

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
625 Indiana Avenue, NW Suite 900
Washington, DC 20004-2950

NOTICE OF NONCONFORMING DOCUMENTS

DOCKET NO: 19-5321

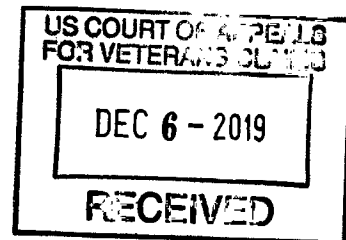
ROBERT L. CARTER, SR.,

APPELLANT,

V.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.



To the Appellant: The document that you sent to the Court has been received but not filed because it does not conform to the Court's Rules of Practice and Procedure (Rules) in the following respect:

a. Incomplete document:

- ☐ You have not filed a notice of appearance. Rule 46(b)
- ☐ It was late. You may resubmit it accompanied by a motion for leave to file that states the reason for delay.
- ☐ Other:

b. Incorrect document:

- ☒ It was not in compliance with the following Court Rule(s): 32(f) - No Identification, please sign and return your informal brief.
- ☐ Service was not at or before the time for filing. Rule 25; *Gantt v. West*, 11 Vet.App. 264, 265 (1998).
- ☐ Other:

The proceedings are stayed for 20 days from the date of this notice to allow you to submit a new document that conforms with the Court's Rule(s) identified above. Failure by the appellant to submit a conforming document within this time may result in dismissal of the case.

DATED: November 12, 2019

FOR THE COURT:

GREGORY O. BLOCK
Clerk of the Court

By: /s/ Anne P. Stygles
Anne P. Stygles
Chief Deputy Clerk of Operations

Copies to:

Robert L. Carter, Sr.

VA General Counsel (027)

Clerk: AMN

Form 17 (Rev 02/17)

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
Instructions for Submitting Your Informal Brief

Using the Informal Brief Form

- Because you are self-represented, you may submit your brief on the informal brief form attached to these instructions. If you decide not to use the informal brief form, you must meet all of the requirements of Rules 28 and 31 of the Court's Rules of Practice and Procedure (Rules). Those Rules may be found on the Court's website at uscourts.cavc.gov or you may request a copy of the Rules by contacting the Public Office at 202-501-5970, at extension 100X, where the "X" is the final digit of your docket number. (Ex. For docket number 14-1234, use extension 1004.)

Preparing Your Brief

- Type your brief or print it neatly. A typed brief must be double-spaced in at least a 12-point typeface; if handwritten, the letters must be of an equivalent size. If your brief is not legible, it may be returned to you, which could delay proceedings in your case.
- You may attach extra pages of argument to explain your position. They must be typed (double-spaced) or neatly printed in at least a 12-point typeface or equivalent size. Your brief cannot exceed 30 pages total unless you receive permission from the Court.
- **Support your arguments by referring to pages from the Record Before the Agency (RBA)**, a copy of which you should have received. There is no need to attach a copy of those pages, the Court will receive a copy in the Record of Proceedings (ROP).

Where and When to Send Your Brief

- **MAKE** and **KEEP** a copy of your brief for your own files.
- MAIL, FAX, or EMAIL your original brief to:

Clerk, U.S. Court of Appeals for Veterans Claims
625 Indiana Avenue NW, Suite 900
Washington, DC 20004-2950
Fax: 202-501-5848
Email: self-rep@uscourts.cavc.gov (as an attachment)

- Please **DO NOT** include your Social Security number or your claims folder number and **DO NOT** include medical records with your informal brief.
- The Court must receive your brief by the deadline in the Notice to File Brief or by an order of the Court. **If you do not submit a brief, the Court may dismiss your appeal without further notice.**

What Happens Next

- A VA attorney will submit a brief or motion arguing the Secretary's side of the case and will send a copy to you. When you receive it, you may (but do not have to) submit a response to that brief, known as a **reply brief**. If you do, the Court **must receive your reply brief no later than 19 days** after the date listed on the Certificate of Service at the end of the VA attorney's brief or motion.
- After you and the VA attorney have submitted your arguments, the VA attorney will submit the Record of Proceedings (ROP) to the Court. The ROP includes copies of all documents from the RBA that are referred to in your brief and in the VA attorney's brief. You may (but do not have to) respond to the ROP if you think a document is missing from the ROP that was referred to in your brief or the VA attorney's brief.
- After the ROP is filed, your case will be assigned to a Judge for a decision. One or more Judges will review the file and will decide the case. As soon as the case is decided, we will send a copy of the decision to you.

