

## S 3517

Claims Processing Improvement Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** Jun 22, 2010

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 654.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 654. (Nov 29, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/3517>

### Sponsor

**Name:** Sen. Akaka, Daniel K. [D-HI]

**Party:** Democratic • **State:** HI • **Chamber:** Senate

### Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Murray, Patty [D-WA]	D · WA		Aug 3, 2010
Sen. Schumer, Charles E. [D-NY]	D · NY		Sep 28, 2010
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Sep 29, 2010
Sen. Shaheen, Jeanne [D-NH]	D · NH		Nov 18, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	Nov 29, 2010

### Subjects & Policy Tags

#### Policy Area:

Armed Forces and National Security

### Related Bills

No related bills are listed.

Claims Processing Improvement Act of 2010 - (Sec. 2) Directs the Secretary of Veterans Affairs (VA), in the case of a veteran's disability claim with multiple conditions, to assign a disability rating for the condition(s) that can be assigned without further development, and to continue development of the remaining condition(s). Requires the Secretary to continue development of any condition for which a rating has been assigned and to reassess such rating, if the Secretary determines that further development could result in the assignment of a higher rating.

(Sec. 3) Provides that if a VA claimant is under 18 years old, mentally incompetent, or unable to sign a claim form, such form may be signed by a court-appointed representative or other person responsible for the claimant's care, including a spouse or other relative. Provides that if an individual is in the care of an institution, the manager or principal officer of such institution may sign.

(Sec. 4) Requires the Secretary to notify a claimant and the claimant's representative of additional information or medical or lay evidence required to substantiate and grant a claim, as long as the original application was substantially complete.

(Sec. 5) Requires the Secretary to: (1) treat a private medical opinion in support of a claim for compensation with the same deference as a medical opinion provided by a VA health care provider; and (2) obtain from a VA health care provider supplemental information in support of a private medical opinion that was submitted in order to assign a disability rating or to determine service-connection of a disability.

(Sec. 6) Directs the Secretary to: (1) establish a process for the rapid identification of initial disability claims that should receive review priority; (2) assign experienced VA claim processors to review initial claims to determine those that have the potential for quick adjudication or for priority treatment; and (3) give review priority to claims identified as having the potential for quick adjudication.

Authorizes the Secretary, upon notification that a claimant has no additional information or evidence to submit, to determine that the claim is fully developed, and decide the claim based on all evidence of record.

(Sec. 7) Authorizes the Secretary to provide an effective date of an award of disability compensation, in the case of a veteran who submits a fully-developed claim, of up to one year before the date of receipt of such claim.

(Sec. 8) Requires the Secretary to include with notifications of claims decisions a notice-of-disagreement form that may be used to initiate appellate review of such decision.

(Sec. 9) Deems any form for VA survivor benefits as an application for both VA dependency and indemnity compensation (DIC) and social security benefits.

(Sec. 10) Allows the Secretary to require any person recognized as a fiduciary for a VA beneficiary to provide authorization for the Secretary to obtain from financial institutions any financial records determined necessary: (1) for the administration of a VA program; or (2) to safeguard the beneficiary's benefits against neglect, misappropriation, or fraud. Deems such an authorization as meeting the requirements of the Right to Financial Privacy Act of 1978. Requires the Secretary to inform any person providing such authorization of its duration and scope.

(Sec. 11) Treats as a motion for reconsideration of a decision of the Board of Veterans' Appeals (Board) a document filed with the Board or the agency of original jurisdiction that expresses disagreement with the decision, as long as such document was filed within 120 days after such decision.

(Sec. 12) Requires forms representing a notice of disagreement with a VA claim decision to be filed within 180 days (under current law, one year) after notification of the claim decision. Allows an extension of such deadline for up to 186 additional days, for good cause shown.

(Sec. 13) Replaces VA responsibility to provide a "statement of the case" after the filing of a notice of disagreement with a claim decision with a "post-notice of disagreement decision." Requires additional information to be provided in the post-notice of disagreement decision, including the date by which a substantive appeal must be filed in order to obtain further review.

(Sec. 14) Allows a claimant up to 60 days from the date the post-notice of disagreement decision is mailed to file a substantive appeal. Allows an additional 60 days for such filing, for good cause shown.

(Sec. 15) Requires initial review by the Board of a substantive appeal containing new evidence, unless the claimant, within 30 days after submission of the new evidence, requests review by the agency of original jurisdiction.

(Sec. 16) Requires the Board, upon request by an appellant for a hearing before the Board, to determine the location and manner of appearance (in-person, teleconferencing, videoconferencing) for such hearing.

(Sec. 17) Directs the Court of Appeals for Veterans Claims (Court), in carrying out a review of a Board decision, to render a decision on every issue raised by the appellant.

(Sec. 18) Allows the Court to extend the 120-day period for the filing of a notice of appeal of a Board decision by an additional 120 days, for good cause shown.

(Sec. 19) Directs the Secretary to carry out a pilot program to assess the feasibility and advisability of participating with local governments and tribal organizations to improve the quality of disability claims submitted by veterans, and to provide claim assistance to such veterans.

(Sec. 20) Increases the annual pension payable to disabled veterans married to one another and both of whom require regular aid and attendance.

(Sec. 21) Requires the Secretary to increase annually the rates of various veterans' disability compensation and DIC by the same annual percentage increase payable under title II (Old Age, Survivors and Disability Insurance) of the Social Security Act, on the same effective date.

(Sec. 22) Directs the Secretary to submit to Congress an action plan for improving the correlation between the pay, advancement, and awards of VA employees with their job performance, particularly with respect to employees who process and adjudicate compensation claims.

## **Actions Timeline**

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- **Nov 29, 2010:** Committee on Veterans' Affairs. Reported by Senator Akaka with an amendment in the nature of a substitute. With written report No. 111-354.
- **Nov 29, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 654.
- **Aug 5, 2010:** Committee on Veterans' Affairs. Ordered to be reported with an amendment favorably.
- **Jun 22, 2010:** Introduced in Senate
- **Jun 22, 2010:** Sponsor introductory remarks on measure. (CR S5270)
- **Jun 22, 2010:** Read twice and referred to the Committee on Veterans' Affairs. (text of measure as introduced: CR S5270-5275)