



U.S. Court of Appeals for Veterans Claims: A Brief Introduction

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The [U.S. Court of Appeals for Veterans Claims](#) (CAVC) provides the exclusive forum for veterans and other claimants, such as veterans' surviving spouses, to appeal U.S. [Department of Veterans Affairs](#) (VA) decisions denying various [veterans' benefits](#). This In Focus describes the CAVC's creation, jurisdiction, authority, and procedures before identifying several issues that may interest the 119th Congress.

Creation

Using its [authority under Article I](#) of the U.S. Constitution, Congress established the CAVC (then called the U.S. Court of Veterans Appeals) in 1988 through the Veterans' Judicial Review Act ([Pub. L. No. 100-687](#)). The Veterans Programs Enhancement Act of 1998 ([Pub. L. No. 105-368](#)) gave the CAVC its current name. The statutes governing the CAVC are in [chapter 72](#) of title 38 of the *U.S. Code*.

Jurisdiction and Authority

The CAVC has [exclusive jurisdiction](#) to hear appeals of decisions from the [Board of Veterans' Appeals](#) (BVA), VA's top-level administrative tribunal. (Another [CRS In Focus](#) provides an overview of the BVA.) These decisions concern entitlement to various VA benefits, including disability compensation, pensions, education benefits, and survivor benefits. The CAVC also has the authority under the All Writs Act, [28 U.S.C. § 1651](#), to issue writs—special court orders—in aid of its jurisdiction. Under this authority, the CAVC can compel VA to take any action (such as issuing a decision or providing a medical examination) “unlawfully withheld or unreasonably delayed” if that action relates to a claim that could ultimately be appealed to the CAVC. In addition, the CAVC can award attorney fees under the Equal Access to Justice Act (EAJA), [28 U.S.C. § 2412](#), for successfully challenging BVA decisions.

Class Actions

The CAVC [may certify and hear class action cases](#) based on the authority granted by the [All Writs Act](#) and the CAVC's [power to establish](#) its own rules and procedures. This class action authority [extends](#) to both appeals of final BVA decisions and matters arising under the All Writs Act. In the appeals context, however, the court [lacks jurisdiction](#) to include claimants without final, timely appealable BVA decisions as class members.

Judges

By [statute](#), the CAVC consists of 10 judges, including a chief judge who serves on a rotating basis. Seven judgeships are permanently authorized; three additional seats are authorized under temporary expansions that will expire in 2028. Judges are nominated by the President and confirmed by the Senate for a fixed term of 15 years, though judges may be reappointed. As of

September 16, 2026, there are seven [active judges](#) (five of whom are veterans), three vacancies, and [four pending nominees](#) (including [one](#) for a vacancy that will arise in June 2027).

Under [38 U.S.C. § 7253\(f\)](#), the President can remove a judge before the expiration of the judge's term only for misconduct, neglect of duty, engaging in the practice of law, or residing more than 50 miles outside the Washington, DC, area. There is some question whether these statutory removal protections are constitutional: in *Trump v. Slaughter*, the Supreme Court held that statutory removal protections for Federal Trade Commission commissioners were unconstitutional but [left open](#) the question of whether protections for non-Article III courts, like the CAVC, are permissible.

In addition to its active judges, the CAVC uses retired judges in recall status to hear cases. The chief judge [may recall](#) a retired judge for service when necessary to meet the CAVC's needs. As of the time of publication, there are 10 [recall-eligible](#) retired judges, [three of whom](#) are [serving](#) in recall status.

Court Proceedings

Proceedings before the CAVC are adversarial. Appellants and petitioners may [represent themselves](#) or be represented. Both attorneys and nonattorneys who meet [certain requirements](#) may [be admitted](#) to practice before the CAVC. The appellee or respondent [in all cases](#) is the Secretary of Veterans Affairs, who is represented by attorneys from the [VA Office of General Counsel](#).

The CAVC [generally sits](#) in Washington, DC, but has authority to sit anywhere in the United States. Several times per year, the CAVC [holds oral arguments](#) at law schools and federal courthouses throughout the country.

Appeals

Only individuals [adversely affected](#) by a BVA decision may file an appeal to the CAVC—the government may not do so. The CAVC [reviews](#) the BVA's legal conclusions de novo (without deference to the BVA's determinations) but reviews the BVA's findings of fact for clear error.

According to the CAVC's [annual report for FY2025](#), more than 80% of appeals were resolved through a [mediation process](#) run by the CAVC's central legal staff without being assigned to a judge. In such cases, the parties agree to end the appeal or remand the case to VA for further proceedings.

If an appeal is assigned to a judge, the [judge may](#) decide the case on the briefs or refer the case to a panel of three active judges for a precedential decision, with or without oral argument. Once a single judge or panel writes a decision, it is [circulated](#) to all other active judges for review. At this point, a single-judge decision [may be sent](#) to a three-judge panel if two judges vote to do so, or a single-judge or panel decision may be

reheard en banc (i.e., by all active judges) if a majority of the court votes to do so. After the CAVC issues a decision, a [party can move](#) for reconsideration, panel review, or en banc review.

