

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Misc. No. 10-08

IN RE: RULES OF PRACTICE AND PROCEDURE

Before GREENE, *Chief Judge*, and KASOLD, HAGEL, MOORMAN,
LANCE, DAVIS, and SCHOELEN, *Judges*.

ORDER

Pursuant to the authority of 38 U.S.C. §§ 7263(b) and 7264(a), the Court hereby will allow parties in any appeal filed at the Court before April 1, 2008, in which the Record on Appeal has not yet been filed, the option, upon mutual consent, to follow revised Rule 10 and Rule 28.1 of the Court's Rules of Practice and Procedure (Rules) pertaining to the Record Before the Agency and the Record of Proceedings. *See In Re: Rules of Practice and Procedure*, U.S. VET. APP. MISC. NO. 03-08 (Mar.19, 2008) (en banc) (adopting new Rules 10 and 28.1 effective April 1, 2008).

Accordingly, it is

ORDERED that, for any appeal filed at the Court before April 1, 2008, in which the Record on Appeal has not yet been filed, the Secretary may file, not later than 30 days after the date of this order, a notice with the Clerk certifying (1) that the parties, by mutual consent, are following revised Rules 10 and 28.1 of the Court's Rules pertaining to the Record Before the Agency and the Record of Proceedings, and (2) that the Record Before the Agency has been served on the appellant in accordance with new Rule 10, or will be so served on the appellant within 30 days after the date of this order. U.S. VET. APP. R. 10(a)(6) (effective April 1, 2008). No motions for extensions of time in which to serve the Record Before the Agency will be granted.

DATED: October 29, 2008

BY THE COURT:

/s/ William P. Greene, Jr.

WILLIAM P. GREENE, JR.
Chief Judge