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**From:** Moore, James T

**Sent:** Thursday, May 07, 2009 9:57 AM

**To:** Adams, Donald; Bahr, Jennifer; Barrett, Ken; Barrett, Lee; Barry, Lance; Baumeister, B William; Blankenship, Howard; Boalick, Scott; Colaianne, Michael; Courtenay, St. John; Crawford, Murriel; Dang, Thu A.; Delmendo, Romulo; Dixon, Joe; Easthom, Karl; Fetting, Anton; Fischetti, Joseph; Franklin, Beverly A.; Fredman, Jeffrey; Garriss, Bradley; Gaudette, Linda M.; Green, Lora; Grimes, Eric; Hahn, Thomas S.; Hairston, Kenneth; Hanlon, Adriene; Hastings, Karen; Hoff, Marc; Homere, Jean; Horner, Linda; Hughes, James R. (BPAI); Jeffery, John A.; Kerins, John; Kimlin, Edward; Kratz, Peter; Krivak, Carla; Lane, Sally; Lebovitz, Richard; Lee, Jameson; Lorin, Hubert; Lucas, Jay; Mantis-Mercader, Eleni; Martin, John; McCarthy, Steven; McCollum, Melanie; McKelvey, Fred; Medley, Sally; Mills, Demetra; Mohanty, Bibhu; Nagumo, Mark; Nappi, Robert; O'Neill, Mike; Owens, Terry; Pak, Chung; Pate, William; Prats, Frank; Robertson, Jeffrey B.; Ruggiero, Joseph; Saadat, Mahshid; Schafer, Richard; Scheiner, Toni; Silverberg, Fred; Siu, Stephen; Smith, Jeffrey T.; Song, Daniel; Spiegel, Carol; Staicovici, Stefan; Stephens, Debra (BPAI); Thomas, Carolyn D. (BPAI); Thomas, James; Tierney, Michael; Timm, Catherine; Torczon, Richard; Turner, Kevin; Walsh, Stephen; Warren, Charles; Whitehead, Carl; Brown, David E. (BPAI); Chen, Eric; Cocks, Josiah; Deshpande, Kalyan; Dickey, Steven; Driesch, Kristen; Frahm, Eric; Franklin, Erica; Greenhut, Charles N.; Guest, Rae Lynn; Hayes, Michael; Johnson, Jonathan (BPAI); Joyce, Catherine; Katz, Deborah; Kauffman, Phillip; Kim, Michael; Kohut, David M.; Lilling, Adam C.; Meyers, Matthew S.; Mintz, Rodney; Morgan, Jason; Mosby, April; Petravick, Meredith; Pothier, Denise; Rocca, Joseph M.; Saindon, William V.; Sims, Dawn M.; Smith, Jeffrey S. (BPAI); Thomas, Mark A.; Wu, Jingge; Zecher, Michael R.

**Cc:** MacDonald, Allen; Fleming, Michael R. @ BOAI; Santiago, Amalia

**Subject:** Policy Clarification on Dissents, Concurrences and Remands

**Importance:** High

Colleagues:

Please note that, effective immediately, if you would like a dissent, concurrence, or remand to be considered towards your productivity totals, you must submit a request. The form is attached, and may be used retroactively for cases prior to this date. For cases after this date, it must be submitted to your Vice Chief Judge within one week of mailing of the dissent, concurrence, or remand in order to be considered.

Concurrences, dissents, and remands are not normally efficient mechanisms for securing the "just, speedy, and inexpensive" resolution of an appeal before the Board. (Bd. R. 1). As indicated in the PAPs, a productivity credit is not automatically earned for a concurring opinion, dissenting opinion, or remand. Accordingly, justification is required to explain the need to undertake the extra work and occasion the extra delay in order to ensure efficient and proper utilization of our resources. Further, any credit given for a concurring opinion, dissenting opinion, or remand will be commensurate in scope with the justification provided and the scope of the extra work.

Please see Al or Jay if you have any questions.

Thanks,

Jay Moore

Allen MacDonald