Veterans' Programs Enhancement Act of 1998. The Court's seven judges are appointed by the President, and confirmed by the Senate, for 15-year terms. The law that created the Court is in Chapter 72 of title 38, United States Code. The CAV reporting entity is comprised of Trust Funds, General Funds, and General Miscellaneous Receipts.

Trust Funds are credited with receipts that are generated by terms of a trust agreement or statute. The Trust Fund included in our financial statements is the United States Court of Appeals for Veterans Claims Retirement Fund. The funding policy for this Judicial Retirement Trust Fund requires participating judges contribute 1% of salary until retirement or until completion of contributory service, whichever occurs first. In addition, for those who participate in the optional survivors benefits program, a 2.2% of active pay or retire pay contribution is required. The Court is required to make annual contributions at an actuarially determined rate.

General Funds are accounts used to record financial transactions arising under congressional appropriations or other authorizations to spend general revenues.

Special Funds are accounts established for receipts earmarked by law for a special purpose. CAV's financial statements include

Practice and Registration Fees, which are Special Fund receipts. This fund contains the fees collected from persons admitted to practice before the Court and people who register for the Court's judicial conferences. These fees are used to defray expenses incurred in producing the judicial conference and for use in other bar and bench events and proceedings. See 38 U.S.C. §§ 7285 and 7283.

General Fund Miscellaneous Receipts are accounts established for receipts of non-recurring activity, such as fines, penalties, fees and other miscellaneous receipts for services and benefits.

CAV has rights and ownership of all assets reported in these financial statements. We do not possess any non-entity assets.

#### B. Basis of Presentation

The financial statements have been prepared to report the financial position and results of operations of CAV. The Balance Sheet presents the financial position of the agency. The Statement of Net Cost presents the agency's operating results; the Statement of Changes in Net Position displays the changes in the agency's equity accounts. The Statement of Budgetary Resources presents the sources, status, and uses of the agency's resources and follow the rules for the Budget of the United States Government. The statements are a requirement of the Chief Financial Officers Act of 1990, the Government Management Reform Act of 1994 and the Accountability of Tax Dollars Act of 2002. They have been prepared from, and are fully supported by, the books and records of CAV in accordance with the hierarchy of accounting principles generally accepted in the United States of America, standards approved by the principals of the Federal Accounting Standards Advisory Board (FASAB), OMB Circular A-136, *Financial Reporting Requirements* and CAV

accounting policies which are summarized in this note. These statements, with the exception of the Statement of Budgetary Resources, are different from financial management reports, which are also prepared pursuant to OMB directives that are used to monitor and control CAV's use of budgetary resources. The financial statements and associated notes are presented on a comparative basis. Unless specified otherwise, all amounts are presented in dollars.

**C. Basis of Accounting**

Transactions are recorded on both an accrual accounting basis and a budgetary basis. Under the accrual method, revenues are recognized when earned, and expenses are recognized when a liability is incurred, without regard to receipt or payment of cash. Budgetary accounting facilitates compliance with legal requirements on the use of federal funds.

**D. Fund Balance with Treasury**

The U.S. Treasury processes cash receipts and disbursements. Funds held at the Treasury are available to pay agency liabilities. CAV does not maintain cash in commercial bank accounts or foreign currency balances.

**E. Investment in U.S. Government Securities**

All investments are non-marketable, market-based securities issued by the Bureau of the Public Debt. Market-based securities are Treasury securities that are not traded on any securities exchange but mirror the prices of marketable securities with similar terms. The investments are always held to maturity; therefore, they are classified as investment securities held to maturity and are carried at historical cost, adjusted for amortization of premiums and discounts. The amortization of premiums and discounts are recognized as adjustments to interest income using the level-yield, scientific method of effective interest amortization over the term of the respective issues. Interest on investments is accrued as it

is earned. See Note 3 for additional information.

