STATEMENT OF
THE HONORABLE BRUCE E. KASOLD, CHIEF JUDGE
U.S. COURT OF APPEALS FOR VETERANS CLAIMS

FOR SUBMISSION TO THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

APRIL 14, 2015

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to comment on H.R. 1067. Succinctly stated, the Court supports this legislation. We do have one suggested change to section 3 that we already have coordinated with Committee staff and the staff of Mr. Costello, who introduced the bill, to wit: Change "not to exceed 90 days or the equivalent" in the suggested amendment at 38 U.S.C. ' 7257(b)(1)(B)(i) to read "not less than 90 days (or the equivalent)". A recall-eligible retired judge (Senior Judge) desiring to work for at least 90 days or the equivalent should be recalled so long as the Chief Judge determines there is sufficient work and resources, but recalling a judge for shorter periods presents different staffing and resourcing issues and should be subject to the same high standard laid out in ' 7257(b)(1)(A) for mandatorily recalling a Senior Judge.

With regard to section 2 of H.R. 1067, as I testified on March 18, 2015, before the House Appropriations, Subcommittee on Military Construction, Veterans Affairs and Related Agencies, our current authorization for 9 judges sunsets with the next two judicial vacancies on the Court, which will occur upon the death, retirement, or senior-status election of the next two active judges. One judge has announced that he will take senior status this August, and the terms of appointment for two judges end in December 2016. Although the number of appeals filed at the Court trended down for a period, it has consistently remained above 3,500 and is again on the

rise B a product of the number of decisions by the Board of Veterans' Appeals. For example, in FY 2013, the Board rendered about 42,000 decisions, but in FY 2014, the Board decided over 55,500 appeals. The Board projects that it will decide over 57,000 appeals in FY 2015, with similar and higher projections for the following years. The number of appeals being filed at the Court already is on a path to 4,500 or more this calendar year, with projections of continued growth thereafter. Re-authorization for 9 judges will help the Court continue to manage this significant caseload.

Sections 4, 5, and 6 of H.R. 1067 bring parity with benefit provisions for other federal judges. Section 4 would treat our judges as employees for Federal Employee Group Life Insurance (FEGLI) purposes, which clarifies that our judges may purchase life insurance at the employee rate, and authorizes our retired judges to do so, consistent with other federal judges, active and retired. *See* 5 U.S.C. ch. 87, ' 8701(a)(5). Section 5 would permit our judges to purchase additional service credit for annuity purposes, the same as for other federal judges. *See* 28 U.S.C. ' 376(x). Finally, section 6 would authorize our judges the same pay as all other federal appellate judges.

In closing, on behalf of the Court, I express my appreciation for your past and continued support, and for the opportunity to provide this statement.