

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Misc. No. 14-24

IN RE: RULES OF PRACTICE AND PROCEDURE, E-FILING RULES, AND COURT FORM 4

O R D E R

Pursuant to the authority of 38 U.S.C. § 7264(a) and consistent with 28 U.S.C. § 2071(b), the Court has determined that revisions are needed for Rule 21 (Extraordinary Relief), Rule 22 (Filing a Request for Class Certification and Class Action (RCA)), Rule 24 (Waiver of Filing Fee), and Rule 47 (Expedited Proceedings) of its Rules of Practice and Procedure, along with E-Rule 4 (Locked Documents, Redaction) of its E-Filing Rules. The Court has also determined that Form 4 (Declaration of Financial Hardship) should be revised and redesignated as Form 4a, and proposes a new Form 4b (RCA Declaration of Financial Hardship).

Accordingly, it is

ORDERED that the attached proposed revisions to the Court's Rules of Practice and Procedure, E-Filing Rules, and Form 4 (which will be redesignated as Form 4a), along with a proposed Form 4b are hereby published for public comment for a period of 30 days. Comments must be submitted to the Clerk of the Court by December 16, 2024, at [comments@uscourts.cavc.gov](mailto:comments@uscourts.cavc.gov) or 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004.

DATED: November 15, 2024

FOR THE COURT:

/s/Tiffany M. Wagner  
TIFFANY M. WAGNER  
Clerk of the Court

Attachments:

1. Proposed revised Rule 21
2. Proposed revised Rule 21 with changes shown
3. Proposed revised Rule 22
4. Proposed revised Rule 22 with changes shown
5. Proposed revised Rule 24
6. Proposed revised Rule 24 with changes shown
7. Proposed revised Rule 47
8. Proposed revised Rule 47 with changes shown
9. Proposed revised E-Rule 4
10. Proposed revised E-Rule 4 with changes shown
11. Proposed revised Form 4 (redesignated as Form 4a)
12. Proposed revised Form 4 (redesignated as Form 4a) with changes shown
13. Proposed Form 4b

## **Rule 21: Extraordinary Relief**

**(a) Petition: Service, Content, and Filing.** Extraordinary relief from the Court may only be sought by filing a petition with the Clerk with proof of service on the respondent(s), the Secretary (if not a respondent), and any other party in interest. The petition shall-

- (1) state the precise relief sought;
- (2) state the facts necessary to understand the issues presented by the petition;
- (3) state the reasons why the Court should grant the petition, including why the petitioner has a clear and indisputable right to the writ and why there are inadequate alternative means to obtain the relief sought;
- (4) include an appendix containing copies of any order or decision or any other documents necessary to understand and support the petition; and
- (5) describe any public officer who is a respondent by name and official title.

The requirements of Rules 3(f) (Payment of Fees) and 24 (Waiver of Filing Fee) apply to petitions. Upon receipt of the filing fee (unless waived pursuant to Rule 24 (Waiver of Filing Fee)), the Clerk will submit the petition to the Court.

### **(b) Form and Length of Documents; Translations.**

(1) The requirements in Rule 32 (Form of Brief, Appendices, and Other Documents) apply to petitions and answers thereto, except that a petition or answer may not exceed 20 pages. The petition shall be captioned: "[Name of Petitioner], Petitioner, v. [Name and Title of Respondent], Respondent." *See also* Rules 6 (Protection of Privacy) and 48 (Sealing of Cases).

Self-represented petitioners are encouraged to use Form 5 (Self-Represented Petition for Extraordinary Relief Form) in the Appendix of Forms.

(2) The requirements of Rule 3(h) (Translations) apply to any non-English-language document appended to a petition or an answer.