**F. Accounts Receivable**

Accounts receivable consists of amounts owed to CAV by other Federal agencies and the general public. Amounts due from Federal agencies are considered fully collectible. Accounts receivable from the public include reimbursements from employees. An allowance for uncollectible accounts receivable from the public is established when, based upon a review of outstanding accounts and the failure of all collection efforts, management determines that collection is unlikely to occur considering the debtor's ability to pay.

**G. Property, Equipment, and Software**

Property, equipment and software represent furniture, fixtures, equipment, and information technology hardware and software which are recorded at original acquisition cost and are depreciated or amortized using the straight-line method over their estimated useful lives. Major alterations and renovations are capitalized, while maintenance and repair costs are expensed as incurred. CAV's capitalization threshold is \$25,000 for individual purchases and \$500,000 for bulk purchases, with individual items exceeding \$5,000. Applicable standard governmental guidelines regulate the disposal and convertibility of agency property, equipment, and software. The useful life classifications for capitalized assets are as follows:

<u>Description</u>	<u>Useful Life (years)</u>
Leasehold Improvements	Period of Lease
Office Furniture	5
Computer Equipment	3
Office Equipment	5

**H. Advances and Prepaid Charges**

Advance payments are generally prohibited by law. There are some exceptions, such as reimbursable agreements, subscriptions and

payments to contractors and employees. Payments made in advance of the receipt of goods and services are recorded as advances or prepaid charges at the time of prepayment and recognized as expenses when the related goods and services are received.

## **I. Liabilities**

Liabilities represent the amount of funds likely to be paid by CAV as a result of transactions or events that have already occurred. CAV reports its liabilities under two categories, Intragovernmental and With the Public. Intragovernmental liabilities represent funds owed to another government agency. Liabilities With the Public represents funds owed to any entity or person that is not a federal agency, including private sector firms and federal employees. Each of these categories may include liabilities that are covered by budgetary resources and liabilities not covered by budgetary resources.

Liabilities covered by budgetary resources are liabilities funded by a current appropriation or other funding source. These consist of accounts payable and accrued payroll and benefits. Accounts payable represent amounts owed to another entity for goods ordered and received and for services rendered except for employees. Accrued payroll and benefits represent payroll costs earned by employees during the fiscal year which are not paid until the next fiscal year.

Liabilities not covered by budgetary resources are liabilities that are not funded by any current appropriation or other funding source. These liabilities consist of accrued annual leave, unemployment insurance and actuarial pension liabilities.

## **J. Annual, Sick, and Other Leave**

Annual leave is accrued as it is earned, and the accrual is reduced as leave is taken. The balance in the accrued leave account is adjusted to reflect current pay rates. Liabilities associated with other types of vested leave, including compensatory, restored leave, and

sick leave in certain circumstances, are accrued at year-end, based on latest pay rates and unused hours of leave. Funding will be obtained from future financing sources to the extent that current or prior year appropriations are not available to fund annual and other types of vested leave earned but not taken. Nonvested leave is expensed when used. Any liability for sick leave that is accrued but not taken by a Civil Service Retirement System (CSRS)-covered employee is transferred to OPM upon the retirement of that individual. Credit is given for sick leave balances in the computation of annuities upon the retirement of Federal Employees Retirement System (FERS)-covered employees effective at 50% beginning FY2010 and 100% in 2014.

## **K. Retirement Plans**

CAV employees participate in either the CSRS or the FERS. The employees who participate in CSRS are beneficiaries of CAV matching contribution, equal to seven percent of pay, distributed to their annuity account in the Civil Service Retirement and Disability Fund.

Prior to December 31, 1983, all employees were covered under the CSRS program. From January 1, 1984 through December 31, 1986, employees had the option of remaining under CSRS or joining FERS and Social Security. Employees hired as of January 1, 1987 are automatically covered by the FERS program. FERS offers a savings plan to which CAV automatically contributes one percent of pay and matches any employee contribution up to an additional four percent of pay. For FERS participants, CAV also contributes the employer's matching share of Social Security.

FERS employees and certain CSRS reinstatement employees are eligible to participate in the Social Security program after retirement. In these instances, CAV remits the employer's share of the required contribution.

