

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

MISC. NO. 7-01

IN RE: RULES 3 AND 24 OF THE RULES OF PRACTICE AND PROCEDURE

Before KRAMER, *Chief Judge*, and FARLEY, HOLDAWAY,
IVERS, STEINBERG, and GREENE, *Judges*

ORDER

Pursuant to the authority of 38 U.S.C. §§ 7263(b) and 7264(a) and consistent with 28 U.S.C. § 2071(b), the Court has adopted changes to Rules 3(e) and 24 of its Rules of Practice and Procedure and to Form 4 in the Appendix of Forms to those rules. The Court has benefitted from public comment on its proposed changes to Rule 24 and Form 4; changes to Rule 3(e) are technical changes to make the terminology in the two rules consistent. Accordingly, it is

ORDERED that the attached changes to Rules 3(e) and 24 and Form 4 are published and will be effective on November 5, 2001.

DATED: October 31, 2001

BY THE COURT:

KENNETH B. KRAMER
Chief Judge

Attachments

RULE 3. HOW TO APPEAL

* * * * *

(e) Payment of Fees. Upon the filing of any separate or joint Notice of Appeal from a decision of the Board, each appellant shall include with the Notice of Appeal a \$50.00 nonrefundable filing fee payable to "U.S. Court of Appeals for Veterans Claims." If an appellant believes the payment of the fee will impose a financial hardship, the appellant may obtain a waiver of the fee by including with the Notice of Appeal a declaration of financial hardship on the form prescribed at Form 4 in the Appendix of Forms. See Rule 24. If the Court accepts the declaration, the fee will be waived. If the declaration is rejected for filing by the Court, the fee or an acceptable declaration must be received by the Court within the time set by the Court's rules or the appeal will be dismissed. If a facsimile Notice of Appeal is filed, the filing fee or declaration must be received by the Court within 14 days after the facsimile was sent.

RULE 24. WAIVER OF FILING FEE

Payment of the filing fee required by Rule 3(e) or Rule 21(a) will be waived, due to financial hardship, in any case where the appellant (or petitioner) submits a declaration of financial hardship and that declaration is accepted for filing. That declaration will be subject to the penalty for perjury pursuant to 28 U.S.C. § 1746, and must be on the form prescribed at Form 4 in the Appendix of Forms. If the declaration is found to lack a signature or to be otherwise noncompliant, it will be rejected for filing, and the Clerk will promptly return it to the appellant (or petitioner); within 14 days (44 days if the declaration is filed by a person located outside a state, the District of Columbia, Puerto Rico, or the Virgin Islands) after the return mailing of such a noncompliant declaration, either the fee must be paid or a new declaration that addresses the deficiencies in the noncompliant declaration must be submitted.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

DECLARATION OF FINANCIAL HARDSHIP

_____, Appellant/Petitioner,

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(e) 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.

Date

Signature of Appellant/Petitioner

Accepted for filing:

Date

Deputy Clerk