

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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 2017 Amendment note under section 101 of this title, and bracketed note thereunder.

§ 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.)

Statutory Notes and Related Subsidiaries

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].”

CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SUBCHAPTER I—ORGANIZATION AND JURISDICTION

Sec.	
7251.	Status.
7252.	Jurisdiction; finality of decisions.
7253.	Composition.
7254.	Organization.
7255.	Offices, duty stations, and residences.
7256.	Times and places of sessions.
7257.	Recall of retired judges.
SUBCHAPTER II—PROCEDURE	
7261.	Scope of review.
7262.	Fee for filing appeals.
7263.	Representation of parties; fee agreements.
7264.	Rules of practice and procedure.
7265.	Contempt authority; assistance to the Court.
7266.	Notice of appeal.
7267.	Decisions.
7268.	Availability of proceedings.
7269.	Publication of decisions.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

7281.	Employees.
7282.	Budget and expenditures.
7283.	Disposition of fees.
7284.	Fee for transcript of record.
7285.	Practice and registration fees.
7286.	Judicial Conference of the Court.
7287.	Administration.
7288.	Annual report.

SUBCHAPTER IV—DECISIONS AND REVIEW

7291.	Date when Court decision becomes final.
7292.	Review by United States Court of Appeals for the Federal Circuit.

SUBCHAPTER V—RETIREMENT AND SURVIVORS ANNUITIES

7296.	Retirement of judges.
7297.	Survivor annuities.
7298.	Retirement Fund.
7299.	Limitation on activities of retired judges.

Editorial Notes

AMENDMENTS

2013—Pub. L. 112-260, title III, § 302(a)(2), Jan. 10, 2013, 126 Stat. 2425, which directed amendment of the table of sections for chapter 72 by adding item 7255 and striking out former item 7255 “Offices”, without specifying the Code title to be amended, was executed to the table of sections for this chapter, to reflect the probable intent of Congress.

2008—Pub. L. 110-389, title VI, § 604(b), Oct. 10, 2008, 122 Stat. 4179, added item 7288.

2001—Pub. L. 107-103, title VI, §§ 604(c)(2), 605(b), Dec. 27, 2001, 115 Stat. 1000, substituted “Practice and registration fees” for “Practice fee” in item 7285 and added item 7287.

1999—Pub. L. 106-117, title X, §§ 1021(b), 1024(b), Nov. 30, 1999, 113 Stat. 1592, 1594, added items 7257 and 7299.

1998—Pub. L. 105-368, title V, § 512(a)(3), (4)(A), Nov. 11, 1998, 112 Stat. 3341, substituted “APPEALS FOR VETERANS CLAIMS” for “VETERANS APPEALS” in chapter heading, struck out “of Veterans Appeals” after “Court” in item 7286, substituted “Court decision” for “United States Court of Veterans Appeals decision” in item 7291, and struck out “Court of Veterans Appeals” before “Retirement Fund” in item 7298.

1991—Pub. L. 102-82, § 2(b), Aug. 6, 1991, 105 Stat. 375, added item 7286.

Pub. L. 102-40, title IV, § 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 4051 to 4098 as 7251 to 7298, respectively.

1989—Pub. L. 101-94, title I, § 101(b), Aug. 16, 1989, 103 Stat. 625, added subchapter V heading and items 4096 to 4098.

SUBCHAPTER I—ORGANIZATION AND JURISDICTION

§ 7251. Status

There is hereby established, under Article I of the Constitution of the United States, a court of record to be known as the United States Court of Appeals for Veterans Claims.

(Added Pub. L. 100-687, div. A, title III, § 301(a), Nov. 18, 1988, 102 Stat. 4113, § 4051; renumbered § 7251, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; amended Pub. L. 105-368, title V, § 511(b), Nov. 11, 1998, 112 Stat. 3341.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-368 substituted “Court of Appeals for Veterans Claims” for “Court of Veterans Appeals”.

1991—Pub. L. 102-40 renumbered section 4051 of this title as this section.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 105-368, title V, § 511(a), Nov. 11, 1998, 112 Stat. 3341, provided that: “The United States Court of Veterans Appeals is hereby renamed as, and shall hereafter be known and designated as, the United States Court of Appeals for Veterans Claims.”

Pub. L. 105-368, title V, § 512(c), Nov. 11, 1998, 112 Stat. 3342, provided that: “Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.”

EFFECTIVE DATE OF 2001 AMENDMENT; CONSTRUCTION

Pub. L. 107-103, title VI, § 603(c), (d), Dec. 27, 2001, 115 Stat. 999, provided that:

“(c) CONSTRUCTION.—The repeal in subsection (a) [repealing section 402 of Pub. L. 100-687, formerly set out as a note below] may not be construed to confer upon the United States Court of Appeals for Veterans Claims jurisdiction over any appeal or other matter not within the jurisdiction of the Court as provided in section 7266(a) of title 38, United States Code.

“(d) APPLICABILITY.—The repeals made by subsections (a) and (b) [repealing section 402 of Pub. L. 100-687, formerly set out as a note below, and section 403 of Pub. L. 100-687, formerly set out as a note under section 5904 of this title] shall apply to any appeal filed with the United States Court of Appeals for Veterans Claims—

“(1) on or after the date of the enactment of this Act [Dec. 27, 2001]; or

“(2) before the date of the enactment of this Act but in which a final decision has not been made under section 7291 of title 38, United States Code, as of that date.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title V, § 513, Nov. 11, 1998, 112 Stat. 3342, provided that: “This subtitle [subtitle B (§§ 511-513) of title V of Pub. L. 105-368, see Tables for classification], and the amendments made by this subtitle, shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act [Nov. 11, 1998].”

EFFECTIVE DATE

Pub. L. 100-687, div. A, title IV, § 401, Nov. 18, 1988, 102 Stat. 4122, as amended by Pub. L. 101-94, title III, § 301, Aug. 16, 1989, 103 Stat. 628, provided that:

“(a) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, this division (and the amendments made by this Act) [div. A (§§ 1-403) of Pub. L.