

HOUSE COMMITTEE ON VETERANS' AFFAIRS

CHAIRMAN MIKE BOST

H.R. 7793: Veterans Appeals Options Expansion Act of 2024

Background:

Under current law, in the event a veteran files an initial claim for VA benefits on the wrong claim form, then later submits the correct form, VA does not backdate payments to the date of the wrong claim form when that claim is eventually granted. When the Veterans Benefits Administration (VBA) denies a veteran's claim for VA benefits, that veteran has the option to appeal to the VA Board of Veterans' Appeals (Board). The veteran can then select one of three Board appeal "dockets": (a) the "direct review docket" prohibits submission of new evidence; (b) the "evidence submission docket" allows new evidence submissions during a certain timeframe; and (c) the "hearing docket" allows evidence submissions during a certain timeframe as well as a hearing before a Board judge. But after a certain deadline, veterans cannot switch to another Board docket. Currently, veterans who selected the Board's hearing docket wait an average of **roughly 2.5 years** for a Board hearing, yet have no option to switch to a faster docket.

Further, the Board only notifies veterans of any inadmissible evidence in the Board's claim decision long after the evidence's submission, and long after the deadline has passed for the veteran to switch to a Board docket that would allow for their submission of new evidence with the new knowledge of what was previously inadmissible. In certain instances, the Board will return an appeal to VBA for VBA to correct a mistake – a practice called a Board "remand". If VBA continues to deny the claim, veterans have the option to again appeal to the Board. When a veteran appeals to the Board *again* after a Board remand, the Board treats it as a brand-new appeal. Thus, veterans get kicked back to the end of the Board's line and are not even guaranteed a decision by a Board judge, who may have previously held a hearing on their claim.

The Veterans Appeals Options Expansion Act of 2024 would ensure that VA considers the date of an incorrect claim form for purposes of backdating any grants of disability compensation. It would allow veterans to switch Board dockets at any time before their appeal has been assigned to a Board decision-maker. Further, it would require the Board to promptly notify veterans when they have submitted untimely evidence and the consequences of doing so, and would prevent veterans from being moved to the back of the Board's line after the Board sends those veterans' claims back to VBA. This bill would also guarantee that the Board judge who held a hearing will decide the veteran's claim.

The Message:

- *The Veterans Appeals Options Expansion Act of 2024* would provide veterans with more choices to control how and when their claims on appeal are processed by the VA Board of Veterans' Appeals.
- *The Veterans Appeals Options Expansion Act of 2024* would guarantee that veterans aren't forced to move to the back of the line when waiting for a final decision on their VA benefits claims, ensuring their wait time isn't unnecessarily long.
- *The Veterans Appeals Options Expansion Act of 2024* would ensure that veterans are not penalized for making small errors when filling out forms during a process that is already lengthy and can be confusing to many veterans trying their best to navigate it.