

# UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

## NOTICE OF APPEAL

The following named appellant appeals to the Court from a final Board of Veterans' Appeals (BVA) decision. The Board's decision was dated \_\_\_\_\_.

\_\_\_\_\_  
Appellant's printed name

\_\_\_\_\_  
VA claims file number

\_\_\_\_\_  
Appellant's telephone number

\_\_\_\_\_  
Appellant's address

\_\_\_\_\_  
Signature of person filing this notice

***Only if this Notice of Appeal is filed by a representative, check one of the following:***

- ☐ My Notice of Appearance is attached.  
☐ My representation is limited to the filing of this Notice of Appeal, and I aver to the Court, in accordance with Rule 46(b)(2), that the appellant has been advised, or alternatively will be advised, of the appellant's responsibility to abide by the Court's Rules of Practice and Procedure, including the need to timely serve and submit for filing a brief. *(Complete items below).*

\_\_\_\_\_  
Representative's printed name

\_\_\_\_\_  
Representative's phone number

\_\_\_\_\_  
Representative's fax number

\_\_\_\_\_  
Representative's address

\_\_\_\_\_  
Representative's email address

### **INSTRUCTIONS**

***Send this Notice of Appeal (NOA)  
(original only) to:***

***Clerk,  
US Court of Appeals for Veterans  
Claims  
625 Indiana Avenue, NW, Suite 900  
Washington, DC 20004-2950***

***The NOA will be timely if it is properly  
addressed to the Court and bears a  
legible postmark affixed by the United  
States Postal Service (USPS) within 120  
days after the mailing date of the BVA  
decision that you are appealing. A  
postage-metered date imprint other than  
one affixed by USPS does not qualify.***

***You may send this NOA by facsimile  
transmission to (202) 501-5848 or by  
means other than US mail. If you do  
that, or if you mail the NOA and it does  
not bear a legible USPS postmark, the  
NOA will be late if it arrives at the Court  
after the 120-day time limit.***

***There is a \$50 filing fee for an appeal.  
Send a check or money order, payable to  
"US Court of Appeals for Veterans  
Claims," with this NOA. Do not send  
cash. To request a waiver of the filing  
fee, attach a completed Form 4  
(Declaration of Financial Hardship).***

[S-A-M-P-L-E]

**APPELLANT'S BRIEF**

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

**No. 00-0000**

**JOHN Q. VETERAN,**

**Appellant**

**v.**

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**SECRETARY OF VETERANS AFFAIRS,**

**Appellee**

**Oliver W. Counsel  
Lawyer & Lawyer  
1111 J Street, NW  
Washington, DC 20000  
(202) 555-1212**

**Attorney for Appellant**

Form 2  
(Rev 8/11)

# UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

## NOTICE OF APPEARANCE

\_\_\_\_\_, ☐ Appellant,  
\_\_\_\_\_, ☐ Petitioner,  
v. \_\_\_\_\_ Docket No. \_\_\_\_\_

Secretary of Veterans Affairs \_\_\_\_\_, Appellee / Respondent.

1. Please enter my appearance for ☐ the appellant or petitioner  
☐ the Secretary  
☐ the intervenor  
☐ amicus curiae: \_\_\_\_\_.
2. I am:  
☐ admitted to practice before this Court as: ☐ attorney ☐ non-attorney practitioner  
☐ seeking to appear in this case only, under Rule 46(b)(1)(F); my motion is attached.
3. I am:  
☐ the lead representative of record. I will accept service for the party and will inform all of the party's co-representatives of matters served upon me.  
☐ not the lead representative of record, but am joining as co-representative.  
☐ replacing the lead representative of record, who:  
☐ has been permitted or is seeking to withdraw.  
☐ remains as co-representative.
4. If I am representing the appellant, petitioner, or intervenor, my representation is:  
☐ pursuant to the attached fee agreement. If the fee agreement provides for direct payment out of past-due benefits under 38 U.S.C. § 5904, a copy has been served on counsel for the Secretary. If the fee agreement provides for a contingent fee, it also provides for an offset of any fees and expenses awarded under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) in the event the Court awards VA benefits on the claim.  
☐ without charge to the appellant, petitioner, or intervenor; however it is subject to the attached retainer agreement.  
☐ pursuant to the fee/retainer agreement already on record in this case.

