

**CALIFORNIA VETERANS BOARD
NOTICE OF APPEAL
(Pursuant to Military and Veterans Code §86)**

To: Executive Officer
California Veterans Board
1227 O Street, Suite 103
P.O. Box 942895
Sacramento, California 95814

(For Use by Board Only)
Appeal No. _____
Date Rec'd _____
Date Deemed Received-Mil. &
Vet. C. §86 _____

NOTICE IS HEREBY GIVEN that the veteran appellant named below appeals to the California Veterans Board from a decision of a division of the Department of Veterans Affairs, as set forth below. Appellant understands that the review or hearing on this appeal may be conducted during an open, public meeting of the Board, that the information disclosed in this notice and during the review or hearing may not be protected by federal and state privacy laws, and that the Board's decision on this appeal may become a part of the public record.

1. VETERAN APPELLANT:

Name: _____
Address: _____

Home Phone: _____
Work Phone: _____

2. DIVISION AND DECISION BEING APPEALED: (State name of division and describe decision being appealed).

3. APPLICABLE FACTS AND REASONS: (State all pertinent facts; attach supporting papers and state why you think the decision is wrong; use additional sheets as necessary).

4. ACTION DESIRED: (State the action you wish the Board to take).

5. TYPE OF REVIEW REQUESTED: (See Reverse Side of this Notice and specify Review of Record, Informal Hearing, or Formal Hearing):

6. VETERAN APPELLANT'S ATTORNEY (If any):

Name: _____
Address: _____

Phone: _____

Signed: _____
(Veteran Appellant or Attorney)

Date: _____

(See Reverse Side for Appeals Procedure)

CALIFORNIA VETERANS BOARD APPEALS PROCEDURE

1. Appeals by veterans from decisions of a division of the California Department of Veterans Affairs (the Department) shall be filed in writing with the Board's Executive Officer (EO) at the Board's office in Sacramento, using the Notice of Appeal form shown on the other side of this Appeals Procedure. When a division of the Department denies or makes an adverse decision on a veteran's application for benefits, the division shall notify the veteran in writing of the denial or adverse decision, the reasons therefore, and of the right to appeal the decision to the California Veterans Board, and shall provide the veteran with a copy of this Notice of Appeal and Appeals Procedure. The filing of a Notice of Appeal shall not postpone or stay the decision being appealed. Such appeals shall be filed with the Executive Officer no later than one year after the date of the denial by a division.
2. Upon receipt of a Notice of Appeal, the EO shall assign and note thereon an appeal number consisting of the last two digits of the current calendar year, followed by a dash and a number indicating the order in which the appeal was received in the calendar year. (E.g., the first and subsequent appeals received in the calendar year 2004 would be numbered thusly: 04-01, 04-02, 04-03, and so on.) The EO shall note on the Notice of Appeal the date actually received, the date deemed received, and shall place the appeal on the Board's agenda for scheduling at the next regular meeting of the Board after actual receipt thereof.
3. At that meeting, the Board shall ascertain the type of review or hearing requested, shall determine how, when, and where the review or hearing will be conducted, and shall instruct the EO to give written notice of the time and place of such review or hearing to the veteran appellant, his or her attorney if any, and to the Department. Subject to State Government budgetary constraints and travel restrictions, the Board shall make all reasonable efforts to schedule such review or hearing and to render its decision thereon within the times and at the places prescribed by Military and Veterans Code §86(a). Ordinarily, the Board will conduct the reviews or hearings itself, but reserves the option to delegate the holding of hearings from time to time as permitted by law.
4. The veteran shall choose whether to have the appeal considered by a **Review of the Record**, or at an **Informal Hearing** or a **Formal Hearing**. A **Review of the Record** shall be conducted without an appearance by the veteran or the Department, and shall consist of a review of the Notice of Appeal and all supporting documents filed by the veteran and a review of the Department's files and records on the matter. An **Informal Hearing** shall consist of appearances by the veteran appellant, his or her attorney if any, and an attorney or representative for the Department if the Department so desires, and informal discussions or presentations without the observance of strict rules of evidence or procedure. A **Formal Hearing** shall be recorded electronically, with testimony taken under oath or affirmation, the burden of going forward shall be on the veteran appellant, the appellant and the Department shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, to rebut adverse evidence, and the rules of evidence and procedure for conducting administrative hearings in this State shall be followed.
5. Where the holding of a hearing is delegated, the hearing officer shall give notice of the time and place of the hearing to the parties, shall conduct the hearing, and shall prepare a Proposed Decision, setting forth findings of fact, conclusions of law, and reasons, for submittal to the parties and the Board. The Board will place the Proposed Decision on the agenda for its next regular meeting after submittal, and may adopt, modify, or reject the Proposed Decision.
6. Hearings not delegated will be conducted during a regular or special open meeting of the Board under the Bagley-Keene Open Meeting Act unless the veteran requests a closed hearing in writing and provides the Board with sufficient reasons and citations of legal authority for a closed hearing.
7. When the Board conducts a review or hearing itself, it may seek the advice of its own counsel in Reviews of the Record, or may have its own counsel preside at Informal and Formal Hearings with at least a quorum of Board members present. In presiding, counsel shall maintain order, swear witnesses, rule on evidentiary and procedural matters, and advise the Board on matters of law and procedure, but shall not vote on the decision. All decisions shall be determined by a majority vote of at least a quorum of Board members. After a decision is made, the Board may assign the writing of the decision, with or without explanations or reasons, to the EO, a Board member, or to counsel, and after approval by the Board a copy of the decision shall be mailed to each party. The Board's decision shall be final, except for judicial review.