

PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

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AMENDMENTS

2010—Pub. L. 111–163, title III, § 302(b), May 5, 2010, 124 Stat. 1149, added item for chapter 75.

2006—Pub. L. 109–461, title IX, § 903(a)(2), Dec. 22, 2006, 120 Stat. 3464, added item for chapter 79.

1998—Pub. L. 105–368, title V, § 512(a)(4)(B), Nov. 11, 1998, 112 Stat. 3341, substituted “Appeals for Veterans Claims” for “Veterans Appeals” in item for chapter 72.

1991—Pub. L. 102–83, § 2(d)(3), Aug. 6, 1991, 105 Stat. 402, added item for chapter 77.

Pub. L. 102–54, § 14(e)(1), June 13, 1991, 105 Stat. 287, inserted “United States” before “Court of Veterans Appeals” in item for chapter 72.

Pub. L. 102–40, title IV, §§ 402(c)(2), 403(e)(1), (f)(2), May 7, 1991, 105 Stat. 239–241, substituted “BOARDS, ADMINISTRATIONS, AND SERVICES” for “BOARDS AND DEPARTMENTS” in part heading, renumbered section numbers by substituting “7101” for “4001” in item for chapter 71, “7251” for “4051” in item for chapter 72, and “7601” for “4301” in item for chapter 76, substituted “Veterans Health Administration—Organization and Functions” for “Department of Medicine and Surgery” and “7301” for “4101” in item for chapter 73, added item for chapter 74, struck out item for chapter 75 “Veterans' Canteen Service”, and added item for chapter 78.

1988—Pub. L. 100–687, div. A, title III, § 301(b), Nov. 18, 1988, 102 Stat. 4121, added item for chapter 72.

Pub. L. 100–322, title II, § 216(e)(2), May 20, 1988, 102 Stat. 530, added item for chapter 76.

CHAPTER 71—BOARD OF VETERANS' APPEALS

Sec.	
7101.	Composition of Board of Veterans' Appeals.
7101A.	Members of Board: appointment; pay; performance review.
7102.	Assignment of members of Board.
7103.	Reconsideration; correction of obvious errors.
7104.	Jurisdiction of the Board.
7105.	Filing of appeal.
7105A.	Simultaneously contested claims.
[7106.	Repealed.]
7107.	Appeals: dockets; hearings.
7108.	Rejection of applications.
[7109.	Repealed.]
[7110.	Repealed.]
7111.	Revision of decisions on grounds of clear and unmistakable error.
7112.	Expedited treatment of remanded claims.
7113.	Evidentiary record before the Board of Veterans' Appeals.

APPLICABILITY OF AMENDMENT

Amendment of analysis by section 2(q)(2), (s)(2), (u)(3), (w)(3) 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(q)(2), (s)(2), (u)(3), (w)(3), Aug. 23, 2017, 131 Stat. 1112, 1113, 1115, substituted “Filing of appeal” for “Filing of notice of disagreement and appeal” in item 7105, struck out items 7106 “Administrative appeals” and 7109 “Independent medical opinions”, and added item 7113.

2003—Pub. L. 108–183, title VII, § 707(b)(2), Dec. 16, 2003, 117 Stat. 2673, added item 7112.

1997—Pub. L. 105–111, § 1(b)(2), Nov. 21, 1997, 111 Stat. 2272, added item 7111.

1994—Pub. L. 103–446, title II, § 201(a)(2), Nov. 2, 1994, 108 Stat. 4656, added item 7101A.

Pub. L. 103–271, §§ 6(b), 7(a)(2), (b)(3), July 1, 1994, 108 Stat. 742, 743, substituted “Reconsideration; correction of obvious errors” for “Determinations by the Board” in item 7103, substituted “Appeals: dockets; hearings” for “Docketing of appeals” in item 7107, and struck out item 7110 “Traveling sections”.

1991—Pub. L. 102–40, title IV, § 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 4001 to 4010 as 7101 to 7110, respectively.

1988—Pub. L. 100–687, div. A, title II, § 207(b), Nov. 18, 1988, 102 Stat. 4112, added item 4010.

1962—Pub. L. 87–671, § 3, Sept. 19, 1962, 76 Stat. 557, added item 4009.

Pub. L. 87–666, § 2, Sept. 19, 1962, 76 Stat. 554, added item 4005A, and substituted “Filing of notice of disagreement and appeal” for “Applications for review on appeal” in item 4005, “Administrative appeals” for “Docketing of appeals” in item 4006, and “Docketing of appeals” for “Simultaneously contested claims” in item 4007.

§ 7101. Composition of Board of Veterans' Appeals

(a) There is in the Department a Board of Veterans' Appeals (hereinafter in this chapter referred to as the “Board”). The Board is under the administrative control and supervision of a chairman directly responsible to the Secretary. The Board shall consist of a Chairman, a Vice Chairman, and such number of members as may be found necessary in order to conduct hearings and dispose of appeals properly before the Board in a timely manner. The Board shall have such other professional, administrative, clerical, and stenographic personnel as are necessary in conducting hearings and considering and disposing of appeals properly before the Board. The Board shall have sufficient personnel under the preceding sentence to enable the Board to conduct hearings and consider and dispose of appeals properly before the Board in a timely manner.

(b)(1) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, for a term of six years. The Chairman shall be subject to the same ethical and legal limitations and restrictions concerning involvement in political activities as apply to judges of the United States Court of Appeals for Veterans Claims.