|                                    |   |
|------------------------------------|---|
| _____<br>/s/<br>Signature          | _____<br>Date   |
| _____<br>Printed name              | _____<br>Veterans Service Org., if R. 46(a)(2)(B) applies.  |
| _____<br>_____<br>_____<br>Address | _____<br>_____<br>Signature and printed name and address of<br>Supervising attorney, if R. 46(a)(2)(A) applies. |
| _____<br>Telephone number          | _____<br>Email address  |

Attachments: ☐ Application and motion to appear under Rule 46(b)(1)(F)  
☐ Fee agreement ☐ Retainer agreement

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

**DECLARATION OF FINANCIAL HARDSHIP**

\_\_\_\_\_, Appellant/Petitioner, Docket No. \_\_\_\_\_

v.

Secretary of Veterans Affairs, Appellee/Respondent.

I am the appellant/petitioner. I declare by my signature below, that payment of the fifty dollar (\$50.00) filing fee required by Rule 3(f) or Rule 21(a) of the Court's Rules of Practice and Procedure would be a financial hardship for me.

**Pursuant to 28 U.S.C. § 1746, I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.**

\_\_\_\_\_  
Signature of Appellant/Petitioner

\_\_\_\_\_  
Date

(To be signed by Appellant, NOT Appellant's Representative.)

\*\*\*\*\*

**INSTRUCTIONS**

*Send this Declaration (original only) to:*

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

***OR Fax (202) 501-5848***

Form 4  
(Rev. 08/11)

## SAMPLE FORMAT FOR TABLE OF AUTHORITIES

### TABLE OF AUTHORITIES

| <b>CASES</b>   | <b>Brief Page:</b> |
|--|--------------------|
| <i>Augustine v. Principi</i> , 343 F.3d 1334 (Fed.Cir. 2003) | 14                 |
| <i>Bucklinger v. Brown</i> , 5 Vet.App. 435 (1993)           | 3                  |
| <b>STATUTES</b>  |                    |
| 38 U.S.C. § 5110(a)  | 7                  |
| 38 U.S.C. § 5110(b)  | 8                  |
| <b>REGULATIONS</b>   |                    |
| 38 C.F.R. § 3.400  | 8                  |
| <b>CITATIONS TO RECORD BEFORE THE AGENCY</b>                 |                    |
| RBA Page:  |                    |
| R. at 5 (3-17) (Board Decision)                              | 2                  |
| R. at 64 (61-67) (Service Medical Records)                   | 2                  |
| R. at 90 (81-94) (Service Medical Records)                   | 7                  |
| R. at 380 (375-86) (Service Medical Records)                 | 6, 7               |
| R. at 500 (495-518) (Letter from Dr.Joe)                     | 6                  |
| R. at 752 (751-52) (Letter from RO)                          | 5, 14              |
| R. at 827 (824-30) (Records from SSA)                        | 6                  |

Form 18  
(08/11)

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

JAMIE DOE,  
Appellant  
v.  
ERIC K. SHINSEKI,  
Secretary of Veterans Affairs,  
Appellee

No. 00-0000

Unopposed Motion for an Extension of Time in which to Respond to the Court's Order of  
January 2, 2020

1. Appellant submits this unopposed motion pursuant to Rule 26:
2. Appellant requests a **7day** extension of time in which to respond to the Court's order of **January 2, 2020**. The parties are close to a resolution of the dispute over the RBA.
3. The date to be extended is **January 2, 2020**, and the revised date sought is **January 9, 2020**;
4. The total number of days of extension previously granted to the appellant in this case thus far is **0 days**;
5. The total number of days of extension previously granted to the Secretary in this case thus far is **90 days**;
6. Counsel for the Secretary is **unopposed** to this motion.

Respectfully submitted,

/s/ Jane Doe  
Jane Doe, Esq.

Date: January 2, 2020