

Custom Federal Regulations Service™

**This is supplemental material
for Book A of your set of
Federal Regulations**

Title 38, Parts 0, 1, 2, 12, 14-16,
18-20, 25-26, 38-45, 48-49, 74-75

General

Veterans Benefits Administration

Supplement No. 114

Covering period of *Federal Register* issues
through March 1, 2015

Copyright © 2015 Jonathan Publishing

Need Assistance?

Questions concerning **MISSING SUPPLEMENTS**, need for **ADDITIONAL BOOKS**, and other **DISTRIBUTION LIST** issues for this loose-leaf service should be directed to:

Department of Veterans Affairs
Veterans Benefits Administration
Administration
Mail Code: 20M33
810 Vermont Avenue, N.W.
Washington DC 20420
Telephone: 202/273-7588
Fax: 202/275-5947
E-mail: coarms@vba.va.gov

Questions concerning the **FILING INSTRUCTIONS** for this loose-leaf service,
or the reporting of **SUBSTANTIVE ERRORS** in the text,
may be directed to:

Jonathan Publishing
660 Laurel Street, B-103
Baton Rouge LA 70802
Telephone: 225-205-5873
Fax: 702-993-6003
E-mail: info@jonpub.com

Copyright © 2015 Jonathan Publishing

GENERAL INSTRUCTIONS

Custom Federal Regulations Service™

Supplemental Materials for *Book A*

Code of Federal Regulations

Title 38, Parts 0, 1, 2, 12, 14-16, 18-20, 25-26, 38-45, 48-49, 74-75

General

Veterans Benefits Administration

Supplement No. 114

5 March 2015

Covering the period of Federal Register issues
through March 1, 2015

When **Book A** was originally prepared, it was current through final regulations published in the *Federal Register* of 21 April 1992. These supplemental materials are designed to keep your regulations up to date. You should file the attached pages immediately, and record the fact that you did so on the *Supplement Filing Record* which begins on page A-8 of Book A, *General*.

**To ensure accuracy and timeliness of your materials,
it is important that you follow these simple procedures:**

1. Always file your supplemental materials immediately upon receipt.
2. Before filing, always check the Supplement Filing Record (page A-8) to be sure that all prior supplements have been filed. If you are missing any supplements, contact the Veterans Benefits Administration at the address listed on page A-2.
3. After filing, enter the relevant information on the Supplement Filing Record sheet (page A-8)—the date filed, name/initials of filer, and date through which the *Federal Register* is covered.
4. If as a result of a failure to file, or an undelivered supplement, you have more than one supplement to file at a time, be certain to file them in chronological order, lower number first.
5. Always retain the filing instructions (simply insert them at the back of the book) as a backup record of filing and for reference in case of a filing error.
6. Be certain that you *permanently discard* any pages indicated for removal in the filing instructions in order to avoid confusion later.

To execute the filing instructions, simply remove *and throw away* the pages listed under *Remove These Old Pages*, and replace them in each case with the corresponding pages from this supplement listed under *Add These New Pages*. Occasionally new pages will be added without removal of any old material (reflecting new regulations), and occasionally old pages will be removed without addition of any new material (reflecting rescinded regulations)—in these cases the word *None* will appear in the appropriate column.

