

UNITED STATES COURT OF VETERANS APPEALS

Misc. No. 5-01

In Re: RULE 24 OF THE RULES OF PRACTICE AND PROCEDURE

Before KRAMER, *Chief Judge*, and FARLEY, HOLDAWAY,
IVERS, STEINBERG, and GREENE, *Judges*.

ORDER

Pursuant to the authority of 38 U.S.C. §§ 7263(b) and 7264(a) and consistent with 28 U.S.C. § 2071(b), the Court has determined the need to change the procedures for granting waivers of the filing fee. Accordingly, it is

ORDERED that the attached proposed changes to Rule 24 and Form 4 are hereby published. Public comment on these changes is invited. Such comment must be submitted to the Clerk of this Court at 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004-2950, by September 28, 2001.

DATED: August 24, 2001

BY THE COURT:

KENNETH B. KRAMER
Chief Judge

Attachments

RULE 24. WAIVER OF FILING FEE

~~An appellant who is unable, because of financial hardship, to pay~~ Payment of the filing fee required by Rule 3(e) or Rule 21(a) may request a waiver of the payment of the fee by submitting a motion to waive the filing fee, will be waived, due to financial hardship, in any case where the appellant (or petitioner) submits a declaration of financial hardship and that declaration is accepted for filing. That declaration will be subject to the penalty of perjury pursuant to 28 U.S.C. § 1746, and must be on the form prescribed at Form 4 in the Appendix of Forms.

~~If the Court grants the motion, the payment of the filing fee will be waived. If the motion is denied by the Court, the Clerk shall promptly transmit to the appellant notice of the Court's order denying the motion; the fee must be paid~~ declaration is found to lack a signature or to be otherwise noncompliant, it will be rejected for filing, and the Clerk will promptly return it to the appellant (or petitioner); within 14 days from the date of the Court's order after the return mailing of such a noncompliant declaration, either the fee must be paid or a new declaration that addresses the deficiencies in the noncompliant declaration must be submitted.

[These changes would simplify the process for filing declarations of financial hardship.]

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

DECLARATION OF FINANCIAL HARDSHIP

_____, Appellant/Petitioner,

v.

Secretary of Veterans Affairs, Appellee/Respondent.

I am the appellant/petitioner. I declare, by my signature below, that payment of the fifty dollar (\$50.00) filing fee required by Rule 3(e) or Rule 21(a) of the Court's Rules of Practice and Procedure would be a financial hardship for me.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct (28 U.S.C. § 1746).

Date

Signature of Appellant/Petitioner

Accepted for filing:

Date

Deputy Clerk