RESOLVED, That the American Bar Association urges the U.S. Court of Appeals for Veterans Claims ("CAVC") to:

a. determine and decide all questions of law presented to it after appropriate briefing rather than declining to hear legal claims not expressly argued before the Board of Veterans' Appeals ("BVA"); and

b. exercise its statutory authority to expedite Department of Veterans Affairs ("VA") decisions in appropriate cases when it remands a case for further administrative proceedings by VA.

FURTHER RESOLVED, That the American Bar Association supports federal legislation to:

a. require the CAVC to resolve all dispositive allegations of error presented and briefed by an appellant that are capable of resolution without regard to either issue preclusion or exhaustion.

b. authorize the CAVC to certify class actions and authorize the United States Court of Appeals for the Federal Circuit to transfer a case to the CAVC in which class relief is warranted; and

c. require the Secretary of Veterans Affairs to appoint members of the BVA through procedures that ensure merit selection and decisional independence.
AMERICAN BAR ASSOCIATION

SECTION OF
ADMINISTRATIVE LAW AND REGULATORY PRACTICE

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

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c. require the Secretary of Veterans Affairs to select members of the BVA through procedures modeled on those used for the selection of Administrative Law Judges and Board of Contract Appeals Administrative Judges.
REPORT

Veterans who have injuries or diseases incurred or aggravated while on active military duty are entitled to monthly compensation benefits. The amount of compensation for service-connected disabilities varies according to the degree of disability. The Department of Veterans Affairs ("VA") initially determines a veteran's eligibility, and its determinations are subject to judicial review by the U.S. Court for Appeals of Veterans Claims ("CAVC") and U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"). The availability of judicial review is a relatively recent event. Prior to 1989, VA decisions concerning eligibility for veterans' benefits were final. While the system of judicial review has improved the disability adjudication process at VA, further reforms are necessary if the nation is to keep its commitment to veterans to award disability benefits in a fair and efficient manner.

The Adjudicatory System

A veteran seeking disability benefits files a claim with one of VA's regional offices ("RO"), which serve as the agency of "original jurisdiction." After the RO notifies the veteran of its decision, a dissatisfied veteran can seek additional review in the RO and, if the claim is not resolved to the veteran's satisfaction, the veteran can appeal to Board of Veterans' Appeals ("BVA"). Alternatively, the veteran can bypass additional review in the RO and proceed immediately to the BVA. The chairman of the BVA is appointed by the President and confirmed by Congress and serves a six-year term. BVA members, who are recommended by the chairman, appointed by the Secretary, and approved by the President, serve for undefined terms and are paid a salary equivalent to that of federal administrative law judges. The BVA makes final decisions on appeals on behalf of the Secretary applying a de novo scope of review. The BVA can reverse the RO's decision (grant benefits), deny benefits (affirm the decision), or remand the case to the RO to develop additional evidence and reconsider the claim. After a remand, the RO will either award the benefit(s) claimed or return the appeal to the BVA for a decision.

The BVA's decisions on appeals were final prior to 1988. In 1988, Congress passed the

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4 See infra note 12 & accompanying text.
11 Veterans Benefits Manual, supra note 5, at 1102.
Veterans’ Judicial Review Act (“VJRA”), which established the Court of Veterans Appeals, now known as the U.S. Court for Appeals of Veterans Claims, which hears appeals from veterans dissatisfied with a decision by the BVA. The Court, which consists of a chief judge and at least two, but not more than eight, judges, who serve for terms of up to fifteen years, has authority to “affirm, modify, or reverse a decision of the [BVA] or to remand the matter, as appropriate.” The scope of review is similar to that of the Administrative Procedure Act (“APA”). Either VA or a veteran may appeal a decision of the CAVC to the Federal Circuit, which likewise employs a scope of review similar to the APA. However, the Federal Circuit cannot review the factual determinations of the CAVC, which are final and unappealable. Additionally, the Federal Circuit may only decide a challenge to the validity of any statute or regulation or any interpretation thereof or interpret constitutional and statutory provisions that were relied on by the CAVC in its decision.

Attorneys play a bifurcated role in the VA adjudicatory system. Congress has prohibited attorneys from charging a fee to represent veterans until the BVA has made its decision, which precludes most veterans from obtaining legal representation before the ROs or before the BVA, although veterans can obtain assistance from lay advocates provided by veterans organizations. In light of this limitation, VA is obligated to assist a veteran in the development of a claim. When Congress established the current system of judicial review, it prohibited attorneys from charging a fee for any services performed prior to the first final decision by the BVA. However, subsequent to that first final BVA decision, attorneys are permitted to charge for services both before VA and the courts.