## **Rule 21: Extraordinary Relief**

**(a) Petition: Service, Content, and Filing.** Extraordinary relief from the Court may only be sought by filing a petition with the Clerk with proof of service on the respondent(s), the Secretary (if not a respondent), and any other party in interest. The petition shall-

- (1) state the precise relief sought;
- (2) state the facts necessary to understand the issues presented by the petition;
- (3) state the reasons why the Court should grant the petition, including why the petitioner has a clear and indisputable right to the writ and why there are inadequate alternative means to obtain the relief sought;
- (4) include an appendix containing copies of any order or decision or any other documents necessary to understand and support the petition; and
- (5) describe any public officer who is a respondent by name and official title.

The requirements of Rules 3(f) (Payment of Fees) and 24 (Waiver of Filing Fee) apply to petitions. Upon receipt of the filing fee (unless waived pursuant to Rule 24 (Waiver of Filing Fee)), the Clerk will submit the petition to the Court.

### **(b) Form and Length of Documents; Translations.**

(1) The requirements in Rule 32 (Form of Brief, Appendices, and Other Documents) apply to petitions and answers thereto, except that a petition or answer may not exceed 20 pages. The petition shall be captioned: "[Name of Petitioner], Petitioner, v. [Name and Title of Respondent], Respondent." *See also* Rules 6 (Protection of Privacy) and 48 (Sealing of Cases).

[Self-represented petitioners are encouraged to use Form 5 \(Self-Represented Petition for Extraordinary Relief Form\) in the Appendix of Forms.](#)

(2) The requirements of Rule 3(h) (Translations) apply to any non-English-language document appended to a petition or an answer.

## **Rule 22: Filing a Request for Class Certification and Class Action (RCA)**

**(a) Relief from the Court on a class action basis** may only be sought by represented parties in an action commenced by the filing of (1) a Notice of Appeal or (2) a petition under the All Writs Act. A party seeking relief on a class wide basis must file a **Request for Class Certification and Class Action (RCA)** with the Clerk with proof of service on the respondent(s) and the Secretary (if not a respondent). The RCA shall:

- (1) define the class on whose behalf the RCA is filed;
- (2) address with specificity and detail each of the factors in Rule 23(a);
- (3) explain the reasons why a decision granting relief on a class action basis would serve the interests of justice to a greater degree than would a precedential decision granting relief on a non-class action basis;
- (4) address each of the factors in Rule 23(f)(1)(A);
- (5) state the precise relief sought on behalf of the class, the reasons why such relief should be granted, and the legal authorities that support the requested relief;
- (6) state the facts, if any, (i) that are relevant to the question whether class certification is warranted or the question whether injunctive or corresponding relief is appropriate respecting the class as a whole; (ii) that are not known to the party seeking relief on a class action basis; and (iii) as to which the Secretary has exclusive knowledge and control; and
- (7) include an appendix containing copies of documents necessary to understand and support the RCA.

### **(b) Time for Filing RCA.**

- (1) For RCAs filed in the context of an appeal of a final decision of the Board of Veterans' Appeals, the RCA must be filed within 45 days after
  - (i) the Secretary serves a copy of the record before the agency, or
  - (ii) resolution of a dispute as to the preparation or content of the record before the agency, whichever is later.
- (2) RCAs filed in the context of a petition must be filed within 30 days after the filing of the petition.
- (3) On motion, the Court may extend the deadline for filing an RCA consistent with the requirements established in Rule 26(b).

**(c) Form and Length.** Except by permission of the Court, an RCA may not exceed 30 pages and must comply with the form requirements in Rule 32 (Form of Briefs, Appendices, and Other Documents) for principal briefs.

**(d) Docketing.** Upon receipt of an RCA, the Clerk will note the request on the docket of the underlying appeal or petition and send notice to all parties. A party may move for bifurcation of the RCA matter, or the Court may order bifurcation in the interest of judicial efficiency. If bifurcation is ordered, the RCA will proceed as a separate action with a separate docket number.

**(e) Payment of Fees.** A \$400 nonrefundable filing fee, payable to "U.S. Court of Appeals for Veterans Claims," shall be submitted with an RCA or received by the Court not later than 14 days after the filing of the RCA. The requirements of Rule 24 (Waiver of Filing Fee) apply to RCAs filed under this Rule.

