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House of Representatives

PROVIDING FAIR ACCESS TO BENEFITS FOR OUR VETERANS!

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF
REPRESENTATIVES

Mr. Speaker, the Fair Access to Veterans Benefits Access Act of 2011, H.R. 810, is a bill that would help our veterans who file appeals before the Court of Appeals for Veterans Claims (CAVC). This legislation would require the CAVC to hear appeals of administrative decisions by the Board of Veterans' Appeals that deny veterans benefits, when circumstances beyond their control render them unable to meet the deadline for filing an appeal.

This legislation would extend the 120-day limit for the filing of an appeal when good cause can be shown. The bill considers as good cause the inability of a veteran to file within the 120-day period due to a service-connected disability. The bill would

make such an extension applicable to appeals of final Board decisions issued on or after July 24, 2008. This bill also requires the CAVC to reinstate untimely appeals already dismissed as a result of the Court's failure to toll the filing period for good cause.

Under the current system, the veterans' appellate processes are very difficult to navigate, especially since so many veterans are pro se at that stage. Additionally, as TBI and PTSD are the signature disability of the current conflicts of Operation Enduring Freedom and Operation New Dawn, many veterans are filing claims and appeals while suffering from a physical or mental disability. The adherence to rigid filing deadlines by the CAVC

potentially can result in the denial of benefits for many veterans. My bill seeks to rectify this issue by allowing the veteran to show good cause for missing the filing deadline if related to the veteran's service-connected disability. It is clear to me that Congress intended to allow equitable tolling when it created the Veterans' Court.

The VSO community wholeheartedly supports this legislation, and its costs are likely discretionary. I urge my colleagues to support this bill without delay to give these veterans the access to justice that they deserve.