FILING INSTRUCTIONS

**Book A, Supplement No. 114
March 5, 2015**

*Remove these
old pages*

*Add these
new pages*

*Section(s)
Affected*

**Do not file this supplement until you confirm that
all prior supplements have been filed**

A-35 to A-36

A-35 to A-36

Book A Lead
Material

19.INDEX-1 to 19.INDEX-2

19.INDEX-1 to 19.INDEX-2

Part 19 Index

19.14-1 to 19.24-1

19.14-1 to 19.24-2

§§19.23 & 19.24

20.1-1 to 20.99-1

20.1-1 to 20.99-1

§20.3

20.200-1 to 20.203-1

20.200-1 to 20.203-1

§§20.200 & 20.201

**Be sure to complete the
Supplement Filing Record (page A-8)
when you have finished filing this material.**

HIGHLIGHTS

Book A, Supplement No. 114 March 5, 2015

Supplement Highlights references: Where substantive changes are made in the text of regulations, the paragraphs of *Highlights* sections are cited at the end of the relevant section of text. Thus, if you are reading §3.263, you will see a note at the end of that section which reads: “Supplement *Highlights* references—6(2).” This means that paragraph 2 of the *Highlights* section in Supplement No. 6 contains information about the changes made in §3.263. By keeping and filing the *Highlights* sections, you will have a reference source explaining all substantive changes in the text of the regulations.

Supplement frequency: This Book A (*General*) was originally supplemented twice a year, in April and October. Beginning 1 August 1995, supplements will be issued *every month* during which a final rule addition or modification is made to the parts of Title 38 covered by this book. Supplements will be numbered consecutively as issued.

Modifications in this supplement include the following:

1. On 25 September 2014, the VA published a final rule effective 24 March 2015, to require that all claims governed by VA's adjudication regulations be filed on standard forms prescribed by the Secretary, regardless of the type of claim or posture in which the claim arises. Changes:

- Added §§19.23 and 19.24.
- In §20.3, revised the definition for *Appellant*.
- Revised §20.200.
- Revised §20.201.

18b.94 Matters not prohibited 18b.94-1
 18b.95 Filing of ex parte communications 18b.95-1

Part 19
Board of Veterans’ Appeals: Appeals Regulations

Subpart A — Operation of the Board of Veterans’ Appeals

19.1 Establishment of the Board..... 19.1-1
 19.2 Composition of the Board; Titles 19.2-1
 19.3 Assignment of proceedings..... 19.3-1
 19.4 Principal functions of the Board 19.4-1
 19.5 Criteria governing disposition of appeals 19.5-1
 19.6 [Reserved]
 19.7 The decision..... 19.7-1
 19.8 Content of Board decision, remand, or order in simultaneously
 contested claims 19.8-1
 19.9 Remand or referral for further action..... 19.9-1
 19.10 [Reserved]
 19.11 Reconsideration panel..... 19.11-1
 19.12 Disqualification of Members 19.12-1
 19.13 Delegation of authority to Chairman and Vice Chairman,
 Board of Veterans’ Appeals 19.13-1
 19.14 Delegation of authority-Appeals Regulations..... 19.14-1
 19.15–19.24 [Reserved]

Subpart B — Appeals Processing by Agency of Original Jurisdiction

19.23 Applicability of provisions concerning Notice of Disagreement 19.23-1
 19.24 Action by agency of original jurisdiction on Notice of Disagreement
 required to be filed on a standardized form 19.24-1
 19.25 Notification by agency of original jurisdiction of right to appeal..... 19.25-1
 19.26 Action by agency of original jurisdiction on Notice of Disagreement 19.26-1
 19.27 Adequacy of Notice of Disagreement questioned
 within the agency of original jurisdiction 19.27-1
 19.28 Determination that a Notice of Disagreement is inadequate
 protested by claimant or representative..... 19.28-1
 19.29 Statement of the Case 19.29-1
 19.30 Furnishing the Statement of the Case and instructions
 for filing a Substantive Appeal 19.30-1
 19.31 Supplemental Statement of the Case 19.31-1
 19.32 Closing of appeal for failure to respond to Statement of the Case 19.32-1
 19.33 Timely filing of Notice of Disagreement or Substantive
 Appeal questioned within the agency of original jurisdiction 19.33-1
 19.34 Determination that Notice of Disagreement or Substantive Appeal
 was not timely filed protested by claimant or representative..... 19.34-1
 19.35 Certification of appeals..... 19.35-1