BE SURE TO INFORM THE COURT OF ANY ADDRESS CHANGES

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

625 Indiana Avenue, NW Suite 900

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APPELLANT'S INFORMAL BRIEF

Docket No: 19-5321

Robert L. Carter, Sr.,

Appellant,

v.

Robert L. Wilkie,
Secretary of Veterans Affairs,

Appellee.

Type or legibly write your answers to each question. If the Court cannot read your handwriting, your brief may be returned to you.

1. If there is more than one issue listed on the first page of the Board decision, which issue(s) are you appealing?

Please note that if you choose not to list an issue here, the Court might not review that issue.

- (A.) (Increase rating for hernia Scar)
(B.) Back date of hernia from March 2006 to
1991-1992

Questions 2-6 ask you for information regarding the issues you believe were incorrectly decided by the Board.

2. For each issue you listed in Question 1, did the Board incorrectly state any facts?

Yes ☒ No ☐

If yes, what are the correct facts? Please list the page number(s) from the Record Before the Agency (RBA) that support your argument.

- (A.) Facts were not stated for the Vocational Rehabilitation Training Done 1991-1992 for the Severity of the hernia

3. Are there any documents in the Record Before the Agency (RBA) that support your claim(s)?

Yes ___ No ☒

If yes, what are those documents? Please list the page number(s) in the RBA where they can be found and explain why you think they support your claim.

4. Did VA fail to obtain any documents identified by you or your representative or mentioned in the Record Before the Agency (RBA) when it was gathering evidence for your case?

Yes ☒ No ☒

If yes, list the page number(s) of the RBA that show that these documents exist and explain:

- How each document relates to your claim(s)
- Why each document is important to your case

The Court cannot consider documents that were not before the Board. Also, please do not attach any pages from the RBA.

These documents are not in the (RBA) but were requested for the Courts

5. To your knowledge, did the Board fail to apply or misapply any law, case, or regulation?

Yes ☒ No ___

If yes, what is that law, case, or regulation and how should the Board have applied it?

CASE of September 10, 2010

The Board should have applied that Case Correctly on the Error of March 8, 1976.

6. Do you think that the Board decision is wrong for any other reason(s)?

Yes ___ No ☒

If yes, what are those reason(s)? Please list the page number(s) from the RBA that support your argument.

Finally, Questions 7-8 ask you for information that will help the Court process your case.

7. What action do you want this Court to take?

The Appellant would like the Court to correctly apply the (BVA) decision to back date all claims that were filed March 8, 1976. Thank you

8. If you needed extra pages to answer the questions above, how many extra pages did you attach to this form? _____

Please remember that your brief cannot exceed 30 pages total (including this form). Do not attach any pages from the RBA.

On any attached pages, make sure to include your name and your Court docket number.

Please sign and date this form after you have finished completing it.

Appellant's Telephone Number: (425) 948-5229

Appellant's Address: 3010 Washington Ave # 302 ST LOUIS MO 63103

Appellant's Signature:

Robert Lee Carter Sr.

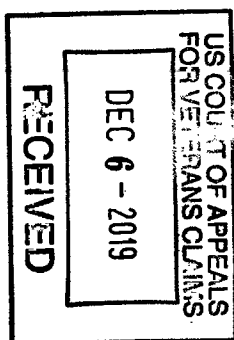
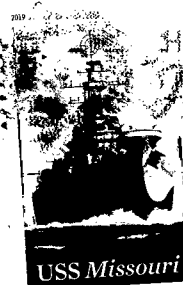
Date:

02-03-2019

ROBERT LEE CARTER SR
306 Washington Ave # 302
SE-LOUIS MO 63103

SAINT LOUIS MO 631

06 DEC 2019 PM 9 L



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