CAV recognizes the imputed cost of pension and other retirement benefits during the employees' active years of service. OPM actuaries determine pension cost factors by

calculating the value of pension benefits expected to be paid in the future and communicate these factors to CAV for current period expense reporting. OPM also provides information regarding the full cost of health and life insurance benefits. CAV recognized the offsetting revenue as imputed financing sources to the extent these expenses will be paid by OPM.

CAV does not report on its financial statements information pertaining to the retirement plans covering its employees. Reporting amounts such as plan assets, accumulated plan benefits, and related unfunded liabilities, if any, is the responsibility of the OPM.

#### **L. Other Post-Employment Benefits**

CAV employees eligible to participate in the Federal Employees' Health Benefits Plan (FEHBP) and the Federal Employees' Group Life Insurance Program (FEGSIP) may continue to participate in these programs after their retirement. The OPM has provided CAV with certain cost factors that estimate the true cost of providing the post-retirement benefit to current employees. CAV recognizes a current cost for these and Other Retirement Benefits (ORB) at the time the employee's services are rendered. The ORB expense is financed by OPM, and offset by CAV through the recognition of an imputed financing source.

#### **M. Use of Estimates**

The preparation of the accompanying financial statements in accordance with generally accepted accounting principles requires management to make certain estimates and assumptions that affect the reported amounts of assets, liabilities, revenues, and expenses. Actual results could differ from those estimates.

#### **N. Imputed Costs/Financing Sources**

Federal Government entities often receive goods and services from other Federal Government entities without reimbursing the providing entity for all the related costs. In addition, Federal Government entities also incur costs that are paid in total or in part by other entities. An imputed financing source is recognized by the receiving entity for costs that are paid by other entities. CAV recognized imputed costs and financing sources in fiscal years 2012 and 2011 to the extent directed by OMB.

#### **O. Reclassification**

Certain fiscal year 2011 balances have been reclassified, retitled, or combined with other financial statement line items for consistency with the current year presentation.

## NOTE 2. FUND BALANCE WITH TREASURY

Fund balance with Treasury account balances as of September 30, 2012 and 2011, were as follows:

	2012	2011
<b>Fund Balances:</b>		
Trust Funds	\$ 114,831	\$ 147,835
Special Funds	161,341	138,959
Appropriated Funds	21,059,165	18,645,549
<b>Total</b>	<b>\$ 21,335,337</b>	<b>\$ 18,932,343</b>

### Status of Fund Balance with Treasury:

Unobligated Balance		
Available	\$ 3,771,184	\$ 3,653,270
Unavailable	7,660,408	4,146,787
Obligated Balance Not Yet Disbursed	9,903,745	11,132,286
<b>Total</b>	<b>\$ 21,335,337</b>	<b>\$ 18,932,343</b>

No discrepancies exist between the Fund Balance reflected on the Balance Sheet and the balances in the Treasury accounts.

The available unobligated fund balances represent the current-period amount available for obligation or commitment. At the start of the next fiscal year, this amount will become part of the unavailable balance as described in the following paragraph.

The unavailable unobligated fund balances represent the amount of appropriations for which the period of availability for obligation has expired. These balances are available for upward adjustments of obligations incurred only during the period for which the appropriation was available for obligation or for paying claims attributable to the appropriations.

The obligated balance not yet disbursed includes accounts payable, accrued expenses, and undelivered orders that have reduced unexpended appropriations but have not yet decreased the cash balance on hand (see also Undelivered Orders at the End of the Period, Note 15).