A-36

19.36 Notification of certification of appeal and transfer of appellate record..... 19.36-1
19.37 Consideration of additional evidence received by the agency
of original jurisdiction after an appeal has been initiated 19.37-1
19.38 Action by agency of original jurisdiction when remand received 19.38-1
19.39–19.49 [Reserved]

Subpart C — Administrative Appeals

19.50 Nature and form of administrative appeal 19.50-1
19.51 Officials authorized to file administrative appeals
and time limits for filing 19.51-1
19.52 Notification to claimant of filing of administrative appeal 19.52-1
19.53 Restriction as to change in payments pending determination
of administrative appeals 19.53-1
19.54–19.74 [Reserved]

**Subpart D — Hearings Before the Board of Veterans’ Appeals at Department of
Veterans Affairs Field Facilities**

19.75 Field hearing docket 19.75-1
19.76 Notice of time and place of hearing before the Board of Veterans’
Appeals at Department of Veterans Affairs field facilities..... 19.76-1
19.77–19.99 [Reserved]

Subpart E — Simultaneously Contested Claims

19.100 Notification of right to appeal in simultaneously contested claims..... 19.100-1
19.101 Notice to contesting parties on receipt of Notice of
Disagreement in simultaneously contested claims..... 19.101-1
19.102 Notice of appeal to other contesting parties in simultaneously
contested claims 19.102-1
Appendix A to Part 19 — Cross-References App.A-1

Part 20

Board of Veterans’ Appeals: Rules of Practice

Subpart A — General

20.1 Rule 1. Purpose and construction of Rules of Practice..... 20.1-1
20.2 Rule 2. Procedure in absence of specific Rule of Practice 20.2-1
20.3 Rule 3. Definitions..... 20.3-1
20.4–20.99 [Reserved]

Subpart B — The Board

20.100 Rule 100. Name, business hours, and mailing address of the Board..... 20.100-1

**Part 19 — Board of Veterans’ Appeals:
Appeals Regulations**

Authority: 38 U.S.C. 501(a), unless otherwise noted.

Source: 48 FR 6969, Feb. 17, 1983.
Revised 57 FR 4104, Feb. 3, 1992,
unless otherwise noted.

— Section Title Index —

Subpart A — Operation of the Board of Veterans’ Appeals

Assignment of proceedings 19.3-1
 Board:
 Composition of 19.2-1
 Establishment of 19.1-1
 Functions of, principal 19.4-1
 Titles 19.2-1
 Content of Board decision, remand, or order in simultaneously contested claims 19.8-1
 Criteria governing disposition of appeals 19.5-1
 Decision 19.7-1
 Delegation of authority—Appeals Regulations 19.14-1
 Delegation of authority to Chairman and Vice Chairman,
 Board of Veterans’ Appeals 19.13-1
 Members:
 Disqualification of 19.12-1
 Reconsideration panel 19.11-1
 Remand or referral for further action 19.9-1

Subpart B — Appeals Processing by Agency of Original Jurisdiction

Action by agency of original jurisdiction on Notice of Disagreement
 required to be filed on a standardized form 19.24-1
 Action by agency of original jurisdiction on Notice of Disagreement..... 19.26-1
 Action by agency of original jurisdiction when remand received..... 19.38-1
 Adequacy of Notice of Disagreement questioned
 within the agency of original jurisdiction 19.27-1
 Applicability of provisions concerning Notice of Disagreement..... 19.23-1
 Certification of appeals 19.35-1
 Closing of appeal for failure to respond to Statement of the Case 19.32-1

Consideration of additional evidence received by the agency
of original jurisdiction after an appeal has been initiated 19.37-1

Determination that a Notice of Disagreement is inadequate
protested by claimant or representative..... 19.28-1

Determination that Notice of Disagreement or Substantive Appeal
was not timely filed protested by claimant or representative..... 19.34-1

Furnishing the Statement of the Case and instructions
for filing a Substantive Appeal 19.30-1

