

**IF YOU DO NOT AGREE WITH THIS ACTION**

We have based our determination on the evidence of record and the applicable law. If you do not agree with the action we have taken, you have two choices. (1) You may reopen your claim by sending VA new and material evidence which we have not considered. (2) You may appeal to the Board of Veterans' Appeals (BVA).

REOPENING YOUR CLAIM

NEW EVIDENCE. You may give us evidence we do not have to strengthen your claim. Testimony may be that kind of evidence. To have a hearing before regional office personnel, see the instructions below. It is in your interest to send us any new evidence as soon as possible. We will consider it and let you know whether it changes our determination. You may also submit additional evidence, with some time limitations, if you appeal to the BVA.

HEARINGS BEFORE REGIONAL OFFICE PERSONNEL. We do not require you to have a hearing. You may testify in your own behalf before regional office personnel. You may also bring witnesses. To request a hearing before regional office personnel, send a letter to this office. We will arrange a time and place for the hearing. You can request a hearing before regional office personnel at any time. VA will furnish the hearing room, provide hearing officials and make a transcript of the hearing. The transcript will be placed in your claims folder. Regional office personnel will decide, based on the testimony and other evidence, whether your claim is successfully reopened and whether it can be granted. If your claim remains denied, you may appeal to the BVA. The record sent to the BVA will include the transcript of the hearing. If you appeal our decision, you may also request a hearing before the BVA. See Your Appellate Rights below. You may have a hearing before both regional office personnel and the BVA.

YOUR APPELLATE RIGHTS

This notice summarizes your procedural and appellate rights. For complete information, refer to the Rules of Practice of the Board of Veterans' Appeals (38 CFR Part 20).

APPEAL OF THIS DETERMINATION. You may appeal our determination to the BVA. To appeal, send this office a Notice of Disagreement within 1 year from the date of the letter which accompanies this form. A Notice of Disagreement is a letter telling this office that you wish to appeal. If more than one benefit is involved, you should identify the benefit or benefits for which you are appealing. After you have filed a Notice of Disagreement, we will send you a Statement of the Case containing the facts, the applicable laws and regulations, and the reasons for our determination.

HEARINGS. You may still have a hearing before regional office personnel even after you file a Notice of Disagreement. If you want a hearing before regional office personnel, see the instructions above. In addition, you may have a hearing before the BVA after you appeal the determination contained in the letter which accompanies this form. The BVA does not require a hearing. You may present evidence and argument, and bring witnesses. The testimony will be a part of the record. VA will set the time and date of the hearing, provide the hearing room and hearing officials, and record the hearing. VA cannot pay any other expenses of a hearing. The BVA holds hearings in Washington, D.C., or at a VA regional office. If you request a hearing before the BVA in Washington, D.C., the BVA will tell you the time and date of the hearing. To request a hearing before the BVA at a regional office, write to this office. We fill these requests in the order of receipt. This office can tell you the expected waiting period for a BVA hearing at this office.

REPRESENTATION. An accredited representative of a recognized service organization may represent you without charge. An agent or attorney, such as a legal aid attorney or one in private practice, may also represent you. VA cannot pay fees of agents or attorneys.

ATTORNEY OR AGENT FEE LIMITATION. Except in loan cases, no fee may be charged, allowed, or paid for services provided by agents or attorneys before the BVA first makes a final decision in your claim. After the first final BVA decision in your claim, an attorney or accredited agent may charge you a fee under certain circumstances for representing you before VA, including the BVA, or the United States Court of Appeals for Veterans Claims (known as the United States Court of Veterans Appeals prior to March 1, 1999) (hereinafter, "the Court"). An attorney or agent may charge you a reasonable fee in writing in connection with any proceeding in a case arising out of a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code for services provided after October 9, 1992. For more information, refer to Section 5904, Title 38, United States Code. If an attorney or accredited agent represents you before VA, a copy of any agreement between you and the attorney or accredited agent about the payment of the attorney's or agent's fees must be filed at the following address: Office of the Chief Counsel (01C) Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC 20420.

APPEAL OF BVA DECISION. You may appeal a final BVA decision to the Court. You must file a Notice of Appeal with the Clerk of the Court within 120 days from the date on which the BVA mailed the notice of the BVA decision.