

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



FISCAL YEAR 2023 BUDGET ESTIMATE
MARCH 28, 2022

FISCAL YEAR 2023 BUDGET ESTIMATE

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INTRODUCTION

The United States Court of Appeals for Veterans Claims (Court) is a national court of record established by the Veterans Judicial Review Act, Pub. L. No. 100–687, Division A (1988) (Act). The Act, as amended, is codified in part at 38 U.S.C. §§ 7251–7299. The Court is located in Washington, D.C., but as a national court may sit anywhere in the United States.

The Court is part of the federal judicial system and has a permanent authorization for seven judges, one of whom serves as chief judge. Under Public Law No. 116-159, Congress extended the temporary authorization that expands the Court to nine active judges, and currently all nine positions are filled. Judges are appointed by the President, by and with the advice and consent of the Senate, for 15-year terms. Upon retirement, a judge may choose to be recall eligible, and thus willing to be recalled to service by the Chief Judge. Ten of the Court's retired judges are recall eligible, and four are currently in recall status. Recall-eligible retired judges may elect full retirement at any time.

The Court has exclusive jurisdiction to review decisions made by the Department of Veterans Affairs Board of Veterans' Appeals (Board) that adversely affect a person's entitlement to VA benefits. This judicial review, although specialized in scope, is the same as that performed by all other United States Courts of Appeals. In cases before it, the Court has the authority to decide all relevant questions of law; to interpret constitutional, statutory, and regulatory provisions; and to determine the meaning or applicability of actions/decisions by the Secretary of Veterans Affairs. The Court may affirm, set aside, reverse, or remand those decisions as appropriate. Additionally, the Court has class action authority, has jurisdiction under 28 U.S.C. § 1651 to issue all writs necessary or appropriate in aid of its jurisdiction, and acts on applications under 28 U.S.C. § 2412(d), the Equal Access to Justice Act (EAJA). Certain decisions by the Court are reviewable by the United States Court of Appeals for the Federal Circuit and, if *certiorari* is granted, by the Supreme Court of the United States. For management, administration, and expenditure of funds in areas beyond the bounds of Chapter 72 of Title 38, the Court may exercise the authorities provided for such purposes applicable to other courts as defined in Title 28, U.S. Code.

In 1992, Congress authorized the Court to transfer funds from its appropriation that year to the Legal Services Corporation (LSC), for the purpose of providing, facilitating, and furnishing legal and other assistance, through grant or contract, to veterans and others seeking recourse in the Court. That program, often called the pro bono representation program, has been ongoing since that time, with LSC responsible for oversight and grant distribution responsibilities. The Appropriations Subcommittees consider LSC's budget request separately from the Court's budget request, although both are submitted together. The fiscal year (FY) 2023 LSC request for \$3,385,000, is attached at Appendix A.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

**APPROPRIATION LANGUAGE
GENERAL AND SPECIAL FUND**

SALARIES AND EXPENSES

A total of [\$41,700,000] **\$46,900,000**, of which [\$38,314,896] **\$43,515,000** will be used by the United States Court of Appeals for Veterans Claims for operations as authorized by 38 U.S.C. §§ 7251-7299 (to include \$1,440,443 to be transferred to the U.S. General Services Administration for costs associated with reconfiguring existing Court space). Provided further, that [\$3,385,104] **\$3,385,000** shall be transferred to the Legal Services Corporation to facilitate the furnishing of legal and other assistance in accordance with the process and reporting procedures set forth under this heading in Public Law No. 102-229.

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

Court Caseload Trends and Variations

The U.S. Court of Appeals for Veterans Claims (Court) remains one of the busiest federal appellate courts based on the number of filings per active judge. Each active judge on the Court carries a substantial workload that includes rendering decisions on appeals, petitions, motions, applications filed pursuant to 28 U.S.C. § 2412 (the Equal Access to Justice Act), and a relatively new and growing class action caseload.

Appeals to the Court come from the pool of cases in which the Board of Veterans' Appeals (Board) has denied some or all benefits sought by claimants. From FY 1999 through FY 2004, when the Court had seven judges, approximately 200 cases per month were filed. Starting in FY 2007, the Court saw a sustained increase in that number, with an average of 376 cases filed per month. In late 2009 the Court's active judge authorization was temporarily increased to nine judges to respond to that caseload increase. A more recent surge in appeals that started in FY 2018 continued upward in FY 2019, with an average of 706 appeals filed per month. In FY 2020, that increase continued even further with nearly 750 appeals filed per month. Also in 2020, Congress renewed the temporary authorization for nine judges. From January 2021 to present, the Court has received an average of 672 appeals per month, to include a record high of 872 in March 2021 and a low of 519 in October 2021.

As shown below, historical data demonstrates that when final Board decision numbers increase or decrease, Court appeal numbers likewise rise or fall. Consistent with the expanded Board staffing reflected below, for FY 2022 the Board established a goal of issuing 111,500 final decisions. This is substantially more than the record number of Board decisions issued in FY 2020, when the Court received an all-time high of almost 9,000 appeals.

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Board Final Decisions	48,804	49,127	48,588	44,300	41,910	55,532	55,713	52,011	52,661	85,288	95,089	102,663	99,721
Board Members	60	60	64	64	88	88	88	88	94	92	96	100	108
Board Staff Attorneys	312	320	300	300	400	410	450	450	671	806	800	850	770
Appeals to CAVC	4,725	4,153	3,948	3,649	3,531	3,745	4,506	4,140	4,040	6,802	8,470	8,954	8,303
CAVC Judges Authorized	7	7	9	9	9	9	9	9	9	9	9	9	9

The Court has been able to keep pace with the recent surge in appeals numbers without the need for additional judges in large part because a higher percentage of appeals resolved via mediation prior to reaching chambers. But even if this higher pre-chambers resolution rate is maintained going forward, the expected increase in appeals numbers due to expanded Board staffing necessarily will create increased demand for judge decision-making at the Court. To avoid this demand exceeding our capacity, the Court requests funding for two additional judges.

Staffing Requirements

The Court requests funding for 156 full-time equivalent (FTE) positions in FY 2023. This represents an increase of 17 positions over the FY 2022 FTE request. Twelve of these positions represent personnel required to staff the requested two additional judicial chambers (one judge, one confidential assistant, and four judicial law clerks in each of two chambers). The other five new requested FTEs are two staff attorneys for the Court's Central Legal Staff, two docket clerks for the Court's Public Office, and one judicial law clerk to support the Senior Judges' chambers. All 17 of these positions are necessitated by the growth in the number of appeals to the Court.