Notification by agency of original jurisdiction of right to appeal..... 19.25-1

Notification of certification of appeal and transfer of appellate record 19.36-1

Statement of the Case..... 19.29-1

Supplemental Statement of the Case..... 19.31-1

Timely filing of Notice of Disagreement or Substantive Appeal
questioned within the agency of original jurisdiction 19.33-1

Subpart C — Administrative Appeals

Nature and form of administrative appeal..... 19.50-1

Notification to claimant of filing of administrative appeal..... 19.52-1

Officials authorized to file administrative appeals
and time limits for filing 19.51-1

Restriction as to change in payments pending determination
of administrative appeals 19.53-1

Subpart D — Hearings Before the Board of Veterans’ Appeals at Department of Veterans Affairs Field Facilities

Field hearing docket..... 19.75-1

Notice of time and place of hearing before the Board of Veterans’ Appeals
at Department of Veterans Affairs field facilities 19.76-1

Subpart E — Simultaneously Contested Claims

Notice of appeal to other contesting parties in simultaneously
contested claims 19.102-1

Notice to contesting parties on receipt of Notice of
Disagreement in simultaneously contested claims..... 19.101-1

Notification of right to appeal in simultaneously
contested claims 19.100-1

Appendix A to Part 19 — Cross-References App.A-1



§19.14 Delegation of authority – Appeals Regulations.

(a) The authority exercised by the Chairman of the Board of Veterans' Appeals described in §§19.3(b) and 19.12(c) of this part may also be exercised by the Vice Chairman of the Board.

(b) The authority exercised by the Chairman of the Board of Veterans' Appeals described in §19.11 of this part may also be exercised by the Vice Chairman of the Board and by Deputy Vice Chairmen of the Board. (Authority: 38 U.S.C. 512(a), 7102, 7104)

[48 FR 6969, Feb. 17, 1983, as amended at 57 FR 4104, Feb. 3, 1992; 70 FR 8930, Feb. 24, 2005]

Supplement *Highlights* reference: 68(1)

§§19.15–19.22

[Reserved]

§19.23 Applicability of provisions concerning Notice of Disagreement.

(a) Appeals governed by §20.201(a) of this chapter shall be processed in accordance with §19.24. Sections 19.26, 19.27 and 19.28 shall not apply to appeals governed by §20.201(a) of this chapter.

(b) Appeals governed by §20.201(b) of this chapter shall be processed in accordance with §§19.26, 19.27, and 19.28.

[79 FR 57697, Sep. 25, 2014]

Supplement *Highlights* reference: 114(1)

[Reserved]

**§19.24 Action by agency of original jurisdiction on Notice of Disagreement
required to be filed on a standardized form.**

(a) *Initial action.* When a timely Notice of Disagreement in accordance with the requirements of §20.201(a) of this chapter is filed, the agency of original jurisdiction will reexamine the claim and determine whether additional review or development is warranted.

(b) *Incomplete and complete appeal forms*

(1) *Incomplete appeal forms.* In cases governed by paragraph (a) of §20.201 of this chapter, if VA determines a form filed by the claimant is incomplete and requests clarification, the claimant must timely file a completed version of the correct form in order to initiate an appeal. A claimant is not required to cure or correct the filing of an incomplete form by filing a completed version of the correct form unless VA informs the claimant or his or her representative that the form is incomplete and requests clarification.

(2) *Complete appeal forms.* In general, a form will be considered complete if the following information is provided:

(i) Information to identify the claimant;

(ii) The claim to which the form pertains;

(iii) Any information necessary to identify the specific nature of the disagreement if the form so requires. For compensation claims, this criterion will be met if the form enumerates the issues or conditions for which appellate review is sought, or if it provides other information required on the form to identify the claimant and the nature of the disagreement (such as disagreement with disability rating, effective date, or denial of service connection); and

(iv) The claimant's signature.

