

- Sec.
5112. Effective dates of reductions and discontinuances.
5113. Effective dates of educational benefits.

SUBCHAPTER III—PAYMENT OF BENEFITS

5120. Payment of benefits; delivery.
5121. Payment of certain accrued benefits upon death of a beneficiary.
5121A. Substitution in case of death of claimant.
5122. Cancellation of checks mailed to deceased payees.
5123. Rounding down of pension rates.
5124. Acceptance of claimant's statement as proof of relationship.
5125. Acceptance of reports of private physician examinations.
5126. Benefits not to be denied based on lack of mailing address.

APPLICABILITY OF AMENDMENT

Amendment of analysis by section 2(f)(2), (g)(2), (h)(2), (i)(3), (k)(2) of 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 2017 Amendment note below.

AMENDMENTS

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 chap-

ter 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

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. Definition of "claimant"

For purposes of this chapter, the term "claimant" means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.

(Added Pub. L. 106-475, §2, Nov. 9, 2000, 114 Stat. 2096.)

§ 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 2302, 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