

111TH CONGRESS
2D SESSION

H. R. 5064

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 16, 2010

Mr. ADLER of New Jersey (for himself, Mr. HALL of New York, and Mr. ACKERMAN) 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)(A) The 120-day period described in paragraph
11 (1) shall be extended upon a showing of good cause for
12 such time as justice may require.

13 “(B) For purposes of this paragraph, it shall be con-
14 sidered good cause if a person was unable to file a notice
15 of appeal within the 120-day period because of the per-
16 son’s service-connected disability.”.

17 (b) APPLICABILITY.—

18 (1) IN GENERAL.—Paragraph (2) of section
19 7266(a) of such title, as added by subsection (a),
20 shall apply to a notice of appeal filed with respect
21 to a final decision of the Board of Veterans’ Appeals
22 that was issued on or after July 24, 2008.

23 (2) REINSTATEMENT.—Any petition for review
24 filed with the Court of Appeals for Veterans Claims
25 that was dismissed by such Court on or after July
26 24, 2008, as untimely, shall, upon the filing of a pe-

1 tition by an adversely affected person filed not later
2 than six months after the date of the enactment of
3 this Act, be reinstated upon a showing that the peti-
4 tioner had good cause for filing the petition on the
5 date it was filed.

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