

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-55 applicable to all claims for which the Secretary of Veterans Affairs provides notice of a decision under section 5104 of this title on or after the later of 540 days after Aug. 23, 2017, or 30 days after the date on which the Secretary submits to Congress a certification of certain capabilities of the Department of Veterans Affairs to carry out the new appeals system established by Pub. L. 115-55 and to address appeals of decisions on legacy claims, with provision for early applicability of the new appeals system to certain claims, see section 2(x) of Pub. L. 115-55, set out as a note under section 101 of this title, and bracketed note thereunder.

EFFECTIVE DATE

Section applicable to any determination made before, on, or after Nov. 21, 1997, see section 1(c)(1) of Pub. L. 105-111, set out as a note under section 5109A of this title.

§ 7112. Expedited treatment of certain claims

(a) REMANDED CLAIMS.—The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the Board of any claim that is remanded to the Secretary by the Court of Appeals for Veterans Claims.

(b) CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.—The Board shall promptly determine whether a notice of disagreement filed with the Board is a covered case.

(c) DEFINITIONS.—In this section:

(1) The term “covered case” means a case—

(A) that concerns a claim for compensation based on military sexual trauma; and

(B) for which the appellant has requested a hearing in the notice of disagreement filed with the Board pursuant to section 7105 of this title.

(2) The term “military sexual trauma” has the meaning given that term in section 1166 of this title.

(Added Pub. L. 108-183, title VII, §707(b)(1), Dec. 16, 2003, 117 Stat. 2673; amended Pub. L. 117-300, §2(a)(1), (2)(A), Dec. 27, 2022, 136 Stat. 4379, 4380.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-300 substituted “certain” for “remaned” in section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsecs. (b) and (c).

§ 7113. Evidentiary record before the Board of Veterans' Appeals

(a) CASES WITH NO REQUEST FOR A HEARING OR ADDITIONAL EVIDENCE.—For cases in which a hearing before the Board of Veterans' Appeals is not requested in the notice of disagreement and no request was made to submit evidence, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

(b) CASES WITH A REQUEST FOR A HEARING.—(1) Except as provided in paragraph (2), for cases in which a hearing is requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record

at the time of the decision of the agency of original jurisdiction on appeal.

(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

(A) Evidence submitted by the appellant and his or her representative, if any, at the Board hearing.

(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following the Board hearing.

(c) CASES WITH NO REQUEST FOR A HEARING AND WITH A REQUEST FOR ADDITIONAL EVIDENCE.—(1) Except as provided in paragraph (2), for cases in which a hearing is not requested in the notice of disagreement but an opportunity to submit evidence is requested, the evidentiary record before the Board shall be limited to the evidence considered by the agency of original jurisdiction in the decision on appeal.

(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

(A) Evidence submitted by the appellant and his or her representative, if any, with the notice of disagreement.

(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following receipt of the notice of disagreement.

(Added Pub. L. 115-55, §2(w)(1), Aug. 23, 2017, 131 Stat. 1114.)

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EFFECTIVE DATE

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§ 7114. Internship program

The Secretary shall establish a competitive internship program of the Board for individuals enrolled in the first or second year of law schools accredited by the American Bar Association.

(Added Pub. L. 118-196, §5(a), Dec. 23, 2024, 138 Stat. 2673.)

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DEADLINE FOR ESTABLISHING INTERNSHIP PROGRAM

Pub. L. 118-196, §5(c), Dec. 23, 2024, 138 Stat. 2673, provided that: “The Secretary of Veterans Affairs shall establish the internship program required by section 7114 of such title [meaning title 38, United States Code], as added by subsection (a), not later than one year after the date of the enactment of this Act [Dec. 23, 2024].”