Sources in Veterans Law

Presented by
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Librarian, US Court of Appeals for Veterans Claims
SEAALL Teddy Talk, April 13, 2018

Veterans claims process in a nutshell

Claim begins at VA Regional Office (RO), decided by non-attorney adjudicator

If claim denied, can be appealed to Board of Veterans Appeals (BVA), decided by Veterans Law Judge.

If claim denied, can be appealed to US Court of Appeals for Veterans Claims (CAVC).

Either party that loses at CAVC can appeal to US Court of Appeals for the Federal Circuit (CAFC).

Either party that loses at CAFC can appeal to the US Supreme Court.

Primary sources

U.S. Code, Title 38

Code of Federal Regulations, Title 38

VA Adjudication Manual M21-1

VA Office of General Counsel Precedent Opinions
### Case law

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<th>Court</th>
<th>Notes</th>
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<tr>
<td>U.S. Supreme Court</td>
<td>rarely rules on veterans issues</td>
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<tr>
<td>U.S. Court of Appeals for the Federal Circuit</td>
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<tr>
<td>U.S. Court of Appeals for Veterans Claims</td>
<td>Vet App Reporter</td>
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<tr>
<td><strong>Other federal courts</strong></td>
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BVA and VA decisions available online and in Westlaw and Lexis

### US Court of Appeals for Veterans Claims

The United States Court of Appeals for Veterans Claims is a national court of record, established under Article I of the Constitution of the United States. The Court has exclusive jurisdiction to provide judicial review of final decisions by the Board of Veterans' Appeals, an entity within the Department of Veterans Affairs.

The Court provides veterans an impartial judicial forum for review of administrative decisions by the Board of Veterans' Appeals that are adverse to the veteran-appellant's claim of entitlement to benefits for service-connected disabilities, survivor benefits and other benefits such as education payments and waiver of indebtedness. In furtherance of its mission, the Court also seeks to help ensure that all veterans have equal access to the Court and to promote public trust and confidence in the Court.

### Where to find CAVC opinions

- West's Veterans Appeals Reporter (28 vol. set)
- CAVC website
- Westlaw and Lexis

- Not available in Bloomberg, Lexis, Fastcase
- Only federal court not in PACER
- CAVC decisions available on court website, open to public
- CAVC decisions recently added to Lexis CourtLink
USCAVC website:

- Search decisions using keywords or phrases
- See precedential opinions by year (under Opinions & Orders)
- Search dockets
- Court rules and forms
- Court process

National Veterans Legal Services Program (NVLSP)

- Founded in 1980, originally worked to help soldiers with “bad” paper (less than fully honorable discharges)
- Assist veterans with appeals before the BVA
- NVLSP is a member of the Veterans Consortium Pro Bono Program, which provides assistance to pro se litigants before CAVC
- Train pro bono attorneys
- Publications include:
  - Federal Veterans Laws, Rules and Regulations – includes 38 USC, 38 CFR, and CAVC Court Rules, IOP’s
  - CD-ROM version with extras – not produced since 2015

Online resources

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<tr>
<th>WestlawNext</th>
<th>Lexis Advance</th>
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<tr>
<td>All court cases</td>
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<td>All dockets except CAVC</td>
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<td>BVA decisions</td>
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<tr>
<td>Veterans Benefits Manual as ebook</td>
<td>Military and Veterans Law tab in Practice Tools</td>
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<tr>
<td>CAVC docket added to CourtLink</td>
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Lexis Advance—new add-on database

All Military & Veterans Law Treatises, Practice Guides & Jurisprudence

- VA Clinician’s Guide
- VA Fast Letters 2006-2015
- (basically all of the information from the now defunct CD-ROM)

Helpful Links

Veterans Law Library – excellent overview and summary of veterans claims process. Great place to start.
http://www.veteranslawlibrary.com

US Code:

CFR:

M21-1 Adjudication Manual

VA Office of General Counsel Precedent Opinions – in Westlaw and Lexis, also on VA website
https://www.va.gov/ogc/precedentopinions.asp

Contact Information

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