FISCAL YEAR 2021 PROGRAM

The Court's FY 2021 program accomplished the following:

Operated virtually in almost all respects for the entire fiscal year due to COVID-19.

Opened 8,525 new cases, including appeals from decisions of the Board of Veterans' Appeals and petitions for extraordinary relief directed to the Court. During the same period, the Court disposed of 9,562 cases through a combination of panel opinions, single judge decisions, and court orders. In addition, the Court ruled on thousands of motions and acted on approximately 7,286 applications for attorney fees filed under the Equal Access to Justice Act. The Court also had litigants seek class action certification in several cases, with 3 requests filed, and a class certified in one case.

Expended funds as necessary to staff and support the operations of the Court and ensured its continued proper functioning throughout the fiscal year.

Contracted for the services of a Special Master to support a class action filed at the Court.

Replaced all network switches as planned and maintained and updated the Court's information technology (IT) infrastructure as necessary.

Received an Unmodified Opinion following its FY 2021 financial audit, which is the highest level of assurance that can be expressed. The Unmodified Opinion states that the financial statements are presented fairly in all material respects.

Continued agreements with the United States Marshals Service and the Federal Protective Service for Court security; the Department of Agriculture's National Finance Center for payroll/personnel services; the U.S. Department of the Treasury Bureau of the Fiscal Service for administrative payments, credit card, travel, and financial accounting and reporting services; and the Administrative Office of the U.S. Courts for Case Management/Electronic Case Filing (e-filing) system support.

Paid benefits from the Court of Appeals for Veterans Claims Retirement Fund (Judges' Retirement Fund) to retired judges and one survivor annuitant. Pursuant to 38 U.S.C. § 7298, funded the Judges' Retirement Fund in accordance with independent actuarial assessments.

Transferred appropriations to Legal Services Corporation for pro bono representation services in accordance with Public Law No. 102-229.

FISCAL YEAR 2022 PROGRAM

The Court's FY 2022 budget includes the following:

Funding to staff and support the operations of the Court to ensure its continued proper functioning throughout the fiscal year, to include funding for nine active judges on the Court and two additional full-time equivalent (FTE) positions (a staff attorney for the Court's Central Legal Staff and a docket clerk for the Court's Public Office), as well as scheduled step increases, time-in-grade promotions for eligible employees, and a 3% cost of living allowance.

Funding for new servers and computers to sustain operations as equipment reaches end of life-cycle and end of support.

Funding for information technology services and updates, to include phase one migration of the Court's remote data storage backup facility to the cloud, acquisition of a web-based collaborative platform to enhance case management, and courtroom technology enhancements to facilitate hybrid in-person/remote argument participation.

Funding to audit the Court's financial statements.

Funding to continue the agreements with the United States Marshals Service and the Federal Protective Service for Court security; the Department of Agriculture's National Finance Center for payroll/personnel services; the U.S. Department of the Treasury Bureau of the Fiscal Service for administrative payments, credit-card, travel, and financial accounting and reporting services; and the Administrative Office of the United States Courts for Case Management/Electronic Case Filing (e-filing) system support.

Funding to reduce any unfunded liability in the Judges' Retirement Fund.

Funding to transfer to Legal Services Corporation for pro bono representation services in accordance with Public Law No. 102-229.

FISCAL YEAR 2023 PROGRAM

The Court's FY 2023 budget request reflects the following:

Funding to staff and support the operations of the Court to ensure its continued proper functioning throughout the fiscal year, to include 11 active judges on the Court (an increase of two over FY 2022) and 15 additional full-time equivalent (FTE) positions (8 law clerks and 2 confidential assistants to support the requested 2 new judges, as well as 2 additional staff attorneys for the Court's Central Legal Staff, 2 additional docket clerks for the Court's Public Office, and one additional judicial law clerk to support the Court's recalled-retired (Senior) judges), as well as scheduled step increases, time-in-grade promotions for eligible employees, and a 3% cost of living allowance.

Funding for information technology services and updates, to include phase two migration of the Court's remote data storage backup facility to the cloud, tech refresh of the Court's wireless system, and necessary life cycle equipment replacement.

Funding to audit the Court's financial statements.

Funding to continue the agreements with the United States Marshals Service and the Federal Protective Service for Court security; the Department of Agriculture's National Finance Center for payroll/personnel services; the U.S. Department of the Treasury Bureau of the Fiscal Service for administrative payments, credit-card, travel, and financial accounting and reporting services; and the Administrative Office of the United States Courts for Case Management/Electronic Case Filing (e-filing) system support.

Funding to reconfigure existing Court space to accommodate two additional judicial chambers.

Funding to reduce any unfunded liability in the Judges' Retirement Fund.

Funding to transfer to Legal Services Corporation for pro bono representation services in accordance with Public Law No. 102-229.

SUMMARY OF FISCAL YEAR 2023 BUDGET REQUEST
(in thousands of dollars)

The FY 2023 budget request of \$46,900,000 reflects an increase of \$5,200,000 over the Court's FY 2022 appropriation. A summary of the FY 2023 funding request compared with the FY 2022 appropriation follows:

	FY 2022 Appropriation	FY 2023 Budget Request	Change
FTE Positions	139	156	+17
Personnel Compensation and Benefits	\$22,697	\$27,930	+\$5,233
Other Objects (Operating Expenses)	\$8,318	\$10,885	+\$2,567
Judges' Retirement Fund	\$7,300	\$4,700	-\$2,600
Pro Bono Representation Services (Grant)	\$3,385	\$3,385	\$0
Budget Authority/Appropriation	\$41,700	\$46,900	+\$5,200

SUMMARY OF FISCAL YEAR 2023 PROGRAM FUNDING CHANGES
(in thousands of dollars)

Personnel Compensation and Benefits: + \$5,233

The Court is requesting funding to cover compensation and benefits for 156 FTEs. The increase in funding requested is necessary to accommodate the salary and benefits expenses for seventeen new positions, as well as scheduled step increases, time-in-grade promotions for eligible employees, and a 3% cost of living allowance for all Court employees. Twelve of the requested new positions represent the personnel required to staff two additional judicial chambers (one judge, one confidential assistant, and four judicial law clerks in each of two chambers). The other five new requested FTEs are two staff attorneys for the Court's Central Legal Staff, two docket clerks for the Court's Public Office, and one judicial law clerk to support the Senior Judges' chambers.

All Other Objects (Operating Expenses): + \$2,567

The increase in this category is primarily attributable to the cost of converting existing court space to accommodate two new judges. It also includes the cost of technical support to complete phase two of the Court's migration of its remote data storage backup facility to the cloud, tech refresh of the Court's wireless system, and services associated with life cycle equipment replacement for the Court.