**Practitioner's Note: The filing fee for an RCA is in addition to the filing fee required by Rule 3(f) and Rule 21(a).**

**(f) Public Notice.** Upon receipt of an RCA, the Clerk shall:

(1) place a notice on the home page of the Court's website providing a link to the docket containing the pending RCA; and

(2) provide notice of each RCA filed at the Court to those organizations, law firms, attorneys, and agents who have informed the Court that they wish to be notified of the filing of such RCAs in a manner determined by the Clerk.

**Practitioner's Note: Practitioners may move the Court for a stay of proceedings if they are reviewing a matter to assess whether to file an RCA. Filing an RCA under this Rule does not automatically stay proceedings in any pending appeal or petition.**

## **Rule 22: Filing a Request for Class Certification and Class Action (RCA)**

**(a) Relief from the Court on a class action basis** may only be sought by represented parties in an action commenced by the filing of (1) a Notice of Appeal or (2) a petition under the All Writs Act. A party seeking relief on a class wide basis must file a **Request for Class Certification and Class Action (RCA)** with the Clerk with proof of service on the respondent(s) and the Secretary (if not a respondent). The RCA shall:

- (1) define the class on whose behalf the RCA is filed;
- (2) address with specificity and detail each of the factors in Rule 23(a);
- (3) explain the reasons why a decision granting relief on a class action basis would serve the interests of justice to a greater degree than would a precedential decision granting relief on a non-class action basis;
- (4) address each of the factors in Rule 23(f)(1)(A);
- (5) state the precise relief sought on behalf of the class, the reasons why such relief should be granted, and the legal authorities that support the requested relief;
- (6) state the facts, if any, (i) that are relevant to the question whether class certification is warranted or the question whether injunctive or corresponding relief is appropriate respecting the class as a whole; (ii) that are not known to the party seeking relief on a class action basis; and (iii) as to which the Secretary has exclusive knowledge and control; and
- (7) include an appendix containing copies of documents necessary to understand and support the RCA.

### **(b) Time for Filing RCA.**

- (1) For RCAs filed in the context of an appeal of a final decision of the Board of Veterans' Appeals, the RCA must be filed within 45 days after
  - (i) the Secretary serves a copy of the record before the agency, or
  - (ii) resolution of a dispute as to the preparation or content of the record before the agency, whichever is later.
- (2) RCAs filed in the context of a petition must be filed within 30 days after the filing of the petition.
- (3) On motion, the Court may extend the deadline for filing an RCA consistent with the requirements established in Rule 26(b).

**(c) Form and Length.** Except by permission of the Court, an RCA may not exceed 30 pages and must comply with the form requirements in Rule 32 (Form of Briefs, Appendices, and Other Documents) for principal briefs.

**(d) Docketing.** Upon receipt of an RCA, the Clerk will note the request on the docket of the underlying appeal or petition and send notice to all parties. A party may move for bifurcation of the RCA matter, or the Court may order bifurcation in the interest of judicial efficiency. If bifurcation is ordered, the RCA will proceed as a separate action with a separate docket number.

**(e) Payment of Fees.** A \$400 nonrefundable filing fee, payable to "U.S. Court of Appeals for Veterans Claims," shall be submitted with an RCA or received by the Court not later than 14 days after the filing of the RCA. The requirements of Rule 24 (Waiver of Filing Fee) apply to RCAs filed under this Rule.

**Practitioner's Note: The filing fee for an RCA is in addition to the filing fee required by Rule 3(f) and Rule 21(a).**

**(f) Public Notice.** Upon receipt of an RCA, the Clerk shall:

(1) place a notice on the home page of the Court's website providing a link to the docket containing the pending RCA; and

(2) provide notice of each RCA filed at the Court to those organizations, law firms, attorneys, and agents who have informed the Court that they wish to be notified of the filing of such RCAs in a manner determined by the Clerk.

