



**Fiscal Year 2024 Annual Report
October 1, 2023, to September 30, 2024
United States Court of Appeals for Veterans Claims**

1. *The number of appeals filed with the Court:*¹ **8,937 appeals** (12% pro se at the time of filing)

2. *The number of petitions filed with the Court:* **242 petitions** (59% pro se at the time of filing)

3. *The number of applications filed with the Court under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412:* **6,227 EAJA applications**

4. *The total number of dispositions*² *by each of the following for FY 2024:*
 - (A) **The Court as a whole**
 - 7,862 appeals (7% pro se at time of disposition)
 - 227 petitions (55% pro se at time of disposition)
 - 6,272 EAJA applications
 - 207 requests for reconsideration/panel decision³
 - 149 appeals*
 - 58 petitions*
 - 14,568 total dispositions**

¹ Under 38 U.S.C. § 7288, the United States Court of Appeals for Veterans Claims (Court) is required to submit an annual report to the U.S. Senate Committee on Veterans' Affairs and the U.S. House of Representatives Committee on Veterans' Affairs that includes the elements enumerated in this report.

² "Dispositions" include each resolution of a matter, including decisions on appeals, petitions, EAJA applications, and requests for reconsideration/panel decision.

³ The number of requests for reconsideration by the Court as a whole, including a single Judge of the Court, a multi-judge panel of the Court, and the full Court.

4. *The total number of dispositions by each of the following for FY 2024 (continued):*

(B) The Clerk of the Court (Clerk)⁴

6,227 appeals

11 petitions

6,224 EAJA applications

There were no requests for reconsideration of the Clerk's orders

12,462 total dispositions⁵

(C) A single Judge of the Court

1,594 appeals

212 petitions

46 EAJA applications

112 requests for reconsideration

83 appeals

29 petitions

1,964 total dispositions

(D) A multi-judge panel of the Court

39 appeals

4 petitions

2 EAJA applications

74 requests for panel decision following a single-judge decision/panel reconsideration

52 appeals

22 petitions

119 total dispositions

(E) The full Court

2 appeals

0 petitions

0 EAJA applications

21 requests for a full court decision following a panel decision

14 appeals

7 petitions

23 total dispositions

⁴ The Clerk is the Executive Officer of the Court and is authorized, pursuant to Rule 45 of the Court's Rules of Practice and Procedure, to act on certain matters pending before the Court.

⁵ This number primarily includes matters resolved through agreement of VA and the appellant, usually with the aid of staff mediation conferencing.

5. *The number of each type of disposition by the Court, including settlement, affirmance, remand, vacation, dismissal, reversal, grant, and denial:*

APPEALS

| TYPE OF DISPOSITION | CLERK ⁶ | SINGLE JUDGE | THREE-JUDGE PANEL | FULL COURT | TOTAL |
|--|--------------------|--------------|-------------------|------------|--------------|
| <i>Affirmed</i> | 0 | 368 | 7 | 0 | 375 |
| <i>Affirmed or dismissed in part, reversed or vacated and remanded in part</i> | 3,105 | 122 | 0 | 0 | 3,227 |
| <i>Reversed or vacated and remanded in whole or in part</i> | 0 | 892 | 25 | 1 | 918 |
| <i>Remanded</i> | 2,386 | 0 | 0 | 0 | 2,386 |
| <i>Dismissed for lack of jurisdiction or timeliness</i> | 3 | 186 | 3 | 1 | 193 |
| <i>Dismissed for default</i> | 235 | 6 | 0 | 0 | 241 |
| <i>Dismissed voluntarily</i> | 498 | 20 | 4 | 0 | 522 |
| TOTAL | 6,227 | 1,594 | 39 | 2 | 7,862 |

PETITIONS

| TYPE OF DISPOSITION | CLERK | SINGLE JUDGE | THREE-JUDGE PANEL | FULL COURT | TOTAL |
|---------------------------------------|-----------|--------------|-------------------|------------|------------|
| <i>Extraordinary relief granted</i> | 0 | 2 | 0 | 0 | 2 |
| <i>Extraordinary relief denied</i> | 0 | 112 | 2 | 0 | 114 |
| <i>Extraordinary relief dismissed</i> | 0 | 59 | 2 | 0 | 61 |
| <i>Dismissed for default</i> | 2 | 0 | 0 | 0 | 2 |
| <i>Dismissed voluntarily</i> | 9 | 39 | 0 | 0 | 48 |
| TOTAL | 11 | 212 | 4 | 0 | 227 |

⁶ Please see footnote 5.

