

— FWD ASSIST HQ —

FIELD GUIDE

Filing a Court Appeal to the CAVC

File a timely Notice of Appeal to the U.S. Court of
Appeals for Veterans Claims.



J. Erickson

A FWD Assist HQ Field Guide

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This guide is education, not representation. It explains how part of the VA system works so you can handle your own business with confidence. It is not legal or claims advice, and reading it does not create any representative relationship between you and the author. The author is not affiliated with the Department of Veterans Affairs, and nothing here is endorsed by the VA.

This guide prints no live VA dollar figures and no rating percentages on purpose, because they change. Before you make a decision based on any number, check the current figure at va.gov. No book can promise you a rating; the evidence in your file decides the result. Help from an accredited Veterans Service Officer is always free.

In crisis? Call the **Veterans Crisis Line**: dial **988**, then press **1**. You can also text **838255** or chat online at veteranscrisisline.net. It is free, confidential, and available 24/7.

Filing a Court Appeal to the CAVC

File a timely Notice of Appeal to the U.S. Court of Appeals for Veterans Claims.

Companion to *The Appeals Playbook*.

This is general education, not legal or claims advice, and not guidance for your specific claim. It cannot promise you a rating or an outcome, and no one can. For help with your own claim, see a free accredited representative (see [the back of this guide](#)). Nothing here creates a representative relationship.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

THE BEST WAY TO USE THIS GUIDE

The strongest position is to be your own informed advocate and to work with a free accredited representative. An accredited Veterans Service Organization, such as the DAV, VFW, American Legion, or a county or state veterans office, helps at no charge. Accredited claims agents and attorneys can help too. They can't charge for work done before VA issues its initial decision on your claim, and after that they may charge a fee within the limits of 38 CFR 14.636. This guide is here so you understand your own situation and can work with them as a full partner instead of handing it over blind. If you'd rather handle this yourself, and you're comfortable doing that, the guide walks you through every step. Either way, you stay in control.

The Outcome and What You Need Before You Start

The outcome: By the end of this guide you'll have filed a Notice of Appeal with the U.S. Court of Appeals for Veterans Claims within 120 days of your Board decision, handled the filing fee or a hardship declaration, and know what the court does next.

This guide prepares you for the task. It doesn't and can't promise a rating, a percentage, or an outcome. The evidence in your file decides the result.

WHAT YOU NEED BEFORE YOU START

- ☐ Your Board of Veterans' Appeals decision, and the date stamped on its front.
- ☐ The 120-day deadline counted from that date and written on your calendar.
- ☐ The court's filing instructions from uscourts.cavc.gov/appeal.php.
- ☐ Contact information for a representative who practices before the court, or for the Veterans Consortium Pro Bono Program.
- ☐ Your current name, address, phone number, email, and VA claims file number.

When to start: The day you get a Board decision you disagree with. The 120 days run from the date the Board issued its decision, which the court treats as the date stamped on the front of it, not the day it reached you.

Start Here: The Basics

If the Board of Veterans' Appeals denies your case, you can appeal to the U.S. Court of Appeals for Veterans Claims, called the CAVC. It's a federal court, separate from VA. You start by filing a Notice of Appeal with the court within 120 days. The court reviews the Board's decision for legal error on the record the Board had; it isn't a place to submit new evidence. You can represent yourself, but most veterans get help, and free help exists. This guide walks the first and most time-sensitive part: filing on time.

Where this is written down: 38 U.S.C. § 7266(a); CAVC Rule 46.1.

The Steps

STEP 1

Confirm you have a final Board decision to appeal.

Find your Board of Veterans' Appeals decision and note the date stamped on the front. The court reviews Board decisions only. A regional office decision, a Higher-Level Review, or a Supplemental Claim decision can't go straight to the court.

Done when you have the Board decision and its date in front of you.

STEP 2

Calendar the 120-day deadline.

Count 120 days from the date on the Board decision. Set reminders well ahead of it.

Do not plan on filing late. The court excuses a late Notice of Appeal only in narrow cases, such as good cause or excusable neglect for a filing that's no more than 30 days late, or an extraordinary circumstance that kept you from filing despite real effort.

Where this is written down: 38 U.S.C. § 7266(a); CAVC Rule 4(a).

Done when the 120-day deadline and your reminders are on your calendar.

STEP 3

Decide on representation early.

At the court, your representative has to be an attorney admitted to the court's bar or a non-attorney practitioner the court has admitted. A VA accreditation alone isn't enough. You can also represent yourself. For free help, call the Veterans Consortium Pro Bono Program helpline at 855-446-9678; it helps veterans with appeals to this court. If the court rules for the veteran, the government often pays the attorney's fees under the Equal Access to Justice Act.

Where this is written down: CAVC Rules 46 and 46.1; 28 U.S.C. § 2412(d).

Done when you've contacted a representative or made an informed choice to file on your own.

STEP 4

Prepare the Notice of Appeal.

Write a Notice of Appeal that includes your current name, address, phone number, email if you have one, your VA claims file number, and the date of the Board decision you're appealing. The court's instructions page has the details and a form you can use.

