

9. Review panel consideration and report. The findings and conclusions of the hearing officer, together with the record of the case, shall be considered by the review panel. When a party or parties have filed a notice of intention to except, the presiding officer by order shall establish a schedule for the parties to file briefs on exceptions to the hearing officer's findings and conclusions and requests for oral argument before the panel. The chief judge will entertain no appeals or requests for review of any rulings or actions by a hearing officer or a review panel. No case shall be returned to the hearing officer unless so ordered by the review panel. On the basis of the entire record, the panel, by majority vote, shall adopt or modify the findings or the conclusions of the hearing officer and shall file its report with the clerk, for service on the parties.

10. Rehearing. Within 10 days after service of the report of the review panel, any party may file a motion for rehearing to alter or amend the report. The motion shall state with particularity any contention of law or fact which the movant believes has been overlooked or misapprehended, and shall contain argument in support thereof. Oral argument in support of the motion shall not be permitted. No response to a motion for rehearing is required, but will be considered if filed within 10 days from the date the motion for rehearing is served. No time extension shall be allowed for filing such a response. If the motion for rehearing is granted, the review panel shall take such further action as in its discretion may be required by the circumstances of the particular case.

11. Transmittal to Congress. When all proceedings are concluded, the report of the review panel shall be transmitted by the chief judge to the appropriate House of Congress.

12. Admission to practice. Any attorney representing a claimant in a congressional reference case may file and appear as attorney of record in the proceeding if such attorney is a member of the bar of the United States Court of Federal Claims or, if not, upon certification to the clerk that such attorney is a member in good standing of the bar of the highest court of any state in the Union or the District of Columbia. Any claimant, except a corporation, in a congressional reference case may proceed *pro se*.

13. Filing Fees. Filing fees as set by RCFC 77.1 are required in congressional reference cases.

RULES COMMITTEE NOTE

Appendix D provides the procedures applicable to congressional reference cases. The appendix retains its earlier designation as Appendix D and also retains its earlier text except for the deletion of (i) former paragraph 6 (titled "Captions") and (ii) the reference in paragraph 3 authorizing the filing of a "preliminary complaint." The reference in paragraph 6 to case captions was deleted as unnecessary and paragraph 3's reference to the filing of a preliminary complaint was stricken because such complaints are no longer authorized under RCFC 27.

REFERENCES IN TEXT

The Federal Courts Improvement Act of 1982, referred to in par. (1), is Pub. L. 97-164, Apr. 2, 1982, 96 Stat. 25. For complete classification of this Act to the Code, see Short Title of 1982 Amendments note set out under section 1 of this title and Tables.

APPENDIX E

PROCEDURE IN CARRIER CASES

Rule 1. Carrier's Request For Admission of Facts **(a) Time for Filing Request.**

In every suit filed by a carrier for the recovery of freight and/or passenger transportation charges, the carrier shall, at the time the complaint is filed or within 30 days thereafter, file with the clerk a request for admission by the defendant of the genuineness of any relevant documents described in and exhibited with the request and of the truth of the material matters of fact relied on by the carrier for recovery in the action.

(b) Form and Content of Request. The request shall conform to the following requirements:

(1) Duplication. The request, with accompanying schedules and documents, may be typewritten, or may be printed, or otherwise mechanically reproduced from a typewritten original, provided that all copies filed with the clerk shall be legible and that the words and figures shown therein shall be large enough type to be read without difficulty.

(2) Copies; Filing; Service. If the request accompanies the complaint, copies and service of such request shall be as provided in RCFC 3(c) and 4. If the request is filed subsequent to the filing of the complaint, copies and service of such request shall be as provided in RCFC 5, and 83, except that 5 copies shall be served on the defendant in lieu of a copy.

(3) Signature of Attorney. The request shall be signed by the attorney of record for the plaintiff.

(4) Numbered Paragraphs; Material Facts. The statements contained therein shall be properly separated and numbered and shall consist of specific statements of material facts which the plaintiff expects to prove as opposed to general allegations of the kind used in pleadings.

(5) Attachments. There shall be attached to the request copies of any contracts, letters, or other documents, excluding tariffs and other documents referred to in the schedules required by subdivisions (b)(7) and (b)(8), which plaintiff proposes to offer in evidence, in order that the genuineness of such documents may be admitted by the defendant and the necessity of calling a witness to identify the same may be avoided.

(6) Nature of Dispute; Statement of Issues. The statement in the request shall be sufficiently explicit to show the nature of the dispute and the specific reason or reasons why the plaintiff believes it is entitled to recover higher rates or charges than those allowed by the government. The word "dispute" as used in the preceding sentence, means the shipment or shipments with respect to which the General Services Administration (GSA) or other agency of the government determined that the carrier's charges had been overpaid or refused to pay the carrier's supplemental bills covering such shipments, rather than subsequent shipments which are not in dispute except for the fact that the overpayments determined as to the shipments in dispute have been deducted from the amount of the carrier's bills covering such subsequent shipments. In order