Petitions for Extraordinary Writs

Individuals who have claims pending before VA and assert that the agency has [unlawfully withheld or unreasonably delayed](#) an action (such as failing to issue a timely decision or help a claimant obtain evidence) [may petition](#) the CAVC for an [extraordinary writ](#) compelling VA to act. Petitions do not go through the CAVC's mediation process and are instead [assigned directly](#) to an active judge. Once assigned to a judge, a petition follows the same process as an appeal but is generally [given priority](#).

Applications for EAJA Fees

An appellant [may receive](#) a payment from the government for reasonable attorney fees and litigation expenses if the appellant (1) is a prevailing party, (2) can show that VA's position was not "substantially justified," and (3) meets certain other requirements. (A [separate CRS product](#) provides more information on EAJA fees.) Many attorneys appearing before the CAVC [do so without charge](#) to their clients, sometimes in exchange for an agreement that the attorney will receive any EAJA fees awarded.

Use of Technology

The CAVC [requires](#) all represented parties to file case materials electronically through the court's case management and electronic case files (CM/ECF) system. Unrepresented parties [may submit](#) materials through CM/ECF, by email, or by mail. The CAVC does not charge the public to access [materials](#) on its docket.

Since April 2019, the CAVC has livestreamed its oral arguments on YouTube. Links to videos and audio files of past arguments are available on the [CAVC's website](#).

Types of Decisions

The CAVC resolves cases through decisions issued by the [clerk of the court](#), an [individual judge](#), or a [panel of judges](#). When the parties file a joint motion to remand a case or end an appeal, the clerk [may issue](#) an order granting the motion and resolving the case. The clerk [may also](#) grant unopposed motions for EAJA fees. According to the CAVC's [annual report](#), more than 87% of the CAVC's cases were resolved by clerk's orders in FY2025.

CAVC judges have [statutory authority](#) to issue *single-judge decisions*. These decisions take [two forms](#): orders that resolve petitions and motions to dismiss an appeal; and memorandum decisions that decide appeals on the merits. Single-judge orders and decisions are [not precedential](#) (i.e., not binding in future CAVC or VA cases) and [accounted](#) for roughly 12% of the CAVC's decisions.

Cases that present a new issue of law or require the CAVC to modify an existing rule are [generally decided](#) by a *panel decision* issued by three judges. Cases of exceptional importance or that require the CAVC to overturn a previous decision [are decided](#) by the en banc court. Panel and en banc

decisions are [generally precedential](#) and bind both the CAVC and VA in all future cases. According to the CAVC's [annual report](#), less than 1% of the CAVC's cases led to panel or en banc decisions.

Appeals

The [U.S. Court of Appeals for the Federal Circuit](#) (Federal Circuit) has [exclusive jurisdiction](#) to review CAVC decisions. Any party, including the government, [may appeal](#) a CAVC decision to the Federal Circuit. The Federal Circuit's review is [generally limited](#) to legal questions, and it cannot review the CAVC's factual findings or application of a law to the facts of a particular case unless the case presents a constitutional issue.

Caseload

According to its [annual report](#), in FY2025, the CAVC received 10,449 appeals—an approximately 17% increase from FY2024—along with 255 petitions and 7,079 EAJA applications. This increase was likely due to a [larger number](#) of decisions issued by the BVA (the BVA issued 123,962 in FY2025, up from 116,192 in FY2024).

During FY2025, the CAVC [issued](#) 16,236 decisions addressing 8,758 appeals, 249 petitions, and 6,997 EAJA applications. The [court affirmed](#) the BVA's decision in around 4% of appeals, reversed or remanded in 42% of appeals, and dismissed 12% of appeals. The remaining 42% of appeals led to mixed outcomes. The CAVC [issued](#) one en banc decision and 31 panel decisions in FY2025.

Issues for Congress

The [House](#) and [Senate](#) Veterans' Affairs Committees have [authorizing jurisdiction](#) over the CAVC, while the Military Construction, Veterans Affairs, and Related Agencies Subcommittees of the [House](#) and [Senate](#) Appropriations Committees have [appropriations jurisdiction](#).

Class Action Jurisdiction

Congress may wish to address the scope of the CAVC's class action authority, such as by setting specific procedures or expressly allowing or prohibiting class actions arising out of certain types of cases (e.g., petitions or appeals). [Several measures introduced](#) in the 119th Congress would, for example, allow the CAVC to include as class members claimants without final BVA decisions.

Pending Nominees and Temporary Expansion

The CAVC's temporary authorization for 10 judges [expires](#) in 2028. Although the expiration will not affect any judges appointed before that date, it will prevent the appointment of more than seven judges when new vacancies arise. If Congress wishes to address this issue, it could consider extending the authorization, making it permanent, or authorizing more than 10 judges.

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