Contribution to Judges' Retirement Fund: - \$2,600

This decrease results from a reduction in the actuarial projection of the deposit necessary to fully fund the Judges' Retirement Fund pursuant to 38 U.S.C. § 7298.

Pro Bono Representation Services (Legal Services Corporation Grant): \$0

See Appendix A.

TOTAL CHANGES: + \$5,200

DETAILS OF FISCAL YEAR 2023 PROGRAM FUNDING CHANGES
(in dollars)

The following information provides details of the funding changes from FY 2022:

PERSONNEL COMPENSATION & BENEFITS **+ \$5,233,500**

The Court is requesting funding to cover compensation and benefits for 156 FTEs. The increase in funding requested is necessary to accommodate the salary and benefits expenses for seventeen new positions, as well as scheduled step increases, time-in-grade promotions for eligible employees, and a 3% cost of living allowance for all Court employees. Twelve of the requested new positions represent the personnel required to staff two additional judicial chambers (one judge, one confidential assistant, and four judicial law clerks in each of two chambers). The other five new requested FTEs are two staff attorneys for the Court's Central Legal Staff (CLS), two docket clerks for the Court's Public Office, and one judicial law clerk to support the Senior Judges' chambers.

Two additional judges, each supported by the standard four judicial law clerks and one confidential assistant, will expand the capacity of the Court to timely decide appeals. One additional judicial law clerk is also necessary to support the retired-recalled Senior Judges.

CLS staff attorneys conduct pre-briefing conferences in all appeals where the parties are represented, in addition to preparing orders, memoranda, and vote sheet packets, and analyzing case trends. As the number of Court appeals has increased, the number of conferences has likewise increased, and the pace at which CLS is operating requires two additional FTEs.

Docket clerks in the Court's Public Office are responsible for case openings, case closings, and all docket entries. Given the Court's expansive caseload and anticipated increases, the Court needs two additional docket clerks.

The Court will also convert a CS-7 legal research assistant to a CS-14 counsel attorney position to better assist the Court's General Counsel in responding to the needs of the Court.

OTHER OBJECTS (OPERATING EXPENSES) **+ \$2,566,604**

Travel **+ \$0**

This category remains static in anticipation of the COVID-19 travel restrictions being lifted and Court travel resuming.

Transportation of things **+ \$5,000**

The increase in this category is attributable to potential relocation expenses associated with the appointment of two new judges.

Rental payment to GSA **+ \$100,000**

This request reflects the General Services Administration (GSA) rent estimate.

Rental payment to others + \$0

This category remains static.

Communications, utilities, and miscellaneous charges +\$0

This category remains static.

Printing & reproduction -\$5,000

Expenses in this category have decreased because there is no Judicial Conference scheduled in FY 2023.

**Purchases of Goods and Services
from Government and Other Sources** + \$699,161

The increase in this category is attributable to the cost of technical support to complete phase two of the Court's migration of its remote data storage backup facility to the cloud, tech refresh of the Court's wireless system, and services associated with life cycle equipment replacement.

Funding in this category is used generally to maintain existing Court services and also covers the costs of necessary Court agreements with the United States Marshals Service and the Federal Protective Service for Court and judicial security; the Department of Agriculture's National Finance Center for payroll/personnel services; the U.S. Department of the Treasury Bureau of the Fiscal Service for administrative payments, credit-card, travel, and financial accounting and reporting services; and the Administrative Office of the United States Courts for Case Management/Electronic Case Filing (e-filing) software and support.

Supplies & Materials + \$7,000

The increase in this category reflects standard inflation increases on existing Court subscriptions as well as additional subscriptions and supplies for two new judges' chambers.

Equipment + \$320,000

The increase in this category is attributable to life cycle equipment replacement for the Court, equipment costs of completing phase two of the migration of the Court's remote data storage backup facility to the cloud, and necessary furnishings for two new judges' chambers.

Leasehold Improvements +1,440,443

This request reflects GSA's estimate for reconfiguring existing Court space to accommodate two additional judicial chambers.

CONTRIBUTION TO JUDGES' RETIREMENT FUND - **\$2,600,000**

This decrease results from a reduction in the actuarial projection of the deposit necessary to fully fund the Judges' Retirement Fund pursuant to 38 U.S.C. § 7298.

PRO BONO REPRESENTATION SERVICES
(LEGAL SERVICES CORPORATION GRANT) - **\$104**

See Appendix A.

TOTAL CHANGES + **\$5,200,000**

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

PROGRAM AND FINANCING
(in thousands of dollars)

CODE	OBLIGATIONS BY PROGRAM ACTIVITY	FY 2021 Actual	FY 2022 Budget Appropriations	FY 2023 Budget Request
10.00	Total Obligations	\$37,098.4	\$41,700.0	\$46,900.0
	BUDGETARY RESOURCES AVAILABLE FOR OBLIGATION			
21.40	Unobligated balance available, start of year	-	-	-
22.00	New budget authority (gross)	\$37,100.0	\$41,700.0	\$46,900.0
22.30	Less: Unobligated balance expiring	\$1,649.0	-	
23.95	New obligations	\$37,098.4	\$41,700.0	\$46,900.0
24.40	Unobligated balance available, end of year	-	-	-
	NEW BUDGET AUTHORITY (GROSS) DETAIL			
40.00	Appropriation	\$37,100.0	\$41,700.0	\$46,900.0
40.35	Appropriation rescinded	-	-	-
43.00	Appropriation (total)	\$37,100.0	\$41,700.0	\$46,900.0
	CHANGE IN UNPAID OBLIGATIONS			
72.40	Obligated balance, start of year	\$3,362.5	\$3,830.0	\$4,247.0
73.10	New obligations	\$37,184.6	\$41,700.0	\$46,900.0
73.20	Total outlays (gross)	-\$36,717.1	-\$41,283.0	-\$45,024.0
74.40	Obligated balance, end of year	\$3,830.0	\$4,247.0	\$6,123.0
	OUTLAYS (GROSS), DETAIL			
86.90	Outlays from new current authority	\$34,873.2	\$37,453.0	\$40,777.0
86.93	Outlays from current balances	\$1,843.9	\$3,830.0	\$4,247.0
87.00	Total outlays	\$36,717.1	\$41,283.0	\$45,024.0
	NET BUDGET AUTHORITY AND OUTLAYS			
89.00	Budget authority	\$37,100.0	\$41,700.0	\$46,900.0
90.00	Outlays	\$36,717.1	\$41,283.0	\$45,024.0