**Practitioner's Note: Practitioners may move the Court for a stay of proceedings if they are reviewing a matter to assess whether to file an RCA. Filing an RCA under this Rule does not automatically stay proceedings in any pending appeal or petition.**

## **Rule 24: Waiver of Filing Fee**

Payment of the filing fee required by Rules 3(f) (Appellate Procedure: Payment of Fees), 21(a) (Extraordinary Relief: Petition: Service, Content, and Filing), or 22(e) (Filing a Request for Class Certification and Class Action: Payment of Fees), will be waived, based on financial hardship, in any case where a person (the appellant or petitioner) submits a declaration of financial hardship and that declaration is accepted for filing. The Court may request additional information, as it deems appropriate. The declaration of financial hardship will be subject to the penalty for perjury pursuant to 28 U.S.C. § 1746. For the filing fee required by Rules 3(f) and 21(a), the declaration shall either be on Form 4a in the Appendix of Forms or contain the detail called for in that form. For the filing fee required by Rule 22(e), the declaration shall either be on Form 4b in the Appendix of Forms or contain the detail called for in that form. If the declaration is found to lack a signature or to be otherwise noncompliant, it will be returned; not later than the time fixed by the notice of returned documents, either the filing fee shall be paid or a new declaration that addresses the deficiencies in the noncompliant declaration shall be submitted.

**Practitioner's Note: Only a natural person may qualify for waiver under this Rule. Other filers, such as corporations, companies, associations, firms, partnerships, and societies, are ineligible to file requests under this Rule.**



## **Rule 24: Waiver of Filing Fee**

Payment of the filing fee required by Rules 3(f) (Appellate Procedure: Payment of Fees), 21(a) (Extraordinary Relief: Petition: Service, Content, and Filing), or 22(e) (Filing a Request for Class Certification and Class Action: Payment of Fees), will be waived, based on financial hardship, in any case where a person (the appellant or petitioner) submits a declaration of financial hardship and that declaration is accepted for filing. The Court may request additional information, as it deems appropriate. The declaration of financial hardship will be subject to the penalty for perjury pursuant to 28 U.S.C. § 1746. For the filing fee required by Rules 3(f) and 21(a), the declaration shall either be on Form 4a in the Appendix of Forms or contain the detail called for in that form. For the filing fee required by Rule 22(e), the declaration shall either be on Form 4b in the Appendix of Forms or contain the detail called for in that form. If the declaration is found to lack a signature or to be otherwise noncompliant, it will be returned; not later than the time fixed by the notice of returned documents, either the filing fee shall be paid or a new declaration that addresses the deficiencies in the noncompliant declaration shall be submitted.

**Practitioner's Note: Only a natural person may qualify for waiver under this Rule. Other filers, such as corporations, companies, associations, firms, partnerships, and societies, are ineligible to file requests under this Rule.**

## **Rule 47: Expedited Proceedings**

**(a) Motion and Order.** On a party's motion for good cause shown, on written agreement of the parties, or on its own initiative, the Court may order that any matter before the Court be expedited with respect to some or all procedural steps. The following may constitute good cause:

(1) a serious health condition that makes the death of the appellant or petitioner imminent, as shown by a medical provider's statement (including identification of the provider's licensing authority and current license number);

(2) the advanced age (over 75 years) of the appellant or petitioner and a state of failing health due to a nontemporary condition, as shown by a medical provider's statement (including identification of the provider's licensing authority and current license number), such that expeditious proceedings are necessary to avoid an injustice to the appellant or petitioner; or

(3) any other exceptional circumstances that make expeditious proceedings necessary to avoid an injustice to the appellant or petitioner, as shown by credible evidence.

**(b) Filing and Service of Documents.** Expedited proceedings will be scheduled as directed by the Court. Unless otherwise ordered, the parties shall serve and file documents as follows.

