

113TH CONGRESS  
1ST SESSION

# S. 939

To amend title 38, United States Code, to treat certain misfiled documents as motions for reconsideration of decisions by the Board of Veterans' Appeals, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 14, 2013

Mr. BLUMENTHAL (for himself and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

---

## A BILL

To amend title 38, United States Code, to treat certain misfiled documents as motions for reconsideration of decisions by 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. TREATMENT OF CERTAIN MISFILED DOCU-**  
4 **MENTS AS MOTIONS FOR RECONSIDERATION**  
5 **OF DECISIONS BY BOARD OF VETERANS' AP-**  
6 **PEALS.**

7       Section 7103 of title 38, United States Code, is  
8 amended—

1           (1) by redesignating subsection (c) as sub-  
2           section (d); and

3           (2) by inserting after subsection (b) the fol-  
4           lowing new subsection (c):

5           “(c)(1) Except as provided in paragraph (2), if a per-  
6           son adversely affected by a final decision of the Board,  
7           who has not filed a notice of appeal with the United States  
8           Court of Appeals for Veterans Claims under section  
9           7266(a) of this title within the period set forth in that  
10          section, files a document with the Board or the agency  
11          of original jurisdiction referred to in section 7105(b)(1)  
12          of this title that expresses disagreement with such decision  
13          not later than 120 days after the date of such decision,  
14          such document shall be treated as a motion for reconsider-  
15          ation of such decision under subsection (a).

16          “(2) A document described in paragraph (1) shall not  
17          be treated as a motion for reconsideration of the decision  
18          under paragraph (1) if—

19                 “(A) the Board or the agency of original juris-  
20                 diction referred to in paragraph (1)—

21                         “(i) receives the document described in  
22                         paragraph (1);

23                         “(ii) determines that such document ex-  
24                         presses an intent to appeal the decision to the

1 United States Court of Appeals for Veterans  
2 Claims; and

3 “(iii) forwards such document to the  
4 United States Court of Appeals for Veterans  
5 Claims; and

6 “(B) the United States Court of Appeals for  
7 Veterans Claims receives such document within the  
8 period set forth by section 7266(a) of this title.”.

○