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

Object Classification (in thousands of dollars)

CODE	Direct Obligations	FY 2021 Actual	FY 2022 Budget Appropriations	FY 2023 Budget Request
11.1	Full-time permanent	\$15,621.4	\$17,200.0	\$20,200.0
43.0	Interest	-	-	-
11.5	Other personnel compensation	\$236.1	\$222.5	\$260.0
11.9	Total personnel compensation	\$15,857.5	\$17,422.5	\$20,460.0
12.1	Civilian personnel benefits	\$5,041.7	\$5,274.0	\$7,470.0
13.1	Unemployment compensation	-	-	-
21.0	Travel and transportation of persons	\$4.2	\$110.0	\$110.0
22.0	Transportation of things	\$2.5	\$25.0	\$30.0
23.1	Rental payments to GSA	\$2,400.0	\$3,400.0	\$3,500.0
23.2	Rental payments to others	\$134.5	\$210.0	\$210.0
23.3	Communications, utilities, and miscellaneous charges	\$155.2	\$280.0	\$280.0
24.0	Printing and reproduction	\$0.0	\$10.0	\$5.0
25.2	Other services	\$2,206.0	\$1,938.4	\$2,522.6
25.3	Purchases of goods and services from government sources	\$912.6	\$1,000.0	\$1,100.0
25.4	Operation and maintenance of facilities	\$46.8	\$65.0	\$70.0
25.7	Operation and maintenance of equipment	\$209.6	\$260.0	\$270.0
26.0	Supplies and materials	\$111.0	220.0	227.0
31.0	Equipment	\$881.9	800.0	1,120.0
32.0	Leasehold Improvements	\$65.0	-	1,440.4
94.0	Contributions to Judges' Retirement Fund	\$5,783.0	7,300.0	4,700.0
41.0	Pro Bono Representation Services (Grant)	\$3,286.5	3,385.1	3,385.0
99.9	Total obligations	\$37,098.0	\$41,700.0	\$46,900.0

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

JUDGES' RETIREMENT FUND

The United States Court of Appeals for Veterans Claims Retirement Fund (Judges' Retirement Fund or Fund), established under 38 U.S.C. § 7298, is used for judges' retired pay and for annuities, refunds, and allowances provided to surviving spouses and dependent children. Participating judges pay 1% of their salaries to cover creditable service for retired pay purposes and 2.2% of their salaries for survivor annuity purposes. Additional funds needed to cover the unfunded liability may be transferred to the Judges' Retirement Fund from the Court's annual appropriation. The Court's contribution to the Fund is estimated annually by an actuarial firm retained by the Court. The Fund is invested solely in government securities.

JUDGES' RETIREMENT FUND

(in thousands of dollars)

Code	Description	FY 2021 Actual	FY 2022 Budget Appropriations	FY 2023 Budget Request
	Unavailable Collection Schedule:			
01.00	Balance, start of year	\$52,223.8	\$56,020.5	\$61,180.5
	Receipts			
12.01	Earnings on investment	\$786.5	\$850.0	\$865.0
12.02	Employer contributions	\$5,783.0	\$7,300.0	\$7,300.0
12.03	Employee contributions	\$89.1	\$110.0	\$110.0
12.99	Subtotal, receipts	\$6,658.6	\$8,260.0	\$8,275.0
45.00	Offsetting collections (outlays)	-\$2,861.9	-\$3,100.0	-\$3,300.0
88.03	Total: Balances and collections	\$56,020.5	\$61,180.5	\$66,155.5
	Appropriations			
65.99	Judges' Retirement and Survivor Annuity Fund	-\$2,861.9	-\$3,100.0	-\$3,300.0
88.99	Balance, end of year	\$56,020.5	\$61,180.5	\$66,155.5

APPENDIX A

December 13, 2021

The Honorable Margaret Bartley
Chief Judge
United States Court of Appeals for Veterans Claims
625 Indiana Avenue, N.W., Suite 900
Washington, D.C. 20004

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Lafayette, LA

Julie A. Reiskin
Denver, CO

Gloria Valencia-Weber
Albuquerque, NM

Re: FY 2023 Budget Request for the Veterans Pro Bono Program

Dear Chief Judge Bartley:

This letter describes the activities of the Legal Services Corporation (LSC) regarding the veterans pro bono program pursuant to Public Law 102-229, Title I, Ch. II, 105 Stat. 1701, 1710 (Dec. 12, 1991). Congress appropriates funding for this program to the U.S. Court of Appeals for Veterans Claims (Court) with specific direction to provide those funds to LSC to make “grants and contracts” to “facilitate the furnishing of legal and other assistance, without charge, to veterans and other persons who are unable to afford the cost of legal representation in connection with decisions” of, or other proceedings in, the Court. *Id.* LSC awards and oversees a calendar-year grant for those services.

The grantee, currently the Veterans Consortium Pro Bono Program (Consortium), has provided an annual recommended funding request, which LSC is not in a position to evaluate and which is provided to Congress along with the Court’s budget submission. LSC is not involved in determining the need for veterans pro bono legal services or the amount of the annual funding request. LSC’s role begins after Congress has appropriated funding and the Court has provided the funds to LSC. LSC then evaluates applications, awards the grant, and conducts grant oversight and follow-up activities.

LSC’s activities ensure that the grantee provides the assistance and performs the activities required by Public Law 102-229. LSC’s activities include, but are not limited to, the following:

- Reviewing and evaluating the Consortium’s annual renewal applications.
- Subjecting each grant award to Grant Assurances that specify conditions the Consortium must meet to receive the grant.
- Attending the meetings of the Consortium’s board of directors and reviewing copies of the Consortium’s budget and other reports the Consortium’s staff submit to the Consortium’s board. (Court staff also attend the board’s meetings and are provided these reports.)

- Conducting periodic, comprehensive, on-site reviews of the Consortium's operations. (Eight have been conducted since 1995. The most recent review was in 2021 and was a virtual Program Quality Visit.)
- Maintaining communications with the Consortium's board chair and executive director.
- Requiring the Consortium to submit copies of its annual audited financial statements to LSC's Office of the Inspector General (OIG) for review. The OIG has not identified any issues requiring follow-up for at least the last ten years.
- Requiring that the Consortium track and report any carryover fund balance of grant funds from one year to the next (by year and cumulative), and include that information in the program's annual budget request for submission to Congress.

Based on these oversight activities, LSC has determined that the Consortium's services and operations have, in all prior years, met the requirements set forth in Public Law 102-229.

