

YOUR APPELLATE RIGHTS RELATING TO OUR DENIAL OF YOUR MOTION FOR RECONSIDERATION

The attached letter informs you that the Board of Veterans' Appeals (BVA or Board) has denied your motion for reconsideration of one or more of its decisions. If you are satisfied with the outcome, you do not need to do anything. However, if you are not satisfied with the outcome, you have the following options:

- Appeal the Board decision that you asked the Board to reconsider to the United States Court of Appeals for Veterans Claims (Court)
- Appeal the denial of your motion for reconsideration of that Board decision to the Court, but only under certain circumstances.

How long do I have to start my appeal of the Board decision to the Court? You have **120 days** from the date the Board decision was mailed to you (as shown on the first page of the decision) to file a Notice of Appeal with the Court. However, if you filed your motion for reconsideration within this 120-day period, you now have an additional 120 days from the date of mailing of the enclosed letter denying that motion within which to file a Notice of Appeal with the Court. *Rosler v. Derwinski*, 1 Vet. App. 241 (1991). If you filed more than one motion for reconsideration of that same Board decision, you have an additional 120 days from the date of mailing of the enclosed letter **only if** the Board received each of your motions within 120 days after it mailed its decision or its denial of the prior reconsideration motion. *Murillo v. Brown*, 10 Vet. App. 108 (1977). It is your responsibility to make sure that your appeal to the Court is filed on time.

How do I appeal to the United States Court of Appeals for Veterans Claims? Send your Notice of Appeal to the Court at:

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

You can get information about the Notice of Appeal, the procedure for filing a Notice of Appeal, the filing fee (or a motion to waive the filing fee if payment would cause financial hardship), and other matters covered by the Court's rules directly from the Court. You can also get this information from the Court's website on the Internet at: <http://www.uscourts.cavc.gov>, and you can download forms directly from that website. The Court's facsimile number is (202) 501-5848.

To ensure full protection of your right of appeal to the Court, you must file your Notice of Appeal **with the Court**, not with the Board, or any other VA office.

Under what circumstances may I appeal the denial of my motion for reconsideration to the Court? You may appeal the Board's denial of your motion for reconsideration to the Court **only if** you filed a timely appeal of the Board decision that you asked the Board to reconsider. *Engelke v. Gober*, 10 Vet. App. 396 (1997).

Remember, you must file your Notice of Appeal within 120 days of the date of mailing of the enclosed letter. Send your Notice of Appeal to the address above for the Court.

Can someone represent me in my appeal to the Court? If you want someone to represent you before the Court, rather than before VA, then you can get information on how to do so by writing directly to the Court. Upon request, the Court will provide you with a state-by-state listing of persons admitted to practice before the Court who have indicated their availability to represent appellants. This information, as well as information about free representation through the Veterans Consortium Pro Bono Program (toll free telephone at: (888) 838-7727), is also provided on the Court's website at: <http://www.uscourts.cavc.gov>.