### NOTE 3. INVESTMENTS

Investments as of September 30, 2012 consist of the following:

	Cost	Amortization Method	Amortized (Premium) Discount	Interest Receivable	Investments Net	Market Value Disclosure
Intragovernmental Securities:						
Marketable	\$28,832,540	Straight Line	\$ (449,347)	\$ 182,400	\$28,565,593	\$ 28,718,291
<b>Total</b>	<b>\$28,832,540</b>		<b>\$ (449,347)</b>	<b>\$ 182,400</b>	<b>\$28,565,593</b>	<b>\$ 28,718,291</b>

Investments as of September 30, 2011 consist of the following:

	Cost	Amortization Method	Amortized (Premium) Discount	Interest Receivable	Investments Net	Market Value Disclosure
Intragovernmental Securities:						
Marketable	\$24,657,978	Straight Line	\$ (107,568)	\$ 121,648	\$24,672,059	\$ 24,839,786
<b>Total</b>	<b>\$24,657,978</b>		<b>\$ (107,568)</b>	<b>\$ 121,648</b>	<b>\$24,672,059</b>	<b>\$ 24,839,786</b>

Non-marketable, market-based securities are Treasury notes and bills issued to governmental accounts that are not traded on any securities exchange, but mirror the prices of marketable securities with similar terms. Investment maturity dates for fiscal years 2012 and 2011 range from October 15, 2012 to March 31, 2016 and October 20, 2011 to October 31, 2015, respectively, and interest rates for the same fiscal years range from 0.500 percent to 4.750 percent and 0.500 percent to 4.875 percent, respectively.

The Federal Government does not set aside assets to pay future benefits or other expenditures associated with earmarked funds. The cash receipts collected from the public for an earmarked fund are deposited in the U.S. Treasury, which uses the cash for general Government purposes. Treasury securities are issued to CAV as evidence of its receipts. Treasury securities are an asset to CAV and a liability to the U.S. Treasury. Because CAV and the U.S. Treasury are both parts of the Government, these assets and liabilities offset each other from the standpoint of the Government as a whole. For this reason, they do not represent an asset or a liability in the U.S. Government-wide financial statements.

Treasury securities provide CAV with authority to draw upon the U.S. Treasury to make future benefit payments or other expenditures. When the CAV requires redemption of these securities to make expenditures, the Government finances those expenditures out of accumulated cash balances, by raising taxes or other receipts, by borrowing from the public or repaying less debt, or by curtailing other expenditures. This is the same way that the Government finances all other expenditures.

#### NOTE 4. ACCOUNTS RECEIVABLE

Accounts receivable balances as of September 30, 2012 and 2011, were as follows:

	2012		2011	
With the Public				
Accounts Receivable	\$	-	\$	522
Total Accounts Receivable	\$	-	\$	522

Accounts receivable are primarily made up of employee receivables.

Historical experience has indicated that the majority of the receivables are collectible. There are no material uncollectible accounts as of September 30, 2012 and 2011.

#### NOTE 5. PROPERTY, EQUIPMENT, AND SOFTWARE

Schedule of Property, Equipment, and Software as of September 30, 2012:

Major Class	Acquisition Cost	Accumulated Amortization/Depreciation	Net Book Value
Leasehold Improvements	\$ 207,324	\$ 118,573	\$ 88,751
Furniture & Equipment	1,035,496	864,209	171,287
Construction-in-Progress	439,687	-	439,687
Software-in-Development	79,661	-	79,661
Total	\$ 1,762,168	\$ 982,782	\$ 779,386

Schedule of Property, Equipment, and Software as of September 30, 2011:

Major Class	Acquisition Cost	Accumulated Amortization/Depreciation	Net Book Value
Leasehold Improvements	\$ 147,064	\$ 83,336	\$ 63,728
Furniture & Equipment	884,867	795,223	89,644
Construction-in-Progress	200,695	-	200,695
Total	\$ 1,232,626	\$ 878,559	\$ 354,067

## NOTE 6. LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

The liabilities for CAV as of September 30, 2012 and 2011, include liabilities not covered by budgetary resources. Congressional action is needed before budgetary resources can be provided. Although future appropriations to fund these liabilities are likely and anticipated, it is not certain that appropriations will be enacted to fund these liabilities.