LSC last conducted a public competition for the calendar year 2016 grant. LSC received five applications in response to a November 2015 Request for Proposals. The applicants included the Consortium, a legal aid organization, a private practitioner, and two law schools. After a thorough review of all applications, we selected the Consortium for the 2016 grant. LSC has renewed the grant each year from 2017 through 2022. We expect the Consortium to apply for the grant for 2023.

Please let me know if you have any questions or require further information.

Respectfully yours,



Lynn Jennings
Vice President for Grants Management

cc: Eva Armah, Chief Financial Officer, Budget and Finance Office
United States Court of Appeals for Veterans Claims

VETERANS PRO BONO PROGRAM
FY 2023 FUNDING REQUEST, BUDGET, AND NARRATIVE

13 December 2021

INTRODUCTION

The federal Veterans Pro Bono Program recruits and trains volunteer attorneys to provide assistance to financially qualified, unrepresented veterans and their family members, caregivers, or survivors who have filed veterans' benefits appeals at the U.S. Court of Appeals for Veterans Claims (Court). A goal of the federal Veterans Pro Bono Program is to offer representation before the Court to every financially eligible appellant with a meritorious appeal in order to ensure that each appellant attains the best possible outcome. Ensuring every appellant is represented also assists the Court in efficient processing of claims as the appellants have advocates to guide their claims through the complex appeals process. The Veterans Consortium (TVC) is an independent nonprofit organization that operates the federal Veterans Pro Bono Program (Program). 501c (3) entity founded in 1992, the organization enlists and maintains its TVC National Volunteer Corps to serve the eligible U.S. veteran population worldwide. To this day, its Executive Board maintains voting representation from its four founding Member Organizations: Paralyzed Veterans of America, Disabled American Veterans, The American Legion, and the National Veterans Legal Services Program. These four Veterans Service Organizations (VSO) continue to support and assist The Veterans Consortium in a shared mission to serve veterans and their loved ones. On behalf of the Court and our nation's defenders, the Program leads and sustains a collaborative effort with the Department of Veterans Affairs (VA), law firms, corporate legal departments, bar associations, law schools, solo practitioners, and other nonprofit organizations and mission partners that provide services to veterans, to develop broad capabilities and capacity for the services performed for appellants in need.

In response to a request by the Court, Congress established the Program via Public Law No. 102-229 to provide legal and other assistance, without charge, to veterans and other persons who are unable to afford the cost of legal representation before the Court. The Program is funded through a grant administered by Legal Services Corporation (LSC), which comes from an appropriation request submitted as part of the Court's appropriation request.

The Program is requesting an appropriation of new grant funds in the amount of \$3,385,000 for FY 2023, approximately the same amount requested for FY 2022 (reduction of \$104,000), based on projections of workload currently being experienced as explained herein. Thirty-five thousand dollars (\$35,000) of this amount is assumed for the estimated LSC grant administration cost, and the remainder of this amount is for Program operations. The Program's proposed budget for FY 2023 is included herein. Like all other organizations, TVC has been directly impacted by the COVID pandemic. The numbers contained herein reflect the changes TVC made to deal with the crisis, our best estimate as to what our operating environment will look like in FY 2023, and the funding required to support it.

On a related note, mission statistics herein are reported by government Fiscal Year (FY), in line with the reporting periods used by the Court and the Board of Veterans' Appeals (BVA). While the LSC-administered federal Veterans Pro Bono Program and the independent 501c (3) entity The Veterans Consortium both operate using Calendar Year (CY) cycles, the annual budget amounts submitted herein are for government FY 2023.

SIGNIFICANT STATISTICS FOR THE BOARD OF VETERANS' APPEALS, THE U.S. COURT OF APPEALS FOR VETERANS CLAIMS, AND THE FEDERAL VETERANS PRO BONO PROGRAM

The Program continues to provide legal advice and assistance free of charge to a significant - and growing - number of unrepresented veterans in need and their qualified family members, caregivers, and survivors with active appeals at the Court. The Program is unique in that it successfully leverages the investment of the United States by annually obtaining millions of dollars' worth of *pro bono* representation for the veterans in need and their family members, caregivers, and survivors. For example, in FY 2021, volunteers across the U.S. participating in the Program provided *pro bono* legal and related professional services valued at more than \$8.2 million on behalf of appellants, and the annual value is a multiple of that amount when adding the calculated sum of lifetime care, benefits, and compensation regained by veterans and their loved ones.

As the Court is well aware, the number of appeals decided by the BVA generally serves as an indicator of potential appeals at the Court, and therefore potential *pro se* appellants that would need Program services. According to the latest annual report available, the number of new cases filed at the Court in FY 2020 again increased dramatically over the previous year, likely due in large part to the substantial increase in final decisions issued by the Board of Veterans' Appeals (Board) during the same period – the Board increased production of final decisions from 95,000 to more than 102,000. Specifically, over the course of FY 2020, the Court averaged 748 appeals filed per month, and reached a high of 841 appeals filed in January 2020. These numbers are the highest in the 30-year history of the Court” (page 7 of FY 2020 annual report). These expected increases in BVA activity will almost certainly result in a greater number of *pro se* appellants at the Court and in the pipeline for Program services. There is no indication of any significant slowdown for TVC’s activities in FY 2023.

The Court's most recent (FY 2020) publicly available annual report states that there were 8,954 appeals (excluding writs) filed with the Court a 5.7% increase over FY 2019, of which 23% were *pro se* at the time of filing, about the same rate as the past few years. The *pro se* rate has plateaued after dropping from its FY 2011 level of 54%. This decrease of the *pro se* rate has historically been a Program goal, and while this success is notable, there remains a very significant need for *pro bono* services for those veterans and their family members, caregivers, and survivors who remain unrepresented. Historically, when the number of claims processed by the Board of Veterans’ Appeals (Board) increases or decreases, the number of appeals filed with the Court will also increase or decrease. The Board has continued to expand its staff with the goal of accelerating the rate and number of claims it decides.

The Program sent offers of assistance to all *pro se* appellants (100%) with appeals at the Court in FY 2021. In response to requests for its services in FY 2021, Program staff attorneys screened 782 appellate cases, and placed 623 of these cases (80%) with *pro bono* attorneys (and sometimes an in-house staff attorney in special circumstances), while continuing to manage and support more than 200 active cases placed in FY 2020. The remainder of these applicants were not able to receive services because their appeals either lacked legal merit or suffered from jurisdictional defects. Appellants not qualified for Program services were provided with detailed information about the reason for their status and referrals to other resources as appropriate.

