

YOUR RIGHTS TO APPEAL THE GENERAL COUNSEL'S DECISION CONCERNING YOUR FEE AGREEMENT

The General Counsel of the Department of Veterans Affairs (VA) has reached a decision on the motion for review of your fee agreement.

What do I do if I disagree with the General Counsel's decision? You should write a letter to the General Counsel stating that you disagree with the decision. This letter is called a "Notice of Disagreement." Send your Notice of Disagreement to: Office of the General Counsel (022D), 810 Vermont Avenue, NW, Washington, DC 20420.

How soon must I state my disagreement with the decision? Your Notice of Disagreement must be postmarked or received by the Office of the General Counsel within 60 days from the date of the letter notifying you of the General Counsel's decision. *See* 38 C.F.R. § 20.501(a). The General Counsel's decision regarding your fee agreement becomes final on the first day after this 60-day period if you do not file a Notice of Disagreement.

What happens after the Office of the General Counsel receives my Notice of Disagreement? We will send you a Statement of the Case if the General Counsel's decision regarding your fee agreement does not change. A Statement of the Case describes the law that the General Counsel applied to the facts and the reasons for the decision. We will also send you a VA Form 9, "Appeal to Board of Veterans' Appeals."

What is an appeal to the Board of Veterans' Appeals? An appeal is your formal request, using the VA Form 9, that the Board review the General Counsel's decision regarding your fee agreement. The Board can either agree with the General Counsel's decision or change it. The Board can also send the matter back to the General Counsel for more processing before the Board makes its decision.

How long do I have to appeal the decision? Your VA Form 9, also known as your "substantive appeal," must be postmarked or received by the Office of the General Counsel within 30 days from the date of the Statement of the Case. *See* 38 C.F.R. § 20.501(b). The General Counsel's decision regarding your fee agreement becomes final on the first day after this 30-day period if you do not file a substantive appeal.

If you do appeal, a copy of your substantive appeal must also be sent to the party with whom you have the dispute over fees. The opposing party may file a brief or argument with the Office of the General Counsel in answer to your substantive appeal within 30 days from the date your substantive appeal is furnished to the opposing party. *See* 38 C.F.R. § 20.502. Upon receipt of the opposing party's filing, or upon the expiration of 30 days, the Office of the General Counsel will certify the case to the Board in accordance with 38 C.F.R. § 19.35.

Can I get a hearing with the Board? Yes. If you decide to appeal, the Board will give you a hearing if you want one. The VA Form 9 we will send you with the Statement of the Case has complete information about the kinds of hearings the Board offers and check boxes for requesting a Board hearing. The Board does not require you to have a hearing. It is your choice.

Where can I find out more about appealing to the Board? You can find a "plain language" booklet called "How Do I Appeal," on the Internet at: http://www.bva.va.gov/How_Do_I_APPEAL.asp. The booklet also may be requested by writing to: Hearings and Transcription Unit (014HRG), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC 20420.

You can find the rules for appealing to the Board in the Board's Rules of Practice at 38 C.F.R. part 20. You can

find the rules regarding fee agreements at 38 C.F.R. § 14.636. The complete Code of Federal Regulations is available on the Internet at: <http://www.gpoaccess.gov/cfr/index.html>. A printed copy of the Code of Federal Regulations may also be available at your local library.

Can I give VA additional evidence? No. In accordance with 38 C.F.R. § 14.636(i)(3), the record in this fee dispute has been closed.

Can I get someone to help me with my appeal? Yes. You may obtain the services of a VA-accredited claims agent or attorney. An "agent" is a person who is not a lawyer, but who VA recognizes as being knowledgeable about veterans' benefits law and qualified to provide representation before the Department. Accredited agents and attorneys may charge you for the services they provide under some circumstances. Paying their fees for helping you with your appeal to the Board is your responsibility.

VA beneficiaries may also have an accredited representative of a recognized veterans service organization help with an appeal for free. A searchable database of VA-recognized veterans service organizations and VA-accredited service organization representatives, claims agents, and attorneys is available at <http://www.va.gov/ogc/apps/accreditation/index.asp>.