

HR 5083

VA Appeals Modernization Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Apr 27, 2016

Current Status: Referred to the Subcommittee on Disability Assistance and Memorial Affairs.

Latest Action: Referred to the Subcommittee on Disability Assistance and Memorial Affairs. (May 13, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/5083>

Sponsor

Name: Rep. Titus, Dina [D-NV-1]

Party: Democratic • **State:** NV • **Chamber:** House

Cosponsors (24 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Amodei, Mark E. [R-NV-2]	R · NV		Sep 12, 2016
Rep. Ellison, Keith [D-MN-5]	D · MN		Sep 12, 2016
Rep. Engel, Eliot L. [D-NY-16]	D · NY		Sep 12, 2016
Rep. Heck, Joseph J. [R-NV-3]	R · NV		Sep 12, 2016
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Sep 12, 2016
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Sep 12, 2016
Rep. Sarbanes, John P. [D-MD-3]	D · MD		Sep 12, 2016
Rep. Takano, Mark [D-CA-41]	D · CA		Sep 12, 2016
Rep. Brownley, Julia [D-CA-26]	D · CA		Sep 14, 2016
Rep. Kuster, Ann M. [D-NH-2]	D · NH		Sep 14, 2016
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Sep 14, 2016
Rep. Lowey, Nita M. [D-NY-17]	D · NY		Sep 15, 2016
Rep. Murphy, Patrick [D-FL-18]	D · FL		Sep 15, 2016
Rep. Pingree, Chellie [D-ME-1]	D · ME		Sep 15, 2016
Rep. Wasserman Schultz, Debbie [D-FL-23]	D · FL		Sep 15, 2016
Rep. Beatty, Joyce [D-OH-3]	D · OH		Sep 19, 2016
Rep. Bonamici, Suzanne [D-OR-1]	D · OR		Sep 19, 2016
Rep. Foster, Bill [D-IL-11]	D · IL		Sep 19, 2016
Rep. Norcross, Donald [D-NJ-1]	D · NJ		Sep 19, 2016
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Sep 19, 2016
Rep. Courtney, Joe [D-CT-2]	D · CT		Sep 22, 2016
Rep. Green, Gene [D-TX-29]	D · TX		Sep 27, 2016
Rep. Lofgren, Zoe [D-CA-19]	D · CA		Sep 27, 2016
Rep. Lujan, Ben Ray [D-NM-3]	D · NM		Nov 15, 2016

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	House	Referred to	May 13, 2016

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
114 HR 6062	Related bill	Oct 19, 2016: Referred to the Subcommittee on Military Personnel.
114 HR 5620	Related bill	Sep 15, 2016: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
114 S 3328	Related bill	Sep 14, 2016: Read twice and referred to the Committee on Veterans' Affairs.
114 S 3170	Related bill	Jul 12, 2016: Read twice and referred to the Committee on Veterans' Affairs.

Summary (as of Apr 27, 2016)

VA 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 under which no additional evidence may be submitted; 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.

("Agency of Original Jurisdiction" means the activity which entered the original determination with regard to a claim for veterans benefits.)

The BVA shall maintain two such separate dockets.

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

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

The bill revises effective dates of awards provisions.

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 provisions 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 which fails to do so.

Actions Timeline

- **May 13, 2016:** Referred to the Subcommittee on Disability Assistance and Memorial Affairs.
- **Apr 27, 2016:** Introduced in House
- **Apr 27, 2016:** Referred to the House Committee on Veterans' Affairs.