	2012	2011
Intragovernmental – Unemployment Insurance	\$ 10,117	\$ -
Unfunded Leave	632,893	604,130
Actuarial Pension Liability	94,231	337,200
Total Liabilities Not Covered by Budgetary Resources	\$ 737,241	\$ 941,330
Total Liabilities Covered by Budgetary Resources	28,662,418	24,174,468
Total Liabilities	\$ 29,399,659	\$ 25,115,798

Unemployment Insurance liability represents the unfunded liability for actual unemployment benefits paid on CAV's behalf and payable to the DOL. Unfunded leave represents a liability for earned leave and is reduced when leave is taken. The balance in the accrued annual leave account is reviewed quarterly and adjusted as needed to accurately reflect the liability at current pay rates and leave balances. Accrued annual leave is paid from future funding sources and, accordingly, is reflected as a liability not covered by budgetary resources. Sick and other leave is expensed as taken. Deposit Fund Liabilities represents the Practice and Registrations Fees Fund that was held outside of Treasury.

## NOTE 7. FEDERAL EMPLOYEE AND VETERANS' BENEFITS

The Court's Judicial Retirement Fund (The Fund) was established by public law 38 U.S.C. 7296-7298 in August 1989 to provide a retirement benefit to all judges of the Court who (1) retire on an optional basis after meeting minimum age and service requirements, (2) are not reappointed, or (3) retire as a result of disability.

*Pension Benefits.* A judge of the Court, who is not reappointed, is eligible to retire if he has served 15 years. Those who leave with less than 15 years of service receive only a return of employee contributions, with the exception of two sitting judges who have 13 year terms. The benefit, payable for life, is equal to the salary of the judge just prior to the retirement. This amount increases each year by the amount an active judge's pay is increased if the retired judge has elected to be recall-eligible. Otherwise, the benefit does not increase. If a recall-eligible judge later declines to perform recall service, the benefit is frozen at that point.

*Disability Benefits.* A judge who is permanently disabled at any time while in office may retire on disability. The amount of benefits is as follows:

- (1) If a judge is not recall-eligible, the benefit is to commence immediately, payable for life, and is equal to the salary of the judge prior to disability if service with the Court totals at least 10 years. The benefit is equal to one-half of the salary of the judge just before disability if contributory service totals less than 10 years subject to Cost of Living Adjustment (COLA).



- (2) If a judge is recall-eligible, the benefit is payable for life and equal to the salary of the judge just prior to disability retirement. This amount will increase each year by the amount an active judge's pay is increased if the retired judge has elected to be recall-eligible, even if later removed for further disability. If a recall-eligible judge later declines to perform recall service, the benefit is frozen at that point.

*Death Benefits.* The only benefits payable upon the death of a judge is a return of employee contributions unless the judge enrolls in the optional Survivors Benefits Program.

*Optional Survivors Benefits Program.* Participation in the survivor annuity program is elective, and those who choose to participate must contribute 2.2% of active salary or retired pay. Also, 18 months of creditable service must have been completed and contributions made for that service before benefits can be paid. For this program, creditable service may include other federal service. Upon a participant's death:

Unremarried widow(er) – receives an annuity equal to:

- (1) 1.5% of the judge's high-3 average annual salary multiplied by the sum of years of judicial service, allowable service as a Member of Congress, up to five (5) years of allowable military service, and up to fifteen (15) years of congressional employee service, plus,
- (2) 0.75% of the judge's high-3 average annual salary multiplied by all other creditable service. The annuity cannot be less than 25% nor exceed 50% of the average annual salary of the judge. Remarriage before age 55 terminates eligibility for a survivor annuity.

Once in payment, the annuity will be subject to annual COLAs in the amount as those received by annuitants of the Judicial Survivors' Annuity Program.

Children's benefit with widow(er) – each dependent child will receive an immediate annuity equal to the smaller of:

- (1) 10% of the judge's high-3 average annual salary, or
- (2) 20% of the judge's high-3 average annual salary divided by the number of dependent children.

Children's benefits without widow(er) – each dependent child will receive an immediate annuity equal to the smaller of:

- (1) 20% of the judge's high-3 average annual salary, or
- (2) 40% of the judge's high-3 average annual salary divided by number of dependent children.

