

# HOUSE COMMITTEE ON VETERANS' AFFAIRS

CHAIRMAN MIKE BOST

## H.R. 5559: The Protecting Veterans Claim Options Act

### Background:

If a veteran receives an unfavorable decision on their Department of Veterans Affairs (VA) benefits claim they can continue their pursuit by filing one of three appeals options within one year of the unfavorable decision. One of those options, the “supplemental claim,” requires the veteran to submit “new and relevant” evidence (under current law). This is required even when the veteran files their supplemental claim within the current one-year window of receiving an unfavorable decision. Often, VA claims decision-makers decide (even incorrectly) that the veteran did not submit sufficient “new and relevant” evidence with the supplemental claim. Thus, this process creates an unnecessary hoop for veterans: they must pointlessly convince VA that their additional evidence is “new and relevant” before VA will issue a decision on their claim, which can add months or years of waiting to the process. Or VA can decide that the veteran’s additional evidence was not “new and relevant,” and VA will refuse to reconsider the veteran’s claim for VA benefits, despite the fact that the veteran continued their pursuit of their claim in a timely way.

*The Protecting Veterans Claim Options Act* would remove the “new and relevant” evidence requirement for supplemental claims filed within the one-year window, so that veterans would be allowed the option of filing additional evidence and having their claim for VA benefits reconsidered without having to first convince VA that the additional evidence is “new and relevant.”

Further, when the U.S. Court of Appeals for Veterans Claims (Court) determines that the VA Board of Veterans’ Appeals made a mistake in its decision on a claim, the Court sends the case back to the Board to fix that mistake. Current statutes provide no guidance on whether a veteran can submit additional evidence to the Board at that point. Often, after receiving a Board decision, and during the Court process, veterans learn exactly what evidence is needed for them to succeed in their claim for VA benefits. This bill would allow veterans to act and benefit from that information by submitting additional evidence to the Board after the Court sends the case back to the Board.

### The Message:

- *The Protecting Veterans Claim Options Act* would ensure that each step in the veterans’ claims and appeals process is effective.
- *The Protecting Veterans Claim Options Act* streamlines the VA appeals process by taking away an unnecessary burden of proof for veterans who file a supplemental claim, thus ensuring every veteran’s right to continue pursuing their claim for VA benefits without jumping through time-consuming and needless hoops.