Done when your Notice of Appeal has every item the court lists.

STEP 5

File the Notice of Appeal with the court, not VA, and handle the fee.

If you represent yourself, file by mail to Clerk of the Court, U.S. Court of Appeals for Veterans Claims, 625 Indiana Ave. NW, Suite 900, Washington, DC 20004-2950, by fax to 202-501-5848, or by email to self-rep@uscourts.cavc.gov. Before you fax, check the court's home page: since late September 2026 it has posted that this fax line has technical trouble and listed a backup number, 202-501-5831. If you mail it, a legible U.S. Postal Service postmark date counts as the filing date. A fax or email counts on the day the court receives it. Since October 1, 2026, representatives file new appeals through the court's new electronic system, the Appellate Case Management System. Then, within 14 days after you send the Notice of Appeal, the court must get either the filing fee or a Declaration of Financial Hardship, not both. Check the current fee on the court's site.

Do not send the Notice of Appeal to VA or the Board. It has to go to the court.

Where this is written down: 38 U.S.C. § 7266(b) to (d); CAVC Rules 3(f), 4 and 24.

Done when the court has your Notice of Appeal, you have proof of the filing date, and the fee or hardship declaration is in.

STEP 6

Understand what the court does and doesn't do.

The court reviews the Board's record for legal error. It doesn't take new evidence and doesn't reweigh the facts from scratch; it overturns a Board fact finding only if that finding is clearly wrong.

If your case really needs new evidence rather than a legal ruling, **then** a Supplemental Claim at VA may fit better; filing it within one year of the Board decision keeps your effective date. You can't run a Supplemental Claim and a court appeal on the same issue at the same time, so weigh the two with a representative before you file either.

Where this is written down: 38 U.S.C. § 7261; 38 CFR § 3.2500(b), (c)(3) and (h)(1).

Done when you've chosen between the court and a Supplemental Claim on purpose.

STEP 7

Meet the court's deadlines.

After you file, the court sends your case number and sets a schedule. Keep your address and phone current with the clerk in writing, and meet every deadline, or make sure your representative does.

Where this is written down: CAVC Rule 46.1.

Done when you're tracking the court's schedule and meeting its deadlines.

STEP 8

Know your options after the court rules.

The court can affirm the Board, reverse it, or send the case back to the Board for another look.

If the case goes back to the Board, **then** follow the Board's new process and deadlines. **If** the court rules against you, **then** your options include an appeal to the U.S. Court of Appeals for the Federal Circuit on certain legal questions, or a Supplemental Claim with new and relevant evidence. Ask a representative which fits before any deadline runs.

Where this is written down: 38 U.S.C. § 7292; 38 CFR § 3.2500(c)(4).

Done when you understand the ruling and the next step.

Recap Checklist

- ☐ Confirmed I have a final Board decision and its date.
- ☐ Counted 120 days from the Board decision date and set reminders.
- ☐ Contacted a representative admitted at the court or the Veterans Consortium, or chose to file on my own.
- ☐ Prepared a Notice of Appeal with every item the court lists.
- ☐ Filed with the court, not VA, kept proof, and sent the fee or a hardship declaration within 14 days.
- ☐ Chose between the court and a Supplemental Claim on purpose.
- ☐ Tracked and met the court's deadlines.
- ☐ Noted my options after the court rules.

Reminder: rules and rates change. Check any current figure at va.gov. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. This guide prepared you for the task. The evidence in your file decides the result.

Get Free, Accredited Help

For anything about your own claim, talk to an accredited representative. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. Free help is available through Veterans Service Organizations such as the DAV, VFW, and American Legion, and through county and state veterans offices.

To find one near you, visit va.gov/get-help-from-accredited-representative. Representation begins only when you sign VA Form 21-22 (for a Veterans Service Organization) or 21-22a (for an individual agent or attorney). With one rare exception for a single unpaid case, only accredited people can represent you before the VA, and only an accredited agent or attorney can charge you a fee. Nothing in this guide creates that relationship.

A warning about claim sharks. Anyone who offers to file your initial claim for a fee, or who guarantees you a rating or a percentage, is selling something you shouldn't buy. Accredited Veterans Service Organizations help at no charge, and accredited claims agents and attorneys may charge only after VA issues its initial decision, within the limits of 38 CFR 14.636. Report predatory companies to the VA Office of Inspector General at 1-800-488-8244.

Keep Going: The Full Guide

This field guide is the short, do-this-now companion to the book *The Appeals Playbook*. See every FWD Assist HQ title that is out now at fwdassisthq.com/books.

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About the Author

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J. Erickson is a service-disabled Air Force veteran. He served as a military firefighter and as a veteran service officer, where he spent years walking veterans through the same claims process he writes about now. He holds an MBA and writes plain-language guides for veterans who want to understand the system without a translator.

He writes the For the Rest of Us series at fwdassisthq.com. This guide is published by FWD Assist HQ as a veteran education resource. It is not affiliated with or endorsed by the Department of Veterans Affairs.