*Actuarial Present Value of Accumulated Plan Benefits.* Accumulated plan benefits are those future periodic payments that are attributable under the Fund's provisions (see above) to the service judges have rendered. Accumulated plan benefits include benefits expected to be paid to (a) recall or non-recall eligible judges or beneficiaries and (b) active judges or beneficiaries. An actuary determines the actuarial present value of accumulated plan benefits annually. For details of the Accumulated Plan Benefits, Changes in Present Value of Accumulated Plan Benefits, and

other information, please see the Actuarial Report from the actuarial firm of *Cheiron* dated as of September 30, 2012.

Reconciliation of beginning and ending balance of the Court's Judicial Retirement Fund:

	2012
Beginning Liability Balance	\$ 23,550,804
Pension Expense:	
Normal Cost	1,518,218
Interest on Pension Liability During the Period	355,074
Actuarial (Gains) Losses During the Period:	
From Experience	321,863
From Other Assumption Changes	1,378,676
From Discount Rate Assumption Change	1,913,982
Prior Service Costs	-
Total Pension Expense	5,487,813
Less Benefits Paid	(1,273,980)
Ending Liability Balance	\$ 27,764,637

Normal Cost is the actuarial present value of the future cash outflows for which the entity will obligate during the reporting period.

Prior Service Cost is the cost of retroactive benefits granted through a plan amendment or other administrative/legislative change.

## NOTE 8. OTHER LIABILITIES

All other liabilities are considered current liabilities.

### Other Liabilities as of September 30, 2012:

	Current	Total
Intragovernmental		
Unemployment Insurance Liability	\$ 10,117	\$ 10,117
Payroll Taxes Payable	148,003	148,003
<b>Total Intragovernmental Other Liabilities</b>	<b>\$ 158,120</b>	<b>\$ 158,120</b>

### With the Public

Payroll Taxes Payable	\$ 23,803	\$ 23,803
Accrued Funded Payroll and Leave	775,960	775,960
Unfunded Leave	632,893	632,893
<b>Total Public Other Liabilities</b>	<b>\$ 1,432,656</b>	<b>\$ 1,432,656</b>

### Other Liabilities as of September 30, 2011:

	Current	Total
Intragovernmental		
Payroll Taxes Payable	\$ 134,155	\$ 134,155
<b>Total Intragovernmental Other Liabilities</b>	<b>\$ 134,155</b>	<b>\$ 134,155</b>

### With the Public

Payroll Taxes Payable	\$ 21,371	\$ 21,371
Accrued Funded Payroll and Leave	700,005	700,005
Unfunded Leave	604,130	604,130
<b>Total Public Other Liabilities</b>	<b>\$ 1,325,506</b>	<b>\$ 1,325,506</b>

## NOTE 9. LEASES

### Operating Leases

CAV occupies office space under a lease agreement that is accounted for as an operating lease. The lease term began on November 1, 2010 and expires on October 31, 2020. Lease payments are increased annually based on the adjustments for operating cost and real estate tax escalations. The total operating lease expense year to date for Fiscal Years 2012 and 2011 were \$2,368,110 and \$2,312,700, respectively. Below is a schedule of future payments for the term of the lease.

<b>Fiscal Year</b>	<b>Building</b>
2013	\$ 2,393,080
2014	2,417,032
2015	2,441,703
2016	2,467,113
2017	2,493,286
Thereafter	7,852,645
<b>Total Future Payments</b>	<b>\$ 20,064,859</b>

The operating lease amount does not include estimated payments for leases with annual renewal options.

## NOTE 10. EARMARKED FUNDS

CAV's Judicial Retirement Fund is an earmarked fund. The purpose of the fund is to provide a retirement benefit to the judges of the Court. The Fund's revenues are derived from investments in intragovernmental non-marketable par value federal debt securities. CAV's Practice and Registration Fees Fund is also an earmarked fund. The purpose of the fund is to collect fees for those who practice before the Court and register for the Court's judicial conferences in order to defray expenses incurred in producing the judicial conference and for use in other bar and bench events and proceedings.

