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*Single-Judge Adjudication in the Court of Appeals for Veterans Claims and the  
Devaluation of Stare Decisis*

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Abstract by Melissa Sutton

The author looks at the Court of Appeals for Veterans Claims (CAVC), which has been praised on the one hand for bringing "the restoration of integrity to the adjudication of claims for veterans' benefits," and condemned on the other as a "failed experiment" which is "unable to provide fairness." The article begins with a discussion of three-judge panels and then examines the closely related, but distinguishable, issue of stare decisis. The author then moves into a discussion of the Veterans' Claims Adjudication Procedure.

The article points out that Congress has permitted the CAVC to issue single-judge decisions, which comprise the vast majority of the court's case law. The article goes on to propose that the CAVC's unique exploitation of single-judge adjudication is at the root of its growing critique and, if maintained, will jeopardize the fair adjudication of veterans' benefits claims, as well as the court's perceived legitimacy. The article concludes that the CAVC's proclivity towards issuing single-judge decisions results in volatility, fuels suspicions of partial decision-making, and indicates that deliberation and adherence to precedent have been subverted by a more clandestine method of judicial review.

The first part of the article discusses the customary three-judge panel structure in federal appellate courts and common law adherence to the doctrine of stare decisis. The second part of the article describes the veterans' benefits appeals process, evaluates *Frankel v. Derwinski* and *Bethea v. Derwinski*, and contends that these cases aimed to reconcile the CAVC's divergence from the panel norm with Congress's permission for the court to act against this tradition. Part three of the article scrutinizes CAVC cases and reveals judicial hesitation toward following *Frankel*. Part four of the article posits an analogy between CAVC single-judge decisions and unpublished decisions in other appellate courts. Finally, the article concludes with an exploration of potential solutions to the court's misapplication of *Frankel*, and speculates that allegiance to *Frankel* would improve the veterans' benefits appeals process and harmonize CAVC ideals with common law principles.