

118TH CONGRESS  
2D SESSION

# H. R. 7793

To amend title 38, United States Code, to provide an individual with a claim for benefits under the laws administered by the Secretary of Veterans Affairs with more options to appeal a decision of the Secretary with respect to such claim to the Board of Veterans' Appeals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2024

Mr. BOST (for himself, Ms. STEFANIK, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide an individual with a claim for benefits under the laws administered by the Secretary of Veterans Affairs with more options to appeal a decision of the Secretary with respect to such claim to the Board of Veterans' Appeals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Appeals Op-  
5 tions Expansion Act of 2024”.

1 **SEC. 2. TREATMENT OF CERTAIN FORMS AS INTENT TO**  
2 **FILE CLAIM FOR BENEFITS UNDER LAWS AD-**  
3 **MINISTERED BY SECRETARY OF VETERANS**  
4 **AFFAIRS; MODIFICATION OF CERTAIN POL-**  
5 **ICY RELATING TO DOCKETS OF BOARD OF**  
6 **VETERANS' APPEALS; NOTICE OF UNTIMELY**  
7 **EVIDENCE REQUIRED.**

8 (a) TREATMENT OF CERTAIN FORMS.—Subsection  
9 (a) of section 5101 of title 38, United States Code, is  
10 amended by adding at the end the following new para-  
11 graph:

12 “(3) If an individual with a claim for benefits under  
13 the laws administered by the Secretary submits to the Sec-  
14 retary a form under paragraph (1) that is not the correct  
15 form prescribed by the Secretary for such claim, the Sec-  
16 retary shall treat such form as an intent to file a claim  
17 under section 3.155 of title 38, Code of Federal Regula-  
18 tions, or successor regulation.”.

19 (b) MODIFICATION OF CERTAIN POLICY; ASSIGN-  
20 MENT OF CERTAIN CASES.—Section 7107 of title 38,  
21 United States Code, is amended—

22 (1) in subsection (a), by adding at the end the  
23 following new paragraph:

24 “(4) With respect to a case pertaining to a continu-  
25 ously pursued claim for benefits under the laws adminis-  
26 tered by the Secretary that was previously remanded by

1 the Board to the Secretary, and for which an appellant  
2 has filed a subsequent notice of disagreement pursuant to  
3 this chapter, the Chairman of the Board shall ensure, to  
4 the maximum extent practicable, such case is—

5           “(A) treated as if such case was assigned to a  
6 docket maintained under subsection (a) on the date  
7 on which the initial notice of disagreement was filed;  
8 and

9           “(B) assigned to the member of the Board who  
10 held the most recent hearing relevant to such case.”;  
11 and

12           (2) in subsection (e)—

13           (A) in the heading by inserting “AND  
14 WITHDRAWING CASES” after “CHANGING  
15 DOCKETS”;

16           (B) by striking “The Secretary” and in-  
17 serting “(1) The Secretary”;

18           (C) by striking “an appellant” and all that  
19 follows through the end of the subsection and  
20 inserting the following: “an appellant, at any  
21 time before the date on which the appellant’s  
22 case is assigned to an individual employed by  
23 the Department responsible for writing the de-  
24 cision of the Board with respect to such case  
25 to—

1           “(A) move such case from one docket to an-  
2 other docket; and

3           “(B) withdraw a claim or issue within a claim  
4 from consideration by the Board.”; and

5           (D) by adding at the end the following new  
6 paragraph:

7           “(2) Under such policy, the Secretary may not permit  
8 an appellant to move the appellant’s case from one to  
9 docket to another docket after such date.”.

10          (c) NOTICE OF UNTIMELY EVIDENCE.—Section 7113  
11 of such title is amended by adding at the end the following  
12 new subsection:

13          “(d) NOTICE OF UNTIMELY EVIDENCE.—If an appel-  
14 lant, or the representative of such appellant, submits to  
15 the Secretary evidence in connection with a case before  
16 the Board on a date that is not during a period during  
17 which such evidence may be submitted under this section,  
18 the Secretary shall promptly notify the appellant—

19           “(1) that such evidence—

20           “(A) is untimely; and

21           “(B) may not be considered as part of the  
22 evidentiary record before the Board; and

1           “(2) of the right of the appellant to move such  
2           case from one docket to another docket pursuant to  
3           the policy required by section 7107(e) of this title.”.

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