

§ 2.8

(b) Section 503(b) of title 38 U.S.C., provides that if the Secretary determines that any veteran, surviving spouse, child of a veteran, or other person, has suffered loss, as a consequence of reliance upon a determination by the Department of Veterans Affairs of eligibility or entitlement to benefits, without knowledge that it was erroneously made, the Secretary is authorized to provide such relief as the Secretary determines equitable, including the payment of moneys to any person equitably entitled thereto. The Secretary is also required to submit an annual report to the Congress, containing a brief summary of each recommendation for relief and its disposition. Preparation of the report shall be the responsibility of the General Counsel.

(c) The authority to grant the equitable relief, referred to in paragraphs (a) and (b) of this section, has not been delegated and is reserved to the Secretary. Recommendation for the correction of administrative error and for appropriate equitable relief therefrom will be submitted to the Secretary, through the General Counsel. Such recommendation may be initiated by the head of the administration having responsibility for the benefit, or of any concerned staff office, or by the Chairman, Board of Veterans Appeals. When a recommendation for relief under paragraph (a) or (b) of this section is initiated by the head of a staff office, or the Chairman, Board of Veterans Appeals, the views of the head of the administration having responsibility for the benefit will be obtained and transmitted with the recommendation of the initiating office.

(Authority: 38 U.S.C. 503, 512)

[37 FR 22864, Oct. 26, 1972, as amended at 49 FR 30693, Aug. 1, 1984; 54 FR 34981, Aug. 23, 1989; 68 FR 25504, May 13, 2003]

§ 2.8 Delegation of authority to authorize allowances for Department of Veterans Affairs employees who are notaries public.

(a) Employees occupying or acting in the positions designated in paragraph (b) of this section are authorized to designate those employees who are required to serve as notaries public in connection with the performance of official business and to pay an allowance

38 CFR Ch. I (7-1-10 Edition)

for the costs therefor not to exceed the expense required to be incurred by them in order to obtain their commission.

(Authority: 5 U.S.C. 5945)

(b) Designated positions: Deputy Secretary, Under Secretary for Benefits, Director, Office of Data Management and Telecommunications, Chief Medical Director, General Counsel, Directors of regional offices, hospitals, domiciliaries, and centers.

[35 FR 13771, Aug. 29, 1970, as amended at 49 FR 30693, Aug. 1, 1984]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

GENERAL

Sec.

- 3.1 Definitions.
- 3.2 Periods of war.
- 3.3 Pension.
- 3.4 Compensation.
- 3.5 Dependency and indemnity compensation.
- 3.6 Duty periods.
- 3.7 Individuals and groups considered to have performed active military, naval, or air service.
- 3.10 Dependency and indemnity compensation rate for a surviving spouse.
- 3.11 Homicide.
- 3.12 Character of discharge.
- 3.12a Minimum active-duty service requirement.
- 3.13 Discharge to change status.
- 3.14 Validity of enlistments.
- 3.15 Computation of service.
- 3.16 Service pension.
- 3.17 Disability and death pension; Mexican border period and later war periods.
- 3.18-3.19 [Reserved]
- 3.20 Surviving spouse's benefit for month of veteran's death.
- 3.21 Monetary rates.
- 3.22 DIC benefits for survivors of certain veterans rated totally disabled at time of death.
- 3.23 Improved pension rates—Veterans and surviving spouses.
- 3.24 Improved pension rates—Surviving children.
- 3.25 Parents' dependency and indemnity compensation (DIC)—Method of payment computation.
- 3.26 Section 306 and old-law pension annual income limitations.
- 3.27 Automatic adjustment of benefit rates.