

Court of Appeals For Veterans Claims CAVC

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OBJECTIVES

- What is CAVC?
- Where is the CAVC?
- CAVC “Standard of Review”
- CAVC decisions
- MOPH & CAVC

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WHAT IS THE CAVC?

- CAVC Article 1 Federal Court created by Congress 11/18/1988.
- Reviews BVA decisions
- “Chief” judge and a 6 judge panel who serve for 15 years (no. of judges may vary)
- Lack of VA experience

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WHERE IS THE CAVC?

- Located in Washington, DC,
- As a national court, the Court may sit anywhere in the United States that it deems appropriate.

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STANDARD OF REVIEW

- No “de novo” review,
- Limited to reviewing BVA decisions where:
 - Factual findings are “clearly erroneous”
 - Questions of law
 - Application of law to fact

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CAVC DECISIONS

- Decided by a single judge
 - ◆ Non-precedential
- Decided by 3 Judge panel
 - ◆ Precedential and controlling in future cases
- Decisions are
 - ◆ Affirm BVA
 - ◆ Reverse BVA
 - ◆ Remands to BVA with instructions (JMRs)

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CAVC AND MOPH

- Final BVA decision received by MOPH BVA
 - NVLSP picks up BVA denials from Howard
 - NVLSP has 60 days to review for CAVC
- NVLSP notifies Vet if case taken
- If case not taken, MOPH notifies Vet:
 - Reminds Vet of 120 day time-line
 - Provides Vet info on Pro Bono Consortium

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