**(1) Staff Conferences.** In cases scheduled for pre-briefing staff conferences under Rule 33 (Staff Conference), the appellant shall submit to the Secretary and the Court's Central Legal Staff, no later than 7 days prior to the staff conference, a summary of the issues the appellant intends to raise in the appeal in accordance with Rule 33(b) (Pre-Briefing Process).

**(2) Briefing.** The appellant shall serve and file a principal brief not later than 20 days after the record before the agency has been served on the appellant or 10 days after the Rule 33 staff conference, whichever is later; the Secretary shall serve and file a brief not later than 20 days after service of the appellant's brief; and the appellant may serve and file a reply brief not later than 10 days after service of the Secretary's brief.

**(3) Record of Proceedings.** The time to serve and file the record of proceedings under Rule 28.1(a)(3) (Record of Proceedings-Time for Filing) is reduced to 7 days.

**(c) Extensions of Time.** An extension of time for good cause under Rule 26(b) may be granted for a total of 15 days for any particular filing. Any motion to extend the time set by these Rules or by an order or notice of the Court beyond a total of 15 days for a particular filing will be granted only for extraordinary circumstances.

**(d) Form and Length of Briefs.** Briefs submitted for filing under this Rule shall comply with Rules 25 (Filing and Service), 28 (Briefs), and 32 (Form of Briefs, Appendices, and Other Documents), except that principal briefs shall be limited to 15 pages, reply briefs shall be limited to 7 pages, and a table of authorities is not required.

## Rule 47: Expedited Proceedings

**(a) Motion and Order.** On a party's motion for good cause shown, on written agreement of the parties, or on its own initiative, the Court may order that any matter before the Court be expedited with respect to some or all procedural steps. The following may constitute good cause:

- (1) a serious health condition that makes the death of the appellant or petitioner imminent, as shown by a medical provider's statement (including identification of the provider's licensing authority and current license number);
- (2) the advanced age (over 75 years) of the appellant or petitioner and a state of failing health due to a nontemporary condition, as shown by a medical provider's statement (including identification of the provider's licensing authority and current license number), such that expeditious proceedings are necessary to avoid an injustice to the appellant or petitioner; or
- (3) any other exceptional circumstances that make expeditious proceedings necessary to avoid an injustice to the appellant or petitioner, as shown by credible evidence.

**(b) Filing and Service of Documents.** Expedited proceedings will be scheduled as directed by the Court. Unless otherwise ordered, the parties shall serve and file documents as follows.

~~**(c) Form and Length of Briefs.**~~ **(1) Staff Conferences.** In cases scheduled for pre-briefing staff conferences under Rule 33 (Staff Conference), the appellant shall submit to the Secretary and the Court's Central Legal Staff, no later than 7 days prior to the staff conference, a summary of the issues the appellant intends to raise in the appeal in accordance with Rule 33(b) (Pre-Briefing Process).

**(2) Briefing.** The appellant shall serve and file a principal brief not later than 20 days after the record before the agency has been served on the appellant or 10 days after the Rule 33 staff conference, whichever is later; the Secretary shall serve and file a brief not later than 20 days after service of the appellant's brief; and the appellant may serve and file a reply brief not later than 10 days after service of the Secretary's brief.

**(3) Record of Proceedings.** The time to serve and file the record of proceedings under Rule 28.1(a)(3) (Record of Proceedings-Time for Filing) is reduced to 7 days.

**(c) Extensions of Time.** An extension of time for good cause under Rule 26(b) may be granted for a total of 15 days for any particular filing. Any motion to extend the time set by these Rules or by an order or notice of the Court beyond a total of 15 days for a particular filing will be granted only for extraordinary circumstances.

**(d) Form and Length of Briefs.** Briefs submitted for filing under this Rule shall comply with Rules 25 (Filing and Service), 28 (Briefs), and 32 (Form of Briefs, Appendices, and Other Documents), except that principal briefs shall be limited to 15 pages, reply briefs shall be limited to 7 pages, and a table of authorities is not required.