**Fair and Efficient Adjudication**

VA processes a large number of claims for a number of different benefits, but most are for

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14 38 U.S.C. 7252(a).
20 Veterans Benefits Manual, supra note 5, at 1383. An attorney may represent a veteran if the person is paid by a third party or represents the veteran pro bono.
21 For example, VA must notify claimants of information necessary to complete an application, 38 U.S.C. §5102, must consider all legal theories on which a claim could be granted, regardless of whether the claimant argues such a theory, Schroeder v. West, 212 F.3d 1265, 1269-71 (Fed. Cir. 2000), and must notify the claimant of information and evidence necessary to substantiate a claim, 38 U.S.C. § 5103(b). Many of VA’s obligations to assist veterans are newly imposed by Congress, see Veterans Claims Assistant Act of 2000, Pub. L. No. 106-475, 114 Stat. 2096 (Nov. 9, 2000), or by the courts, see, e.g. Schroeder, 212 F.3d 1265.
22 38 U.S.C. §§5904(c); 7263.
disability compensation or pensions. While the number of VA claims pending adjudication has fluctuated over the years, 668,000 claims were pending as of August 21, 2001. VA estimates that it takes two and one-half to three years to process a claim from the time it was filed through one administrative appeal to the BVA. The length of time between a claim being filed with VA and a final decision by the BVA can presently exceed seven years. A remand by the CAVC can add a number of years to that span.

VA ROs must not only resolve a large number of initial claims, but also process a large number of cases that are remanded from the CAVC and the BVA. The CAVC has remanded nearly 70 percent of the appeals it has heard over the last seven years, while the BVA has remanded about 40 percent of the appeals it has heard. As of July 2001, there were 31,730 remands pending in VA regional offices (out of 668,000 pending claims).

Since an RO takes considerably longer to process a case remanded to it by the CAVC or BVA than an original claim, any claimant whose case is remanded can end up waiting years to have the final resolution of that claim. As of July 2001, ROs took at average of 184.2 days to render a decision on an initial claim and an average of 672 days to process a remand from the CAVC or the BVA.

VA and others have repeatedly studied how to create a system of adjudication that is efficient and fair to veterans. The current backlog of cases and the delay in resolving cases suggest that a solution is yet to be found. The most recent task force concluded "the time delays to correct remanded decisions are both unreasonable and unfair to veterans awaiting decisions. . . . Most remanded cases are returned to the Regional Office from which it originated, where the claim languishes while awaiting its turn." Indeed, it is not uncommon for a veteran seeking disability compensation for an illness to die before that person's claim can be resolved. Approximately 1,500

24 VA Claims Processing Task Force, Report to the Secretary of Veterans Affairs, at 9 (Oct. 2001). In 1992, VA had 531,078 pending claims, while the number was 342,683 claims in 1996. Id.
25 As of November, 2000, the average processing time was three years. The time decreased to just over 2.6 years in March 2001, and it has been increasing since that date. VA Claims Processing Task Force, supra note 24.
26 See CAVC, Annual Reports (available at www.vetapp.uscourts.gov/AboutCourt/AnnualReport.asp).
27 See Report of the Chairman, Board of Veterans' Appeals, Fiscal Year 2001, at 37; Report of the Chairman, Board of Veterans' Appeals, Fiscal Year 1998, at 33.
28 This delay has increased since 1995 when the processing time for a remand was 561 days.
31 VA Claims Processing Task Force, supra note 24.
World War II veterans die each day. Moreover, since a claim does not survive the veteran’s death, VA’s failure to resolve a claim before a veteran dies denies the veteran (and the person’s family) of the support to which they may be entitled.

**Recommendation**

While the problems at VA have repeatedly been studied, less attention has been paid to the role of judicial review in ensuring the fair and efficient adjudication of veterans’ claims. The recommendation identifies two ways that the CAVC can reform judicial review of veterans’ claims that would lead to quicker and more accurate processing of cases.

