

114TH CONGRESS
1ST SESSION

H. R. 245

To amend title 38, United States Code, to codify certain existing provisions of law relating to effective dates for claims under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2015

Mr. ABRAHAM introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to codify certain existing provisions of law relating to effective dates for claims under the laws administered by the Secretary of Veterans Affairs, 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. CODIFICATION OF EFFECTIVE DATES FOR**
4 **CLAIMS UNDER THE LAWS ADMINISTERED BY**
5 **THE SECRETARY OF VETERANS AFFAIRS.**

6 (a) DEFINITIONS.—

7 (1) IN GENERAL.—Section 5100 of title 38,
8 United States Code, is amended to read as follows:

1 **“§ 5100. Definitions**

2 “In this chapter:

3 “(1) The term ‘claimant’ means any individual
4 applying for, or submitting a claim for, any benefit
5 under the laws administered by the Secretary.

6 “(2) The term ‘claim’ means a communication
7 in writing requesting a determination of entitlement
8 or evidencing a belief in entitlement to a benefit
9 under the laws administered by the Secretary.

10 “(3) The term ‘formal claim’ means a claim
11 submitted on an application form prescribed by the
12 Secretary.

13 “(4) The term ‘informal claim’ means a com-
14 munication in writing requesting a determination of
15 entitlement or evidencing a belief in entitlement, to
16 a benefit under the laws administered by the Sec-
17 retary that—

18 “(A) is submitted in a format other than
19 on an application form prescribed by the Sec-
20 retary;

21 “(B) indicates an intent to apply for one
22 or more benefits under the laws administered
23 by the Secretary;

24 “(C) identifies the benefit sought;

25 “(D) is made or submitted by a claimant,
26 his or her duly authorized representative, a

1 Member of Congress, or another person acting
2 on behalf of a claimant who meets the require-
3 ments established by the Secretary for such
4 purpose; and

5 “(E) may include a report of examination
6 or hospitalization, if the report relates to a dis-
7 ability which may establish such an entitlement.

8 “(5) The term ‘reasonably raised claim’ means
9 evidence of an entitlement to a benefit under the
10 laws administered by the Secretary that is not ex-
11 plicitly raised in a claim but that is logically placed
12 at issue upon a sympathetic reading of the claim
13 and the record developed with respect to the claim.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 51 of such title is
16 amended by striking the item relating to section
17 5100 and inserting the following new item:

“5100. Definitions.”.

18 (b) INFORMAL CLAIMS.—Section 5101(a) of such
19 title is amended by adding at the end the following new
20 paragraph:

21 “(3)(A) Upon receipt of an informal claim, if a formal
22 claim has not been filed, the Secretary shall provide the
23 claimant with an application form on which the claimant
24 may submit a formal claim. In addition to all relevant
25 communications relating to any claim, the Secretary shall

1 maintain in the claim file a dated copy of the letter accom-
2 panying the application form sent to the claimant under
3 this subparagraph.

4 “(B) An informal request for increase or reopening
5 of a claim shall be accepted and treated in the same man-
6 ner as a formal claim.”.

7 (c) EFFECTIVE DATES.—Section 5110(a) of such
8 title is amended—

9 (1) by striking “Unless” and inserting “(1) Un-
10 less”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) In determining the date of the receipt of an ap-
14 plication for any benefit purposes of this section, the Sec-
15 retary shall consider an application to be filed on the date
16 on which an informal communication relating to such ben-
17 efit is submitted, as long as the person claiming or apply-
18 ing for the benefit files an application by not later than
19 180 days after the date on which the Secretary furnishes
20 the person the necessary application forms under section
21 5102 of this title. If the person claiming or applying for
22 the benefit fails to file an application by the date that is
23 180 days after the date on which the Secretary furnishes
24 the person such necessary application forms, the Secretary

1 shall consider the application to be filed on the date on
 2 which the completed application form is submitted.”.

3 (d) REASONABLY RAISED CLAIMS.—

4 (1) IN GENERAL.—Chapter 51 of such title is
 5 amended by inserting after section 5103A the fol-
 6 lowing new section:

7 **“§ 5103B. Treatment of reasonably raised claims**

8 “The Secretary shall identify, address, and adju-
 9 dicate reasonably raised claims that are placed at issue
 10 in the course of addressing or adjudicating any claim, in-
 11 cluding evidence relating to entirely separate conditions
 12 never identified as part of a formal claim.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
 14 tions at the beginning of such chapter is amended
 15 by inserting after the item relating to section 5103A
 16 the following new item:

“5103B. Treatment of reasonably raised claims.”.

17 (e) EFFECTIVE DATE.—The amendments made by
 18 this Act shall take effect on the date of the enactment
 19 of this Act and shall apply with respect to a claim sub-
 20 mitted on or after such date.

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