#### **E-Rule 4 - Locked Documents, Redaction**

(a) All CM/ECF Users must strive to protect personal identifiers. In order to allow electronic access to documents, but also to protect personal privacy and other legitimate interests, certain documents in a case will be accessible to the public using CM/ECF, and certain documents will be locked and available only to CM/ECF Users in that case.

(b) Once a Notice of Appeal is received by the Court, the Clerk will docket the appeal, designate the Secretary as the appellee, and create an electronic record of the Notice of Appeal. *See* U.S. VET. APP. R. 4(b). Because the Notice of Appeal will likely contain personal identifiers, that electronic record will be locked and accessible through CM/ECF only to CM/ECF Users in that case.

(c) Once a petition for extraordinary relief is received by the Court, the Clerk will docket the petition, designate the Secretary as the respondent, and create an electronic record of the petition. *See* U.S. VET. APP. R. 21(a).

i. If a petition for extraordinary relief is received by the Court and the petitioner is represented, the petitioner must file at least two separate documents under separate docket entries: (1) the petition for extraordinary relief with any necessary personal identifiers; and (2) the petition for extraordinary relief with any personal identifiers redacted. The electronic record of the petition for extraordinary relief that contains personal identifiers will be locked and accessible through CM/ECF only to CM/ECF Users in that case. The electronic record of the redacted petition for extraordinary relief will not be locked and will be accessible to the public.

ii. If a petition for extraordinary relief is received by the Court and the petitioner is not represented, any document containing personal identifiers will be locked and accessible through CM/ECF only to CM/ECF Users in that case. Any document that does not contain personal identifiers will not be locked and will be accessible to the public.

Self-represented petitioners are encouraged to use Form 5 (Self-Represented Petition for Extraordinary Relief Form) in the Appendix of Forms.

(d) When the Secretary files the Board of Veterans' Appeals decision in a particular case, *see* U.S. VET. APP. R. 4(c), the Secretary must file at least two separate documents under separate docket entries: (1) a reference transmittal identifying the Board decision with any necessary personal identifiers; and (2) the Board decision with any personal identifiers redacted.

(e) The Record of Proceedings that the Secretary must file pursuant to Rule 28.1 of the Court's Rules of Practice and Procedure will be locked and available only to CM/ECF Users in that case. *See* U.S. VET. APP. R. 28.1.

## E-Rule 4 - Locked Documents, Redaction

(a) All CM/ECF Users must strive to protect personal identifiers. In order to allow electronic access to documents, but also to protect personal privacy and other legitimate interests, certain documents in a case will be accessible to the public using CM/ECF, and certain documents will be locked and available only to CM/ECF Users in that case.

(b) Once a Notice of Appeal is received by the Court, the Clerk will docket the appeal, designate the Secretary as the appellee, and create an electronic record of the Notice of Appeal. *See* U.S. VET. APP. R. 4(b). Because the Notice of Appeal will likely contain personal identifiers, that electronic record will be locked and accessible through CM/ECF only to CM/ECF Users in that case.

(c) Once a petition for extraordinary relief is received by the Court, the Clerk will docket the petition, designate the Secretary as the respondent, and create an electronic record of the petition. *See* U.S. VET. APP. R. 21(a). ~~Because the petition will likely contain personal identifiers, that electronic record will be locked and accessible through CM/ECF only to CM/ECF Users in that case.~~

i. If a petition for extraordinary relief is received by the Court and the petitioner is represented, the petitioner must file at least two separate documents under separate docket entries: (1) the petition for extraordinary relief with any necessary personal identifiers; and (2) the petition for extraordinary relief with any personal identifiers redacted. The electronic record of the petition for extraordinary relief that contains personal identifiers will be locked and accessible through CM/ECF only to CM/ECF Users in that case. The electronic record of the redacted petition for extraordinary relief will not be locked and will be accessible to the public.

ii. If a petition for extraordinary relief is received by the Court and the petitioner is not represented, any document containing personal identifiers will be locked and accessible through

CM/ECF only to CM/ECF Users in that case. Any document that does not contain personal identifiers will not be locked and will be accessible to the public.

