

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3348

To amend title 38, United States Code, to provide for the treatment of documents that express disagreement with decisions of the Board of Veterans' Appeals and that are misfiled with the Board within 120 days of such decisions as motions for reconsideration of such decisions, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 12, 2010

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for the treatment of documents that express disagreement with decisions of the Board of Veterans' Appeals and that are misfiled with the Board within 120 days of such decisions as motions for reconsideration of such decisions, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TREATMENT OF CERTAIN MISFILED DOCU-**  
2 **MENTS AS MOTIONS FOR RECONSIDERATION**  
3 **OF DECISIONS BY BOARD OF VETERANS' AP-**  
4 **PEALS.**

5 Section 7103 of title 38, United States Code, is  
6 amended—

7 (1) by redesignating subsection (c) as sub-  
8 section (d); and

9 (2) by inserting after subsection (b) the fol-  
10 lowing new subsection (c):

11 “(c)(1) Except as provided in paragraph (2), if a per-  
12 son adversely affected by a final decision of the Board,  
13 who has not filed a notice of appeal with the United States  
14 Court of Appeals for Veterans Claims under section  
15 7266(a) of this title within the period set forth in that  
16 section, files a document with the Board or the agency  
17 of original jurisdiction referred to in section 7105(b)(1)  
18 of this title that expresses disagreement with such decision  
19 not later than 120 days after the date of such decision,  
20 such document shall be treated as a motion for reconsider-  
21 ation of such decision under subsection (a).

22 “(2) A document described in paragraph (1) shall not  
23 be treated as a motion for reconsideration of the decision  
24 under paragraph (1) if—

25 “(A) the Board or the agency of original juris-  
26 diction referred to in paragraph (1)—

1           “(i) receives the document described in  
2 paragraph (1);

3           “(ii) determines that such document ex-  
4 presses an intent to appeal the decision to the  
5 United States Court of Appeals for Veterans  
6 Claims; and

7           “(iii) forwards such document to the  
8 United States Court of Appeals for Veterans  
9 Claims; and

10          “(B) the United States Court of Appeals for  
11 Veterans Claims receives such document within the  
12 period set forth by section 7266(a) of this title.”.

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