**Paragraph (l)(a)**

Paragraph (l)(a) recommends the CAVC, as a matter of general practice, should determine and decide all questions of law presented to it after appropriate briefing rather than refusing to resolve a legal claim not expressly argued before the Board of Veterans’ Appeals (“BVA”). Although the CAVC is to “decide all relevant questions of law” when such questions are presented, it consistently declines to hear arguments not first presented to the BVA and it remands the case to the BVA for further proceedings. When Congress created the CAVC, however, it did not intend to undermine the informal nature of the VA adjudication system. The Court’s application of the doctrine of exhaustion of administrative remedies is inconsistent with this intent.

Proceedings before the BVA are informal and ex parte. Persons claiming VA benefits are not generally represented by lawyers, and the government is not represented at all. The non-attorneys who represent the vast majority of claimants before VA cannot reasonably be expected to anticipate and raise all possible legal theories a lawyer might present to the Court in a future appeal. It will therefore frequently be the case that a lawyer will raise a new theory on appeal to the Court. Congress could not have had the intention that the transition from generally non-attorney representation before the BVA to generally attorney representation before the Court would require remand for a second round of time-consuming proceedings at the BVA level in hundreds of cases.

To the contrary, Congress has given VA an affirmative legal duty to help develop the facts of a claim, consider and apply all laws and regulations, and award every benefit to which a claimant is entitled. In light of this responsibility, there should be a presumption that when the BVA denies a

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33 E.g., Thiebaud v. Principi, No. 00-1896 (U.S. Vet. App. Dec. 19, 2001) (Mem. decision) (“The veteran in this instance should exhaust his administrative remedies by bringing his new argument before the Board in the first instance.”).
34 According to the legislative history, “Congress has designed and fully intends to maintain a beneficial non-adversarial system of veterans benefits.” H.R. Rep. No. 100-963, at 13 (1988), reprinted in 1988 U.S.C.C.A.N. 5782, 5795. “In such a beneficial structure there is no room for such adversarial concepts as cross examination, best evidence rule, hearsay evidence exclusion, or strict adherence to burden of proof.” Id.
35 VA recognizes this obligation. Its regulations provide: “Proceedings before VA are ex parte in nature, and it is the
claim, it has discharged its duty and rejected all theories of entitlement, expressly or implicitly. Thus, the CAVC should treat the BVA’s silence with regard to any legal theory upon which a claimant might have prevailed as an implicit rejection of that theory for purposes of an appeal. This change would not disfavor the VA because the CAVC provides the agency an opportunity to respond to any legal argument presented by a claimant before it rules.

*Paragraph (1)(b)*

Paragraph (1)(b) asks the CAVC, as a matter of general practice, to exercise its statutory authority to expedite VA decisions in appropriate cases when it remands a case for further administrative proceedings by VA. Section 302 of the Veterans’ Benefits Improvement Act requires the BVA and ROs to provide expeditious treatment of any claim that has been remanded by the CAVC or the BVA for additional development or other appropriate action. VA has significantly failed this mandate because, as described earlier, it takes the agency almost four times as long to process a remand as an original application for benefits. Some claimants have waited so long for action on their remanded claims that they have filed a petition with the Court under the All Writs Act for an order to compel the agency to act. Although the CAVC has statutory authority to “compel action of the Secretary unlawfully withheld or unreasonably delayed,” it has not ordered the agency to act in response to any of these petitions, not matter how egregious the delay might be.

The CAVC has justified its refusal to expedite VA action on the following grounds:

The Federal Circuit has suggested in its opinion [in this case] that it would be appropriate for this Court to set a deadline by which this case will be concluded, noting that it has been seven years since the claim was filed. Nothing would be easier than to accede to the Federal Circuit Court’s suggestion by picking, out of the air, an arbitrary date and then “require” the Secretary to adjudicate the claim by that date. We decline to do so and will explain why. This Court is not part of the Department of Veterans Affairs and its administrative machinery. We are not privy to the case loads, the number of remands taking precedence over this case, and the relative priorities established at the BVA or the regional offices. Nor do we know whether such an order might well displace other, perhaps even more deserving, cases. . . . We could ask for such information, but such an intrusive order would likely cause even more delay to many other

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37 See supra note 28 & accompanying text.
38 38 U.S.C. § 7261(a) (2)
cases as the Department diverted its manpower in an attempt to compile such extensive information. To impose an arbitrary date without the slightest clue as to whether such a date was either reasonable or appropriate would be wrong. It would be like slicing meat with a cleaver. 39