5. *The number of each type of disposition by the Court, including settlement, affirmance, remand, vacation, dismissal, reversal, grant, and denial (continued):*

E A J A

| TYPE OF DISPOSITION | CLERK | SINGLE JUDGE | THREE-JUDGE PANEL | FULL COURT | TOTAL |
|--|--------------|--------------|-------------------|------------|--------------|
| <i>Applications after decisions in appeals</i> | 6,222 | 45 | 2 | 0 | 6,269 |
| <i>Granted</i> | 6,222 | 29 | 1 | 0 | 6,252 |
| <i>Denied</i> | 0 | 10 | 1 | 0 | 11 |
| <i>Dismissed</i> | 0 | 6 | 0 | 0 | 6 |
| <i>Applications after decisions in petitions</i> | 2 | 1 | 0 | 0 | 3 |
| <i>Granted</i> | 2 | 0 | 0 | 0 | 2 |
| <i>Denied</i> | 0 | 1 | 0 | 0 | 1 |
| <i>Dismissed</i> | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 6,224 | 46 | 2 | 0 | 6,272 |

6. *The median time from filing an appeal to disposition (i.e., time from the veteran filing an appeal until initial dispositive action of the Court) by each of the following:*

- (A) **The Court as a whole:** The median time from filing an appeal to disposition of the case by the Court, as a whole, is **222 days (7.4 months)**. This involves pre-chambers procedural activity (including record dispute resolution, staff mediation conferencing,⁷ briefing, screening, time for pro se appellants to seek counsel, and requests for additional time from the parties) and then disposition by a Judge or a panel of Judges (including consideration of any requests for class certification and class action) or by the Clerk of the Court.
- (B) **The Clerk of the Court:** The median time from filing an appeal to disposition of the case by the Clerk is **205 days (6.8 months)**. This involves pre-chambers procedural activity (including record dispute resolution, staff mediation conferencing, briefing, screening, time for pro se appellants to seek counsel, and requests for additional time from the parties) and then disposition by the Clerk.

⁷ Staff mediation conferencing is required for all represented parties. In May 2021, the Court initiated a pilot program that makes counsel available to otherwise unrepresented parties for the limited purpose of participating in mediation. Approximately one-third of unrepresented parties have opted to participate in this program. The Court recently made this program permanent.

6. *The median time from filing an appeal to disposition (i.e., time from the veteran filing an appeal until initial dispositive action of the Court) by each of the following (continued):*
- (C) **A single Judge of the Court:** The median time for disposition of a single-judge decision once a matter has been assigned to chambers is **55 days (1.8 months)**. Activity once a matter is assigned to chambers includes Judges and law clerks collaborating to draft a decision and circulating all draft decisions to all Judges for a 1-week comment period. The median time from filing an appeal to disposition by a single Judge, including pre-chambers procedural activity, is **428 days (14.3 months)**. Pre-chambers procedural activity includes record dispute resolution, staff mediation conferencing, briefing, screening, time for pro se appellants to seek counsel, and requests for additional time from the parties.
- (D) **Multiple Judges of the Court** (including a multi-judge panel of the Court or the full Court): The median time for disposition of a multi-judge panel decision once it has been assigned to a panel is **198 days (6.6 months)**. Activity once a matter is assigned to a panel includes Judges collaborating to determine the disposition and to assign writing responsibilities; considering any requests for class certification and class action; possible orders for additional briefing; drafting the decision; circulating it to the panel for concurrence or the opportunity to write separately; and circulating all draft decisions to all Judges for a 1-week comment period. If oral argument is held, scheduling the argument adds a minimum of 45 days to the case-processing time. The median time from filing an appeal to disposition by a multi-judge panel, which includes pre-chambers procedural activity, is **742 days (24.7 months)**. Pre-chambers procedural activity includes record dispute resolution, staff mediation conferencing, briefing, screening, time for pro se appellants to seek counsel, and requests for additional time from the parties.
7. *The median time from filing a petition to disposition by the Court:* **60 days** (2.0 months)
8. *The median time from filing an EAJA application under 28 U.S. C. § 2412 to disposition by the Court:* **34 days** (1.1 months)
9. *The median time from the completion of briefing requirements by the parties to disposition by the Court:* **94 days** (3.1 months)
Note: This time includes approximately 2 weeks to raise issues relating to finalizing the record of proceedings (a compilation of all documents relevant to the appeal) in every case. If an objection to the record of proceedings is filed, resolution can take several more weeks.
10. *The number of oral arguments before the Court:* **20 held** (37 scheduled, 9 settled, 8 canceled)

11. The number of cases appealed to the United States Court of Appeals for the Federal Circuit:

126 total cases
92 appeals
23 petitions
11 EAJA applications

12. The approximate number and status of appeals and petitions and EAJA applications pending with the Court as of the end of the fiscal year:

| | APPEALS & PETITIONS | EAJA APPLICATIONS | TOTAL |
|--|---------------------|-------------------|--------------|
| <i>Pre-chambers procedural activity</i> ⁸ | 6,360 | 866 | 7,226 |
| <i>Pending decision by a Judge or panel</i> | 276 | 1 | 277 |
| <i>Post decision</i> | 749 | 11 | 760 |
| <i>Pending a motion for reconsideration or panel</i> | 41 | 0 | 41 |
| <i>Pending entry of judgment</i> | 181 | 2 | 183 |
| <i>Pending entry of mandate</i> | 370 | 4 | 374 |
| <i>On appeal before the Federal Circuit</i> ⁹ | 157 | 5 | 162 |
| TOTAL | 7,385 | 878 | 8,263 |

