

**Editorial Notes**

## AMENDMENTS

2022—Pub. L. 117–168, §1(b)(2), title VIII, §807(a)(1), Aug. 10, 2022, 136 Stat. 1759, 1805, added item 5100 and struck out former item 5100 “Definition of ‘claimant’”.

2017—Pub. L. 115–55, §2(f)(2), (g)(2), (h)(2), (i)(3), (k)(2), Aug. 23, 2017, 131 Stat. 1107–1109, added items 5104A to 5104C and substituted “Supplemental claims” for “Re-opening disallowed claims” in item 5108 and “Expedited treatment of returned and remanded claims” for “Expedited treatment of remanded claims” in item 5109B.

2008—Pub. L. 110–389, title II, §212(b), Oct. 10, 2008, 122 Stat. 4151, added item 5121A.

Pub. L. 110–387, title IX, §901(a)(5), Oct. 10, 2008, 122 Stat. 4142, substituted “death of a beneficiary” for “death of beneficiary” in item 5121.

2003—Pub. L. 108–183, title VII, §707(a)(2), Dec. 16, 2003, 117 Stat. 2673, added item 5109B.

2000—Pub. L. 106–475, §6, Nov. 9, 2000, 114 Stat. 2099, added items 5100, 5102 to 5103A, 5107, and 5126, and struck out former items 5102 “Application forms furnished upon request”, 5103 “Incomplete applications”, and 5107 “Burden of proof; benefit of the doubt”.

Pub. L. 106–398, §1 [[div. A], title XVI, §1611(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–360, directed amendment of table of sections by striking the item relating to section 5017 and inserting item 5107 “Assistance to claimants; benefit of the doubt; burden of proof”. Pub. L. 106–419, title I, §104(c)(2), Nov. 1, 2000, 114 Stat. 1828, provided that, as of the enactment of Pub. L. 106–419, the amendments made by Pub. L. 106–398, §1 [[div. A], title XVI, §1611(b)], were deemed for all purposes not to have taken effect and that Pub. L. 106–398, §1 [[div. A], title XVI, §1611(b)], ceased to be in effect.

1997—Pub. L. 105–111, §1(a)(2), Nov. 21, 1997, 111 Stat. 2271, added item 5109A.

1994—Pub. L. 103–446, title III, §301(c), Nov. 2, 1994, 108 Stat. 4658, added items 5124 and 5125.

1991—Pub. L. 102–40, title IV, §402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3001 to 3023 as 5101 to 5123, respectively.

1989—Pub. L. 101–237, title I, §115(a)(2), Dec. 18, 1989, 103 Stat. 2066, added item 3004.

1988—Pub. L. 100–687, div. A, title I, §103(a)(2), (c)(2), (3), Nov. 18, 1988, 102 Stat. 4107, 4108, substituted “CLAIMS” for “APPLICATIONS” in heading for chapter and in item for subchapter I and added items 3007, 3008, and 3009.

1982—Pub. L. 97–253, title IV, §§401(a)(2), 403(a)(2), Sept. 8, 1982, 96 Stat. 802, added items 3011 and 3023, respectively.

1977—Pub. L. 95–117, title IV, §402(b)(2), Oct. 3, 1977, 91 Stat. 1066, struck out “by check” after “benefit” in item 3020.

1976—Pub. L. 94–432, title IV, §403(1), Sept. 30, 1976, 90 Stat. 1372, added item 3006.

1962—Pub. L. 87–825, §5(b), Oct. 15, 1962, 76 Stat. 950, struck out items 3004 and 3011.

## SUBCHAPTER I—CLAIMS

**Editorial Notes**

## AMENDMENTS

1988—Pub. L. 100–687, div. A, title I, §103(c)(4), Nov. 18, 1988, 102 Stat. 4108, substituted “CLAIMS” for “APPLICATIONS” in heading for subchapter I.

**§ 5100. Definitions**

In this chapter:

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

(2) The term “notice” means a communication issued through means (including electronic means) prescribed by the Secretary.

(Added Pub. L. 117–168, title VIII, §807(a)(1), Aug. 10, 2022, 136 Stat. 1805.)

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## PRIOR PROVISIONS

A prior section 5100, added Pub. L. 106–475, §2, Nov. 9, 2000, 114 Stat. 2096, defined “claimant”, prior to repeal by Pub. L. 117–168, title VIII, §807(a)(1), Aug. 10, 2022, 136 Stat. 1805.

**Statutory Notes and Related Subsidiaries**

## RULE OF CONSTRUCTION

Pub. L. 117–168, title VIII, §807(b), Aug. 10, 2022, 136 Stat. 1806, provided that: “None of the amendments made by this section [enacting this section, amending sections 5104, 5104B, 5112, 7104, 7105, 7105A, and 7266 of this title, and repealing former section 5100 of this title] shall be construed to apply section 5104(a) of such title [meaning title 38, United States Code] to decisions of the Board of Veterans’ Appeals under chapter 71 of such title.”

**§ 5101. Claims and forms**

(a)(1)(A) Except as provided in subparagraph (B), a specific claim in the form prescribed by the Secretary (or jointly with the Commissioner of Social Security, as prescribed by section 5105 of this title) must be filed in order for benefits to be paid or furnished to any individual under the laws administered by the Secretary.

(B)(i) The Secretary may pay benefits under chapters 13 and 15 and sections 2303, 2307, and 5121 of this title to a survivor of a veteran who has not filed a formal claim if the Secretary determines that the record contains sufficient evidence to establish the entitlement of the survivor to such benefits.

(ii) For purposes of this subparagraph and section 5110 of this title, the earlier of the following dates shall be treated as the date of the receipt of the survivor’s application for benefits described in clause (i):

(I) The date on which the survivor of a veteran (or the representative of such a survivor) notifies the Secretary of the death of the veteran through a death certificate or other relevant evidence that establishes entitlement to survivors’ benefits identified in clause (i).

(II) The head of any other department or agency of the Federal Government notifies the Secretary of the death of the veteran.

(iii) In notifying the Secretary of the death of a veteran as described in clause (ii)(I), the survivor (or the representative of such a survivor) may submit to the Secretary additional documents relating to such death without being required to file a formal claim.

(2) If an individual has not attained the age of 18 years, is mentally incompetent, or is physically unable to sign a form, a form filed under paragraph (1) for the individual may be signed by a court-appointed representative, a person who is responsible for the care of the individual, including a spouse or other relative, or an attorney in fact or agent authorized to act on behalf of the individual under a durable power of attorney. If the individual is in the care of an institution, the manager or principal officer of the institution may sign the form.

(b)(1) A claim by a surviving spouse or child for compensation or dependency and indemnity