The CAVC’s concerns about its inability to micromanage VA are well taken, but it should not refuse in all cases to use its statutory authority to require faster VA decisionmaking. First, given the longstanding failure of VA to comply with its statutory mandate to expedite remanded cases, the CAVC’s extreme deference to VA is completely unwarranted. Second, the Article III courts, while reluctant to order the expedition of agency action that has been “unreasonably delayed,” will do so in compelling cases. Article III courts are more willing to take such action, where as here, Congress has “provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute,” and where, as here, “human health and welfare are at stake.” 40

Moreover, the CAVC can follow the lead of the Article III courts, which traditionally require an agency to set a deadline, rather than imposing their own deadline, and then holding the agency to that deadline, 41 in order to obtain VA’s input concerning an appropriate deadline. 42

* * * *

If the CAVC took the steps recommended in Paragraph (1), the VA system of disability adjudication would be fairer and more efficient. The plight of the veterans seeking disability compensation, however, also requires that Congress act to reform the disability adjudication system. VA has operated under the appellate review system created by Congress for more than 10 years, and this experience indicates that three reforms would be helpful in expediting veterans’ claims.

Paragraph (2)(a)

Paragraph (2)(a) recommends that Congress should promote the closure of claims by requiring the CAVC to resolve all dispositive allegations of error presented and briefed by an appellant that are capable of resolution without regard to either issue preclusion or exhaustion. As noted earlier, VA currently has a very large backlog of cases and it takes the agency about four times as long to resolve claims that are remanded by the CAVC as it takes to resolve an initial claim. When the CAVC

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40 Telecommunications Research & Action Center (TRAC) v. FCC, 750 F.2d 70, __ (D.C. Cir. 1984).
41 See Sidney A. Shapiro & Robert L. Glicksman, Congress, the Supreme Court and the Quiet Revolution in Administrative Law, 1988 Duke L.J. 819, 832-36 (discussing how Article III courts expedite agency action).
42 There is evidence that VA can respond effectively to a court order to expedite its decisionmaking. In Nehmer v. U.S. Dep’t of Veterans Affairs, Civ. No. 86-6160 (TEH) (N.D. Cal.), for example, VA voluntarily agreed in this nationwide class action to consent decrees requiring its regional offices, under pain of contempt, to readjudicate within five months 13,510 specifically identified disability claims for diabetes and to readjudicate within six months over 1,200 specifically identified disability claims for prostate cancer.
remands a case, it contributes to this delay by refusing to resolve issues presented to it that it could resolve, other than the ground relied upon for the remand.\textsuperscript{43} Congress needs to act because the CAVC has adopted this rule as binding precedent, which means the court is unlikely to alter the rule in the foreseeable future.

Although the Court saves time by avoiding the merits of fully briefed allegations of error, this judicially adopted rule has two significant deleterious effects. First, while VA will usually follow the instructions in the Court’s remand order, it often continues to deny the benefits sought. In denying benefits on remand, the agency often refuses to correct the alleged errors that were advanced by the claimant, but left unresolved by the CAVC. The net result is that the claimant either abandons further pursuit of his or her claim or has to appeal to the Court once again and raise the same allegations of error that were previously raised, but never resolved. Second, the failure to address all of the alleged errors adversely affects more than the specific claimant involved. As a national court of appeals on veteran’s benefits matters, the CAVC’s rulings are binding on the agency in all cases. Thus, a ruling on all allegations of error advanced by the appellant often has the beneficial effect of informing other claimants and VA what the law requires on all VA claims.

The impact of the Court’s practice is significant. As noted earlier, the CAVC has remanded nearly 70 percent of the cases it has heard over the last seven years. In many of these cases, the appellant has argued that the BVA decision contained a number of different errors, and the Secretary of Veterans Affairs (“Secretary”) has filed a substantive response to these allegations of error. The Court’s practice of leaving unresolved all allegations of error other than the one, if any, identified in the remand order reached its apex during the period following enactment of the Veterans Claims Assistance Act of 2000 (“VCAA”) in November 2000. Of the 2,853 appeals terminated by the CAVC on the merits in 2001, the Court remanded 1,724 of them on the sole ground that the agency should address the impact of the VCAA on the claim.\textsuperscript{44} In almost all of these remands, the Court refused to resolve any of the allegations of error advanced by the appellant.