Transactions are recorded on an accrual accounting basis and a budgetary basis. Under the accrual method, revenues are recognized when earned and expenses are recognized when liabilities are incurred, without regard to receipt or payment of cash. Budgetary accounting measures the appropriations and consumption of budget authority and other budgetary resources and facilitates compliance with legal constraints and controls over use of Federal funds.

### Schedule of Earmarked Funds as of September 30, 2012

	Practice & Registration Fees Fund	Judges' Retirement Trust Fund	Total Earmarked Funds
<b>Balance Sheet</b>			
Assets			
Fund Balance with Treasury	\$ 161,341	\$ 114,831	\$ 276,172
Investments	-	28,565,593	28,565,593
<b>Total Assets</b>	<b>161,341</b>	<b>28,680,424</b>	<b>28,841,765</b>
Liabilities and Net Position			
Accounts Payable	\$ 7,497		\$ 7,497
Federal Employee and Veterans' Benefits	-	27,764,637	27,764,637
Other		109,774	109,774
Cumulative Results of Operations	153,844	806,013	959,857
<b>Total Liabilities and Net Position</b>	<b>161,341</b>	<b>28,680,424</b>	<b>28,841,765</b>
<b>Statement of Net Cost</b>			
Program Costs	\$ 10,641	\$ 5,528,755	\$ 5,539,396
Less: Earned Revenues	(25,526)	(5,175,216)	(5,200,742)
<b>Net Program Costs</b>	<b>(14,885)</b>	<b>353,539</b>	<b>338,654</b>
<b>Net Cost of Operations</b>	<b>(14,885)</b>	<b>353,539</b>	<b>338,654</b>
<b>Statement of Changes in Net Position</b>			
Net Position Beginning of Period	\$ 138,959	\$ 1,159,553	\$ 1,298,512
Net Cost of Operations	14,885	(353,539)	(338,654)
<b>Net Position End of Period</b>	<b>\$ 153,844</b>	<b>\$ 806,014</b>	<b>\$ 959,858</b>

Schedule of Earmarked Funds as of September 30, 2011

	Practice & Registration Fees Fund	Judges' Retirement Trust Fund	Total Earmarked Funds
<b>Balance Sheet</b>			
Assets			
Fund Balance with Treasury	\$ 138,959	\$ 147,835	\$ 286,794
Investments	-	24,672,059	24,672,059
<b>Total Assets</b>	<b>138,959</b>	<b>24,819,894</b>	<b>24,958,853</b>

Liabilities and Net Position			
Federal Employee and Veterans' Benefits	\$ -	\$23,550,804	\$ 23,550,804
Other	-	109,537	109,537
Cumulative Results of Operations	138,959	1,159,553	1,298,512
<b>Total Liabilities and Net Position</b>	<b>138,959</b>	<b>24,819,894</b>	<b>24,958,853</b>

<b>Statement of Net Cost</b>			
Program Costs	\$ 62	\$ 2,121,661	\$ 2,121,723
Less: Earned Revenues	(28,991)	(3,389,558)	(3,418,549)
Net Program Costs	(28,929)	(1,267,897)	(1,296,826)
<b>Net Cost of Operations</b>	<b>(28,929)</b>	<b>(1,267,897)</b>	<b>(1,296,826)</b>

<b>Statement of Changes in Net Position</b>			
Net Position Beginning of Period	\$ 110,030	\$ (108,344)	\$ 1,686
Net Cost of Operations	28,929	1,267,897	1,296,826
<b>Net Position End of Period</b>	<b>\$ 138,959</b>	<b>\$ 1,159,553</b>	<b>\$ 1,298,512</b>

**NOTE 11. INTRAGOVERNMENTAL COSTS AND EXCHANGE REVENUE**

Intragovernmental costs and intragovernmental exchange revenue represent goods and services exchange transactions made between two reporting entities within the Federal government, and are in contrast to those with non-federal entities (the public). Such costs and revenue are summarized as follows:

	2012	2011
Administration of the Court		
Intragovernmental Costs	\$ 8,997,313	\$ 8,475,340
Public Costs	18,691,899	14,822,838
<b>Total Program Costs</b>	<b>27,689,212</b>	<b>23,298,178</b>
Intragovernmental Earned Revenue	(219,746)	(65,741)
Public Earned Revenue	(70,996)	(139,806)
<b>Net Program Costs</b>	<b>\$ 27,398,470</b>	<b>\$ 23,092,631</b>

**NOTE 12. IMPUTED FINANCING SOURCES**

CAV recognizes as imputed financing the amount of accrued pension and post-retirement benefit expenses for current employees. The assets and liabilities associated with such benefits are the responsibility of the administering agency, OPM. Some amounts paid from the U.S. Treasury's Judgment Fund in settlement of claims or court assessments against CAV are also recognized as imputed financing. For the years ended September 30, 2012 and 2011, respectively, imputed financing was as follows.

	2012	2011
Office of Personnel Management	\$ 703,646	\$ 738,099
<b>Total Imputed Financing Sources</b>	<b>\$ 703,646</b>	<b>\$ 738,099</b>

**NOTE 13. BUDGETARY RESOURCE COMPARISONS TO THE BUDGET OF THE UNITED STATES GOVERNMENT**

The President's Budget that will include FY12 actual budgetary execution information has not yet been published. The President's Budget is scheduled for publication in February 2013 and can be found at the OMB Web site: <http://www.whitehouse.gov/omb/>. The 2013 Budget of the United States Government, with the "Actual" column completed for 2011, has been reconciled to the Statement of Budgetary Resources and there were no material differences.

**NOTE 14. APPORTIONMENT CATEGORIES OF OBLIGATIONS INCURRED**

Obligations incurred and reported in the Statement of Budgetary Resources in 2012 and 2011 consisted of the following:

	2012	2011
Direct Obligations, Category C	\$ 28,590,255	\$ 25,509,948
<b>Total Obligations Incurred</b>	<b>\$ 28,590,255</b>	<b>\$ 25,509,948</b>

Category C apportionments may be used to apportion funds into future fiscal years.

**NOTE 15. UNDELIVERED ORDERS AT THE END OF THE PERIOD**

Statement of Federal Financial Accounting Standards No. 7, Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting, states that the amount of budgetary resources obligated for undelivered orders at the end of the period should be disclosed. For the fiscal years ended September 30, 2012 and 2011, undelivered orders amounted to \$8,911,732 and \$10,171,424 respectively.

**NOTE 16. CUSTODIAL ACTIVITY**

CAV's custodial collection primarily consists of filing fees. While these collections are considered custodial, they are neither primary to the mission of CAV nor material to the overall financial statements. CAV's total custodial collections are \$49,185 and \$57,431 for the fiscal years ended September 30, 2012, and 2011, respectively.

## NOTE 17. RECONCILIATION OF NET COST OF OPERATIONS TO BUDGET

CAV has reconciled its budgetary obligations and non-budgetary resources available to its net cost of operations.

	2012	2011
<b>Resources Used to Finance Activities:</b>		
Budgetary Resources Obligated		
Obligations Incurred	\$ 28,590,255	\$ 25,509,948
Spending Authority From Offsetting Collections and Recoveries	(1,782,297)	(328,715)
Offsetting Receipts	(4,955,470)	(3,266,385)
Net Obligations	21,852,488	21,914,848
Other Resources		
Imputed Financing From Costs Absorbed By Others	703,646	738,099
Net Other Resources Used to Finance Activities	703,646	738,099
Total Resources Used to Finance Activities	22,556,134	22,652,947
Resources Used to Finance Items Not Part of the Net Cost of Operations	487,705	(385,263)
Total Resources Used to Finance the Net Cost of Operations	23,043,839	22,267,684
Components of the Net Cost of Operations That Will Not Require or		
Generate Resources in the Current Period:	4,354,632	824,947
Net Cost of Operations	\$ 27,398,471	\$ 23,092,631