Self-represented petitioners are encouraged to use Form 5 (Self-Represented Petition for Extraordinary Relief Form) in the Appendix of Forms.

(d) When the Secretary files the Board of Veterans' Appeals decision in a particular case, *see* U.S. VET. APP. R. 4(c), the Secretary must file at least two separate documents under separate docket entries: (1) a reference transmittal identifying the Board decision with any necessary personal identifiers; and (2) the Board decision with any personal identifiers redacted.

(e) The Record of Proceedings that the Secretary must file pursuant to Rule 28.1 of the Court's Rules of Practice and Procedure will be locked and available only to CM/ECF Users in that case. *See* U.S. VET. APP. R. 28.1.

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

**DECLARATION OF FINANCIAL HARDSHIP**

**(USE THIS FORM WHEN FILING AN APPEAL OR A PETITION FOR EXTRAORDINARY RELIEF.)**

Docket No. (if assigned) \_\_\_\_\_

\_\_\_\_\_, 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) filing fee referenced in Rule 3(f) and 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

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
E-mail address

(\*To be signed by the appellant/petitioner, NOT the appellant's/petitioner's representative. You may electronically sign by typing "/s/" and then your name in the signature block above: for example, /s/John Doe. **If you are filing this form, do not pay the \$50 filing fee.**)

**INSTRUCTIONS**

To file this declaration, either

- (1) Email it to [self-rep@uscourts.cavc.gov](mailto:self-rep@uscourts.cavc.gov) (if self-represented) or [esubmission@uscourts.cavc.gov](mailto:esubmission@uscourts.cavc.gov) (if represented), **OR**
- (2) Fax it to (202) 501-5848, **OR**
- (3) Send it to:

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



## UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

### DECLARATION OF FINANCIAL HARDSHIP

**(USE THIS FORM WHEN FILING AN APPEAL OR A PETITION FOR EXTRAORDINARY RELIEF.)**

Docket No. (if assigned) \_\_\_\_\_

\_\_\_\_\_, 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 referenced in Rule 3(f) and 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

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
E-mail address

(\*To be signed by the Appellant/Petitioner, NOT the Appellant's/Petitioner's representative. You may electronically sign by typing "/s/" and then your name in the signature block above: for example, /s/John Doe. **If you are filing this form, do not pay the \$50 filing fee.**)

#### INSTRUCTIONS

To file this ~~D~~declaration, either

- (1) Email it to self-rep@uscourts.cavc.gov (if self-represented) or esubmission@uscourts.cavc.gov (if represented), **OR**
- (2) Fax it to (202) 501-5848, **OR**
- (3) Send it to:

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

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS  
DECLARATION OF FINANCIAL HARDSHIP**

**USE THIS FORM WHEN FILING A REQUEST FOR CLASS CERTIFICATION.**

Docket No. (if assigned) \_\_\_\_\_

\_\_\_\_\_, Appellant/Petitioner,

v.

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

I am the appellant/petitioner. I declare by my signature below that payment of the four hundred dollar (\$400) filing fee referenced in Rule 22(e) of the Court's Rules of Practice and Procedure for filing a request for class certification 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

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
E-mail address

(\*To be signed by the appellant/petitioner, NOT the appellant's/petitioner's representative. You may electronically sign by typing "/s/" and then your name in the signature block above: for example, /s/John Doe. **If you are filing this form, do not pay the \$400 filing fee.**)

**INSTRUCTIONS**

To file this declaration, either

(1) Email it to [esubmission@uscourts.cavc.gov](mailto:esubmission@uscourts.cavc.gov), or if the corresponding appeal or petition is pending, file it in accordance with the Court's E-filing Rules, **OR**

(2) Fax it to (202) 501-5848, **OR**

(3) Send it to

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