\textit{Paragraph (2)(b)}

Paragraph (2)(b) recommends that Congress should authorize the CAVC to certify class actions and should authorize the Federal Circuit to transfer a case to the CAVC in which class relief is warranted. Prior to passage of the VJRA in 1988, veterans were able to join in class actions, and the lack of this procedure is unfair to many veterans.

\textsuperscript{43} In two precedential decisions, \textit{Mahl v. Principi}, 15 Vet. App. 37 (2001), and \textit{Best v. Principi}, 15 Vet. App. 18 (2001), the CAVC has determined it will not, as a general matter, “address multiple allegations of error in remanding a case.” \textit{Mahl}, 15 Vet. App. at 38. “In short,” the CAVC explained, “if the proper remedy is a remand, there is no need to analyze and discuss all of the other claimed errors that would result in a remedy no broader than a remand.” \textit{Id.} The Court emphasized that exceptions to this “practice of limiting its opinions to the [sole] issue necessary to effect a remand . . . will be rare.” \textit{Id.}

\textsuperscript{44} See CAVC Annual Reports (available at www.vetapp.uscourts.gov/AboutCourt/AnnualReport.asp).
As things now stand, if the CAVC or the Federal Circuit strikes down a VA regulation or policy as contrary to law, the decision will bind VA with regard to the parties to the action, and VA will be bound to follow the court’s guidance in adjudicating claims for benefits that are pending or that are filed in the future. Without a class action procedure, however, a large number of VA claimants, who may be eligible to have their claims reassessed in light of the invalidation of the regulation or policy, will fail to benefit. VA is under no legal obligation to automatically readjudicate claims that were denied based on an invalid regulation or policy, and VA does not voluntarily engage in such readjudications. Veterans are unlikely to learn about the favorable ruling and then affirmatively challenge a previous denial because VA is under no legal obligation to notify them that their previously resolved claim was denied on the basis of an invalid regulation or policy, and VA does not voluntarily engage in such notification. Moreover, without express class action authority, neither the CAVC nor the Federal Circuit is likely to order VA to provide this notification.

The failure of Congress expressly to allow class actions in the CAVC and the Federal Circuit appears to have been an oversight. At the time Congress adopted the VJRA, it allowed district courts to retain jurisdiction over challenges to VA regulations that were pending on September 1, 1989, with the attendant authority to certify a class and order individual class relief. The class action

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45 A veteran would be in a position to benefit from the court's ruling if a RO had previously denied the person's claim based on the regulation later invalidated by the court and if the regional office decision was not final because the time period within which the claimant could file a notice of disagreement or substantive appeal had not yet expired. If such a veteran fails to file a timely notice of disagreement or substantive appeal, the RO's denial would become final regardless whether the RO knew about the invalidation of the regulation. A veteran in this position may fail to file a timely notice of disagreement or substantive appeal because the veteran accepts the ruling of the RO because the veteran lacks knowledge that the basis of the RO's decision is invalid. If the veteran somehow finds out about the court decision after such a final decision, the veteran's only recourse is to argue the failure to appeal was the product of clear and unmistakable error, which is a very difficult claim to win.

A veteran would also be in a position to benefit if VA had reopened the person's claim, denied the reopened claim on the basis of the invalidated regulation or policy, and this decision became final before the court decision that invalidated the regulation or policy. No legal authority requires VA to notify these claimants that they could attempt to reopen their claims without having to satisfy the requirements of the invalidated regulation. Without a class mechanism, these claimants would also be unlikely to find out about this potential.