A level of Program assistance is still available to these unqualified appellants, as well as other *pro se* appellants, through the Program's Limited Legal Assistance and Information Helpline. This Helpline guides unrepresented veterans and their family members through their appeals at the Court by providing limited legal assistance and information regarding: (1) the explanation of the Court's function, processes, and timelines; (2) the completion of Informal Briefs, Record Before the Agency (RBA) disputes, and other pleadings; and (3) the explanation of Court filings and decision memoranda.

The Helpline provides unrepresented appellants with the opportunity to produce informed and cogent pleadings to the Court, and allows the Court to process the appellants' filings more efficiently. It also affords the Program another way to offer unrepresented appellants additional program services. Since its inception in 2014, the Helpline has assisted hundreds of *pro se* appellants. In general, each year approximately 25% of these veterans applied for pro bono representation subsequent to utilizing the Helpline. The number of Helpline users is substantial, with more than 2,900 *pro se* appellant actions (letters, calls, emails) handled in FY 2021, and the Program anticipates even greater demand for Helpline services in FY 2023 due to the projected increase in activity at the BVA and the Court.

In addition to providing appellants at the Court with representation, counseling, or information about their cases, the Program also responded to inquiries from almost 3,900 veterans and their family members who were seeking information regarding the appeals process and directed to veteran's service officers (VSOs) and referrals for legal services unrelated to the Court, such as family or housing legal issues.

The Program anticipates that there will be an increase in requests for services in the future as indicators show that the BVA will continue to decide an even greater number of appeals to clear out backlogged cases, leading to more appeals filed with the Court. Furthermore, additional filings at the Court are expected as a result of appeals being filed by returning veterans who served in Iraq and Afghanistan, and the impact of recent appeals modernization legislation signed into law may also be additive to the appellate caseload in FY 2023.

Select Federal Veterans Pro Bono Program Accomplishments in FY 2021

- Won 747 appellate cases for clients, a success rate in Court of nearly 89%.
- Trained 483 attorneys and paralegals in veterans' appellate law (largest in program history) to prepare them to provide volunteer services to federal Veterans Pro Bono Program clients and sustain the Court's bar.
- Provided 623 financially qualified veterans or their qualified family members, caregivers, and survivors, with free legal representation for their cases before the Court.
- Provided over 350 *pro se* appellants with information about their cases and other assistance after determining these cases could not be accepted for Program services.
- Handled over 6,200 inquiries from veterans and their loved ones about the federal Veterans Pro Bono Program services, the appeals process before the Court and before the VA, or referrals for local legal services such as family and housing matters.
- Supported hundreds of *pro se* appellants using the Limited Legal Assistance and Information Helpline, by handling more than 2,900 Helpline actions (a 26% increase).
- Continue to expose law school students to veterans law through internships and externships.

From FY 1992 to the present day, the Program has helped more than 65,000 veterans and their family members, caregivers, and survivors meet their challenges. A total of over 5500 volunteers have been trained in veterans' law, enabling more than 7000 federal appellate cases to be placed with pro bono attorneys, who have achieved a lifetime 83% success rate in support of Program clients. The Program staff is committed to continue delivering this sustained level of support, plus handling the projected increased need from qualified appellants, to provide the best legal services, free of charge, to our nation's veterans in need and their qualifying families, caregivers, and survivors.

BUDGET REQUEST DETAIL

1. Personnel Expenses

\$1,949,630

A. The Program requests no increase of funds over FY 2022 costs. TVC makes cost effective decisions concerning the mix of in house and contracted personnel and will continue to do so. Most of the assistance provided to veterans and their family members is accomplished by personal contact. The Program actively undertakes direct contact with veterans and their loved ones to ensure they understand what is happening with their cases and the staff works to aid in any way possible. Salary and benefits for people performing daily services for the Program are paid from grant funds. This section addresses TVC employee costs only. Outside services are reflected in the Contract Services section herein.

Table A

TVC PERSONNEL AND FTE DISTRIBUTION		
Program Components I through IV	Total Number of TVC Personnel Providing Services to the Program	Total FTE to be Requested Under the Grant
	FY2022	FY 2023
I. Veterans and Dependents Outreach	3.0	2.0
II. Case Evaluation and Placement(!) IV. Additional Program Services	13.0	13.0
III. Pro Bono Attorney Recruiting and Training<²>	2.0	2.0
Management and Administration<³>	2.5	1.5
Total	20.5	18.5

Table A above shows the number of Full-Time Equivalents (FTE) to be paid out of grant funds in FY 2022 and FY 2023. It includes full-time, part time, and temp-to-perm personnel of The Veterans Consortium Pro Bono Program staff. A detailed description by FY 2023 Program Component follows.

B. Veterans and Dependents Outreach & Education (Component I)

Personnel working for this Program Component conduct direct outreach to veterans and their loved ones or survivors to educate and inform them of Program services that are available. Activities range from working veterans outreach events, to website and social media and other communications activities, to mailing pamphlets, booklets, and other materials. These personnel also conduct outreach via partners and stakeholders, including Veterans Service Organizations, State and County veterans service officers, and a variety of federal, state, and local offices as well as through other non-profit organizations. Altogether these personnel comprise 3.0 FTE, and the Program requests continued funding for these positions in FY 2023.

C. Case Evaluation & Placement (Component II) & Additional Program Services (Component IV)

- The full-time Director of Case Evaluation & Placement and Staff Attorneys. The Component Director is the litigation lead and conducts senior case screening/management duties, oversees litigation strategy and mentoring, while providing supervision to the Component. The Director is supported by a Deputy Director for Litigation. The Component also runs national outreach to law school clinical programs and manages related subgrants, manages the pro bono/low bono Independent Medical Review Program, and prepares lessons learned, after action reports, and special legal analyses. Three Staff Attorneys review the Records Before the Agency (RBA) and/or BVA decisions in each case to determine whether the case presents an issue that merits referral to a volunteer lawyer, and mentor volunteers. It is anticipated that we will add an additional one staff attorney. Staff attorneys provide limited legal assistance to appellants without representation before the Court via the Helpline.
- The Veterans Law Specialist. One Veterans Law Specialist is also full-time and reviews the VA claims file and BVA decision. in each case to determine whether the case presents an issue that justifies referral to a volunteer attorney. The Veterans Law Specialist is one of the most experienced non-attorney practitioner/experts in the veterans' law field.
- The Program maintains five operations support positions. These include one Client Services Director, two Paralegals/Docket Administrators who track all Court actions affecting clients and attorneys, and who communicate statuses and monitor progress of cases; and two Client Services associates and an Office Administrator. This team fields over 2,000 calls per month, receives and processes applications for Program services, conducts intake of clients, and refers veterans to in-house resources or vetted partners as appropriate.
- Altogether these personnel comprise 11.0 FTE, and the Program requests continued funding for these FTE in FY 2022. [Note: Subgrant FTE costs for direct representation and case mentoring are captured below in Paragraph 3, Third-Party Transfers, sub-paragraph B, Subgrants.]