13. The number of cases pending with the Court more than 18 months as of the end of the fiscal year:

429 total cases
422 appeals
7 petitions

| | |
|---|-----|
| <i>Pre-chambers procedural activity</i> ¹⁰ | 54 |
| <i>Pending decision by a Judge or panel</i> | 31 |
| <i>Post decision</i> | 344 |

14. A summary of any service performed for the Court by a recalled retired judge of the Court:

Three retired Judges were recalled to service as Senior Judges in FY 2024. Senior Judges issued 106 single-judge decisions in total and participated in 1 3-judge panel. In addition, Senior Judges participated in decisions on motions for reconsideration—3 as a single Judge and 4 as part of 3-judge panels. Two Senior Judges were involved in committee work for the Court.

⁸ See element 6 for details on pre-chambers procedural activity.

⁹ This category represents the number of cases pending on appeal to the Federal Circuit at the end of FY 2024, which is different than the number of notices of appeal filed during FY 2024 and reported in element 11.

¹⁰ Delays associated with these cases are due primarily to parties' requests for stays, parties' requests for additional time, or complexity of the case.

- 15. An assessment of the workload of each judge of the Court, including consideration of the following:**
- (A) The time required of each judge for disposition of each type of case.**
 - (B) The number of cases reviewed by the Court.**
 - (C) The average workload of other Federal appellate judges.**

As reflected in the responses to elements 1-13 above, each active Judge¹¹ on the Court carries a substantial workload. The Judges' primary responsibilities include rendering decisions on appeals, petitions, class actions,¹² related motions (e.g., procedural motions and motions for reconsideration or for panel review), and applications filed pursuant to 28 U.S.C. § 2412 (EAJA). The Judges are also responsible for the general direction and oversight of the operations of the Court and serve on various committees in furtherance of those obligations.

Over the course of FY 2024, the Court received, on average, 745 appeals per month, with a monthly and record high of 849 in September 2024. The 8,937 total appeals filed in FY 2024 represent an increase of 19% from the prior year. This increase correlates with an increase of final decisions issued by the Board of Veterans' Appeals (Board). In FY 2024, the Board increased production of final decisions from 103,245 in FY 2023 to 116,192.

The Court continues to keep pace with its substantial caseload, in large part, due to the significant percentage of cases that are resolved through pre-briefing mediation conferences. Court staff attorneys bring VA Secretary's counsel and appellant's counsel together in the conference, and often the result is the parties' agreement as to the case disposition. In 70% of the conferenced cases in FY 2024, VA agreed with the appellant that the Board's decision contained error necessitating remand to the agency for readjudication. Because both parties agree on the outcome in such appeals, the Clerk is authorized to act on those matters, and they do not require resolution by a Judge.

In FY 2024, the Court averaged 158 cases (appeals and petitions) decided on the merits per active Judge. For that same time period, the average number of merits decisions decided per active Judge in the 13 circuit courts of appeals ranged from 39 to 168.¹³ The Court received 1,020 filings per active Judge, based on 8,937 appeals and 242 petitions filed in FY 2024. The number of filings per active judge for the circuit courts of appeals ranged from 100 to 353. To date, the Court has been able to keep pace with the growing volume of filings because of the high-resolution rate of the pre-briefing conferences.

¹¹ Consistent with how the Administrative Office of the United States Courts reports statistics, "active judge" refers only to a judge who has been active for the entire fiscal year. In FY 2024 the Court had nine active Judges.

¹² In FY 2024 the Court decided four requests for Class Certification and Class Action.

¹³ Consistent with the Administrative Office of the United States Courts judicial caseload profile for 2024, the range of filings represents the number of written decisions on the merits per active Judge.

- 15. An assessment of the workload of each judge of the Court, including consideration of the following:**
- (A) The time required of each judge for disposition of each type of case.**
 - (B) The number of cases reviewed by the Court.**
 - (C) The average workload of other Federal appellate judges.**

By statute, the Court is permanently authorized seven active Judges. Over 15 years ago, in response to a growing caseload, Congress authorized and added 2 additional temporary judgeships, bringing the number of active Judges authorized and in service in FY 2024 to 9. In December 2024, Congress authorized a third temporary judgeship. The Court hopes that during FY 2025 this position will be filled, and a 10th active Judge will be appointed so that the Court may continue to provide full, fair, and prompt judicial review to veterans and their families.