

111TH CONGRESS
2D SESSION

H. R. 5045

To amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2010

Mr. ADLER of New Jersey introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Access to Vet-
5 erans Benefits Act of 2010”.

1 **SEC. 2. TOLLING OF TIMING OF REVIEW FOR APPEALS OF**
2 **FINAL DECISIONS OF BOARD OF VETERANS’**
3 **APPEALS.**

4 (a) IN GENERAL.—Section 7266(a) of title 38,
5 United States Code, is amended—

6 (1) by striking “In order” and inserting “(1)
7 Except as provided in paragraph (2), in order”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(2) The 120-day period described in paragraph (1)
11 shall be extended upon a showing of good cause for such
12 time as justice may require.”.

13 (b) APPLICABILITY.—

14 (1) IN GENERAL.—Paragraph (2) of section
15 7266(a) of such title, as added by subsection (a),
16 shall apply to a notice of appeal filed with respect
17 to a final decision of the Board of Veterans’ Appeals
18 that was issued on or after July 24, 2008.

19 (2) REINSTATEMENT.—Any petition for review
20 filed with the Court of Appeals for Veterans Claims
21 that was dismissed by such Court on or after July
22 24, 2008, as untimely, shall, upon the filing of a pe-
23 tition by an adversely affected person filed not later
24 than six months after the date of the enactment of
25 this Act, be reinstated upon a showing that the peti-

1 tioner had good cause for filing the petition on the
2 date it was filed.

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