46 Although the federal courts were barred prior to the VJRA from engaging in judicial review of VA decisions on claims for veterans' benefits, many United States Circuit Courts recognized an exception that allowed district courts to consider challenges to VA regulations and policies under the Administrative Procedure Act. See, e.g., Evergreen State College v. Cleland, 621 F.2d 1002, 1007-08 (9th Cir. 1980); University of Maryland v. Cleland, 621 F.2d 98, 100-01 (4th Cir. 1980); Merged Area X (Education) v. Cleland, 604 F.2d 1075, 1078 (8th Cir. 1979); Wayne State Univ. v. Cleland, 590 F.2d 627, 631-32 (6th Cir. 1978). Contra Roberts v. Walters, 792 F.2d 1109 (Fed. Cir. 1986). The legislative history of the VJRA demonstrates that Congress intended to clarify pre-existing Congressional intent to allow judicial review of VA rules and intended district courts with challenges to VA rules that were pending on September 1, 1989 “‘to continue to have jurisdiction over the matter under which the VA has reached.” Nehmer v. U.S. Veterans Administration, 712 F.Sup. 1404, 1410-11 (N.D. Cal. 1989) (in part quoting 134 CONG. REC. S16650 (floor statement from Sen. Cranston, a primary sponsor of the VJRA)). In a number of district court challenges to VA regulations that were pending on September 1, 1989, veterans were able after passage of the VJRA to get these courts to certify their challenge to VA regulations or policies as a class action under Rule 23 of the Federal Rules of Civil Procedure and order VA to provide class relief. See, e.g., Nehmer v. U.S. Dep't of Veterans Affairs, 118 F.R.D. 113 (N.D. Cal. 1987)
status of these proceedings ensured that all veterans in the class would benefit from the court's ruling on a VA regulation or policy. It is unlikely that Congress intended to deprive the CAVC and the Federal Circuit of authority to order the exact same individual relief in challenges to VA regulations filed after September 1, 1989. The VJRA authorized the CAVC to engage in precisely the type of review that had been undertaken previously in the district courts that had been the subject of class actions. Moreover, the VJRA was intended to expand the avenues available to veterans for judicial relief, not to contract them. Nevertheless, it did not expressly authorize either court to certify a class action regarding such a challenge. As a result, since the VJRA was enacted, veterans have not been able to file a class action in either the CAVC or the Federal Circuit regarding challenges to the legality of VA regulations and policies. Moreover, since the VJRA barred district court jurisdiction over new challenges to VA regulations and policies, claimants lost the capacity to bring a class action under the Federal Rules of Civil Procedure.

Paragraph (2)(c)

Paragraph (2)(c) recommends that Congress require the Secretary to select members of the BVA through procedures modeled on those used for the selection of Administrative Law Judges and Board of Contract Appeals Administrative Judges. Under the present law, as noted earlier, BVA members are appointed by the Secretary, with the approval of the President, based upon recommendations of the BVA Chairman. Many BVA members have been selected from among the BVA staff attorneys and other VA employees. The Chairman has, in some instances, limited applicants to those who were then employed by VA. It is unreasonable to believe that the most highly qualified candidates can be consistently found among the two or three hundred BVA attorneys. Thus, the fact that VA selects primarily its own BVA staff to fill BVA vacancies gives an unmistakable appearance that the most qualified are not presently being selected for these positions.

By modeling the VA selection process on the procedures used for the selection of Administrative Law Judges and Board of Contract Appeals Administrative Judges, Congress would create a larger pool of applicants from which the VA could choose members of the BVA. By picking BVA members from this larger pool of applicants, VA would increase the number of highly qualified

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49 The CAVC denied on the merits a petition filed by Vietnam Veterans of America and the Paralyzed Veterans of America requesting that the Court adopt a class action rule. See Lefkowitz v. Derwinski, 1 Vet. App. 439 (1991).
applicants from which to choose BVA members and remove any appearance that it has excluded from consideration the most qualified people available. If a BVA attorney or other VA lawyer wished to compete to become a BVA member, then he or she would simply participate in the selection process.

Respectfully Submitted,

Neil Eisner
Chair
Section of Administrative Law and Regulatory Practice
February, 2003
GENERAL INFORMATION FORM

Submitting Entity: Section of Administrative Law and Regulatory Practice

Submitted by: Neil Eisner, Chair

1. **Summary of Recommendation.**

   The resolution recommends that the U.S. Court of Appeals for Veterans Claims and Congress take a series of procedural steps to seek faster and more efficient resolution of veterans' disability claims.

2. **Approval by Submitting Entity.**

   Approved at a regularly scheduled meeting of the Section Council on October 19, 2002.

3. **Previous submission to the House or relevant Association position.**

   None

4. **Existing Relevant Association Policies**

   None

5. **Urgency**

   The resolution offers guidance concerning current agency activities and those likely to start in the near future.

6. **Status of Legislation.**

   Not applicable.

7. **Cost to the Association.**

   None

8. **Disclosure of Interest.**

   None

9. **Referrals**

   A copy of the Report with Recommendation was circulated to all Section and Division Chairs.
10. **Contact Person** (Who will present the report to the House)

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12. **Contact Person Regarding Amendments to This Recommendation**

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