D. Pro Bono Attorney Recruiting & Training and Case Placement (Component III)

All assigned personnel are expected to communicate Program services as members of Program's team and engage with both prospective clients and potential volunteers. Likewise, while any team member can arrange the placement of a veteran's case with a *pro bono* attorney, the cadre specifically dedicated to this task include one full-time Component Director, and one full-time Coordinator. Each year this team recruits and trains between 400 to 500 new volunteer attorneys and paralegals to help build the Court's bar and to grow the national capability and capacity in the area of veteran's law. Focused volunteer training and support for event-based surges in effort (generally regional trainings), as well as mentoring volunteers, is provided through a subgrant allocated to this function. Likewise, the full-time Director and Coordinator annually place between 600 - 800 cases before the Court. Altogether these personnel comprise 4.0 FTE, and the Program requests continued funding for these FTE in FY 2022. [Note: Subgrant FTE costs for Training and Support are captured below in Paragraph 3, Third-Party Transfers, sub-paragraph B, Subgrants.]

2. **Project Expenses**

\$375,770

A. Travel	\$30,766
B. Equipment Rental & Telephone/Internet	\$37,236
C. Office Supplies & Communications & IT Software O&M	\$153,923
D. Online References & Continuing Education/Training	\$38,316
E. Volunteer Materials	\$47,380
F. Insurance Due, Fees, and Evaluation	\$68,149
G. Property Acquisition	\$0
TOTAL FY 2021 PROJECT EXPENSES:	\$375,770

A. Travel: Like all other organizations, TVC has been affected by the COVID 19 pandemic which severely impacted our travel in CY 2021, and we expect that will continue into CY 2022. We are anticipating a more normal travel environment for FY 2023 and these estimates are based on that assumption. The amount budgeted for Travel expenses relates to performing the core functions of the mission, including Outreach & Education to veterans and dependents, Recruiting & Training volunteer attorneys and related professionals, and attending professional development trainings/CLE for the Program staff. This is essential to the mission of the Program. Examples of targeted populations visited include veterans and their loved ones or survivors, volunteer attorneys, State & County veterans service officers/organizations, and law school clinics. Professional development focuses on the continuing education of Program staff which enables effective and efficient achievement of Program objectives. Federal guidelines were used for per diem, research of airfare and hotels to projected locations were used for those costs.

B. Equipment Rental & Telephone/Internet: The amount budgeted for Equipment Rental & Telephone/Internet includes expenses for postage/postage meter and office equipment repairs/maintenance. The office equipment includes postage that the Program uses daily for communication. The repairs and maintenance allocation are for the care of office equipment, such as printers, the copy machine, furniture, water cooler, etc., used in daily operations. Also included are high-speed internet connectivity and telephone capability.

C. Office Supplies & Communications & IT Software Maintenance Expenses: The amount budgeted for Office Supplies includes office supplies and expenses (paper, toner, envelopes, folders, archiving/storage, shipping, packaging, pens, pencils, folders, envelopes, labels, highlighters, tape, etc.). Expenses in this category also include advertising and promotion and website costs which relate to the outreach and education of veterans and their loved ones or survivors. This relates to one of the core missions of the Program which is to provide representation before the U.S. Court of Appeals for Veterans Claims and their families. Printing & editing funds are requested to cover the cost of editing and printing brochures, pamphlets, job aids, flyers, and forms that our eligible appellants use to learn about the Program and make decisions to choose our *pro bono* attorneys; that our volunteers read to learn how to join the Program; and that our Stakeholders/Partners (especially VSOs and State/County service officers) use to decide when to refer a veteran to the Program. Limited entertainment & meals expenses are invested in volunteer recruitment, training "lunch and learns," and stakeholder outreach and partnerships for outreach and education of veterans and their loved ones or survivors. Advertising/Promotion expenses include the costs of booth space/banner fees/sponsorship fees at outreach events assuming: four large events, six mid-size events, and some smaller events annually. Also included are ads in magazines and newspapers, and posters/awareness materials, with actual allocation to be determined during the procurement process.

D. Online References & Continuing Education/Training: Expenses in this category include online subscriptions, such as the LexisNexis, Thomson/Westlaw, and the Veterans Appeals Reporter, which is a monthly update of relevant decisions and articles regarding U.S. Courts. These are research and reference tools that permit the Case Evaluation & Placement Component to stay abreast of current case law and trends at the Court which supports efficient and accurate case evaluation enabling a greater placement of cases with volunteer attorneys. The professional development expenses are primarily the continuing education of staff which enhances skill sets and ultimately promotes innovative and efficient achievement of Program objectives. In addition to CLEs for legal professional development, the system deploys upgrades and new tools and IT applications that require investment in training and reference materials.

E. Volunteer Materials: The amount budgeted for Volunteer Materials includes the reference materials for up to 500 trainees annually and 30 participating law school clinics, such as the *Veterans Benefits Manual* and the *Federal Veterans Laws, Rules, and Regulations* published by LexisNexis. Volunteer attorneys who do not already have access to these materials in their organizations, are provided these references for a thorough and authoritative view of veterans' benefits law which is a key component in their representation of appellants before the Court and their written persuasive pleadings. The "Veterans Law Clinic-in-a-Footer" project provides reference materials that the federal Veterans Pro Bono Program sends to law schools to help them start or maintain a veteran's law clinic that takes cases from the Program. It also includes costs to print training certificates and a volunteer appreciation memento of nominal individual value for each volunteer attorney or associated pro bono professional (e.g., paralegal, law clerk, etc.).

F. Insurance, Dues, Fees, and Evaluation: The amount budgeted for Insurance, Dues, Fees, and Evaluation expenses includes professional insurance (malpractice insurance for volunteers, directors & officers, and fire & theft). Dues & fees are required for organizational dues such as bar and association fees, as well as organizational memberships including NLADA, CNA, Pro Bono Institute, etc., for outreach to volunteers and to obtain best practices and lessons learned from other nonprofit legal aid services/legal aid societies, and development of referral relationships. Evaluation expenses include the cost of external evaluations, plus the deployment and implementation of evaluation tools such as visualization dashboard which will aggregate metrics and streamline reporting that will be provided to evaluators.

