

S 3328

Department of Veterans Affairs Appeals Modernization Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Sep 14, 2016

Current Status: Read twice and referred to the Committee on Veterans' Affairs.

Latest Action: Read twice and referred to the Committee on Veterans' Affairs. (Sep 14, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/3328>

Sponsor

Name: Sen. Blumenthal, Richard [D-CT]

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

Cosponsors (18 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baldwin, Tammy [D-WI]	D · WI		Sep 14, 2016
Sen. Brown, Sherrod [D-OH]	D · OH		Sep 14, 2016
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Sep 14, 2016
Sen. Hirono, Mazie K. [D-HI]	D · HI		Sep 14, 2016
Sen. King, Angus S., Jr. [I-ME]	I · ME		Sep 14, 2016
Sen. Leahy, Patrick J. [D-VT]	D · VT		Sep 14, 2016
Sen. Manchin, Joe, III [D-WV]	D · WV		Sep 14, 2016
Sen. Murray, Patty [D-WA]	D · WA		Sep 14, 2016
Sen. Sanders, Bernard [I-VT]	I · VT		Sep 14, 2016
Sen. Tester, Jon [D-MT]	D · MT		Sep 14, 2016
Sen. Udall, Tom [D-NM]	D · NM		Sep 14, 2016
Sen. Heinrich, Martin [D-NM]	D · NM		Sep 21, 2016
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Nov 15, 2016
Sen. Klobuchar, Amy [D-MN]	D · MN		Nov 15, 2016
Sen. Wyden, Ron [D-OR]	D · OR		Nov 15, 2016
Sen. Kaine, Tim [D-VA]	D · VA		Dec 5, 2016
Sen. Coons, Christopher A. [D-DE]	D · DE		Dec 6, 2016
Sen. Merkley, Jeff [D-OR]	D · OR		Dec 9, 2016

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Referred To	Sep 14, 2016

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
114 HR 5083	Related bill	May 13, 2016: Referred to the Subcommittee on Disability Assistance and Memorial Affairs.

Department of Veterans Affairs Appeals Modernization Act of 2016

This bill amends the Department of Veterans Affairs (VA) benefits appeals process to permit a claimant to request:

- a review of the agency of original jurisdiction's decision by a higher-level adjudicator within the agency based on the original evidence; or
- a Board of Veterans Appeals (BVA) review under which no BVA hearing is requested and no additional evidence may be submitted or under which a BVA hearing is requested and the appellant requests an opportunity to submit additional evidence at, and within 90 days of, the hearing (for which the BVA shall maintain two separate dockets).

(The term "agency of original jurisdiction" means the activity which entered the original determination with regard to a claim for veterans benefits.)

The bill prescribes additional information that must be included in the notice of a denied benefit.

A finding favorable to a claimant is binding on all subsequent VA adjudicators unless clear and convincing evidence is shown to the contrary.

If a claim is denied the claimant may, within one year after the agency of original jurisdiction issues a decision with respect to such claim: (1) file a request for higher-level review, (2) file a supplemental claim, or (3) file a notice of disagreement.

The BVA may remand a claim to the agency to obtain a corrective advisory medical opinion.

The VA shall provide for expedited treatment by the agency of original jurisdiction of any claim that is remanded by the BVA.

The bill revises effective dates of awards provisions.

The bill repeals a provision authorizing the BVA to secure an independent medical expert's opinion when warranted by the medical complexity or controversy involved in an appeal case.

The VA's duty to assist a claimant shall not apply: (1) once the claimant is provided notice of the agency's initial decision, and (2) to higher-level agency or BVA review.

The VA is not required to send notice for a supplemental claim or to readjudicate a claim that has been disallowed except when new and relevant evidence is presented or secured (currently such provision applies to reopening such claim).

A claimants's notice of disagreement must set out specific allegations of error of fact or law. The BVA is authorized to dismiss an appeal that fails to do so.

Actions Timeline

- **Sep 14, 2016:** Introduced in Senate
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