3. Third-Party Transfers

\$1,024,600

A. Contract Services: In order to keep costs as low as possible and use federal Veterans Pro Bono Program funds to maximize delivery of legal services, The Veterans Consortium Pro Bono Program does not hire full-time administrative staff. Instead, the program office uses outsourced Contract services as a virtual Back Office for operational support, as well as online archiving for its case management systems of record. Other costs in this category are for Human Resources & Benefits Administration, IT (operations and maintenance of both workflow systems and infrastructure/email systems), Audit & Tax Preparation, Accounting, and Website operations/maintenance/hosting. The amount of **\$281,970** is budgeted for back office and mission infrastructure services.

B. Rent: Rent in Washington, DC for federal Veterans Pro Bono Program office space, comprises about **\$261,000** of this category's costs (typically most organizations' largest expense after their personnel costs), which reflects the actual cost of leases entered into covering FY 2021.

C. Subcontracts: The Pro Bono Program request includes funds for continuing support provided in FY 2021 by several subcontractors, comprising: (1) one for volunteer attorney Training and Support; (2) one for Direct Representation in exigent circumstances and for extremely complex medical issues; (3) one for Surge Support for Case Management (on-call, used as workloads warrant), and (4) two to five subgrants for Law School Clinical Programs to facilitate and encourage participation in the federal Veterans Pro Bono Program. The FY 2021 amount is **\$481,630**.

(1) Pro Bono Attorney Training and Support: This subgrantee helps train volunteer attorneys to provide *pro bono* representation to the federal Veterans Pro Bono Program's clients. In addition, this function also provides for mentoring support to volunteers with active cases. In FY 2020 and forward, these training and support services are now being provided on a per use basis, which is achieving cost savings over prior years.

(2) Direct Representation: Some cases require immediate focused attention by a lawyer experienced in veterans' law to properly represent the appellant in an extremely complex case and/or to protect an appellant's rights in exigent circumstances. This direct representation is provided either by TVC staff attorneys on the Program, or via attorneys on a subgrant for specialized (highly complex medical issues) or surge (exigent circumstances) support. For budget purposes it is anticipated that the incumbent subgrantee will continue to offer these services in FY 2022 on a per use, cost-effective manner.

(3) Surge Support: Program staff requires outside surge support for case management functions. We employ a cost-effective outsourcing of this function on an as needed basis and is paid for only to the extent it is used. This system has been in place and is functioning well.

(4) Law School Clinical Programs: To help build/sustain the Court's bar by increasing the number of veteran's law clinics at accredited law schools and/or enhancing efforts by Program partner law clinics providing representation, during FY 2021 the Program proposes to continue law clinic subgrants in the range of \$1,000 to \$10,000. The specific law schools will be selected as a result of a competitive selection process to select the right new law clinics, at the best locations, at the right time in the academic year. In order to participate, the law clinics must take one or more cases from the Program and represent an appellant before the Court. Three clinics were supported through grants this year.

4. Total FY 2023 Veterans Pro Bono Program Funding Requested

Personnel Expenses in 2022	\$1,949,734
Project Expenses in 2022	\$375,770
Third Party Transfers in 2022	\$1,024,600
Program Budget Sub-Total:	\$3,350,104
LSC Oversight Fee in 2023 (estimated)	\$35,000
TOTAL 2022 Program Budget + LSC Oversight	\$3,385,104
TOTAL FY 2023 FUNDING REQUESTED	\$3,385,000*

* \$104.00 reduction

5. Grant Funds Balance

The federal Veterans Pro Bono Program plans to continue its mission and meet growing and emerging needs by expanding existing projects, and by creating new ways to reach out to veterans and their families, caregivers, and survivors. The Veterans Consortium Pro Bono Program expects that it will have a grant fund balance to carry forward from CY 2021 to CY 2022 due to frugal management, outside support/donations raised, and projected efficiencies. However, a portion of the grant fund balance for CY 2021 is necessary to protect and ensure uninterrupted service to veterans during times of budgetary uncertainty. Further, a significant number of veterans remain under-served, and could benefit from various forms of Program services as they proceed through the appellate process. As described earlier, due to increased BVA and Court activity levels there will be an increased number of *pro se* appellants who will need representation.

The Program Grant Assurances require that any year-end fund balance in excess of 40% of the current year grant funds must be returned to the LSC for reimbursement to the Court. The unaudited cumulative fund balance of appropriated funds as of December 31, 2020 is estimated at approximately \$250,000 – (estimate is subject to payment to be received for Oct – Dec FY 2021) which is well within the permitted limit to retain. The federal Veterans Pro Bono Program projects that the year-end CY 2021 cumulative fund balance of appropriated funds will be approximately \$450,000 (about 13%) which is toward the low end of the permitted amount pursuant to the usual Program Grant Assurances. After an annual audit, the permitted sum will be retained for Program operations. (Please note these are fund balances of appropriated funds and do not include funds from other sources.)

Tabled: LSC Grant Fund Balances

Grant funds balances as of 12/31/2020	\$250,000
Projected grant fund balance at 12/31/2021	\$450,000
Projected grant fund balance at 12/31/2022	\$450,000

6. Non-Appropriated Funds (from Other Sources)

To keep down costs for the federal Veterans Pro Bono Program, donations of funds, goods, and services are obtained from potential sources other than the federal grant. These other sources have included The Veterans Consortium's founding VSO member organizations, law firms, corporate legal departments, other organizations, foundations, and individual donors. In this way, each year The Veterans Consortium seeks to lessen or offset costs and stretch federal Veterans Pro Bono Program dollars. The Veterans Consortium Pro Bono Program has a history of never overspending available resources, and generally can scale and/or time discretionary purchases and expenses as needed to operate within the limits of total resources available (grant funds plus non-appropriated funds raised) while delivering high quality, cost-effective services. Historically donated funds have been used to support veteran related activities that are beyond the scope of the federal grant.

Table E: Non-Appropriated Funds (All Sources) *

Total est. non-appropriated fund balance available at 12/31/2021 (unaudited)*	\$1,305,055
plus Projected Contributions in CY 2022 plus interest**	\$200,000
minus Projected Expenses paid from non-appropriated funds in CY 2022	\$350,000
Projected non-appropriated fund balance at 12/31/2022	\$1,155,055

**Includes one-time \$1,000,000 grant from DAV in CY 2019 to run Discharge Upgrade Program for four years.*

Funding- data provided by:
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