(3) *Timeframe to complete correct form.* In general, a claimant who wishes to initiate an appeal must provide a complete form within the timeframe established by §20.302(a) of this chapter. When VA requests clarification of an incomplete form, the claimant must provide a complete form in response to VA's request for clarification within the later of the following dates:

(i) 60 days from the date of the request; or

(ii) 1 year from the date of mailing of the notice of the decision of the agency of original jurisdiction.

(4) *Failure to respond.* If the claimant fails to provide a completed form within the timeframe set forth in paragraph (b)(3) of this section, the decision of the agency of original jurisdiction will become final.

(5) *Form timely completed.* If a completed form is received within the timeframe set forth in paragraph (b)(3) of this section, VA will treat the completed form as the Notice of Disagreement and VA will reexamine the claim and determine whether additional review or development is warranted. If no further review or development is required, or after necessary review or development is completed, VA will prepare a Statement of the Case pursuant to §19.29 unless the disagreement is resolved by a grant of the benefit(s) sought on appeal or the NOD is withdrawn by the claimant.

(c) *Issues under appellate review.* If a form enumerates some but not all of the issues or conditions which were the subject of the decision of the agency of original jurisdiction, the form will be considered complete with respect to the issues for which appellate review is sought and identified by the claimant. Any issues or conditions not enumerated will not be considered appealed on the basis of the filing of that form and will become final unless the claimant timely files a separate form for those issues or conditions within the applicable timeframe set forth in paragraph (b)(3) of this section.

(d) *Disagreement concerning whether Notice of Disagreement has been filed.* Whether or not a claimant has timely filed a Notice of Disagreement is an appealable issue, but in such a case, appellate consideration shall be limited to the question of whether the correct form was timely filed.

[79 FR 57697, Sep. 25, 2014]

Supplement *Highlights* reference: 114(1)

Part 20

Board of Veterans' Appeals: Rules of Practice

Authority: 38 U.S.C. 501(a) and as noted in specific sections.

Source: 57 Fed. Reg. 4109, Feb. 3, 1992, unless otherwise indicated.

Subpart A — General

§20.1 Rule 1. Purpose and construction of Rules of Practice.

(a) *Purpose.* These rules establish the practices and procedures governing appeals to the Board of Veterans' Appeals. (Authority: 38 U.S.C. 501(a), 7102, 7104)

(b) *Construction.* These rules are to be construed to secure a just and speedy decision in every appeal. (Authority: 38 U.S.C. 501(a), 5107, 7104)

§20.2 Rule 2. Procedure in absence of specific Rule of Practice.

Where in any instance there is no applicable rule or procedure, the Chairman may prescribe a procedure which is consistent with the provisions of title 38, United States Code, and these rules. (Authority: 38 U.S.C. 501(a), 512(a), 7102, 7104)

§20.3 Rule 3. Definitions.

As used in these Rules:

(a) *Agency of original jurisdiction* means the Department of Veterans Affairs activity or administration, that is, the Veterans Benefits Administration, Veterans Health Administration, or National Cemetery Administration, that made the initial determination on a claim.

(b) *Agent* means a person who has met the standards and qualifications for accreditation outlined in §14.629(b) of this chapter and who has been properly designated under the provisions of Rule 604 (§20.604 of this part). It does not include representatives recognized under Rules 602, 603, or 605 (§20.602, 20.603, or §20.605 of this part).

(c) *Appellant* means a claimant who has initiated an appeal to the Board of Veterans' Appeals by filing a timely Notice of Disagreement pursuant to the provisions of 20.201, and either §20.302(a) or §20.501(a), as applicable.

(d) *Attorney-at-law* means a member in good standing of a State bar.

(e) *Benefit* means any payment, service, commodity, function, or status, entitlement to which is determined under laws administered by the Department of Veterans Affairs pertaining to veterans and their dependents and survivors.

(f) *Claim* means application made under title 38, United States Code, and implementing directives for entitlement to Department of Veterans Affairs benefits or for the continuation or increase of such benefits, or the defense of a proposed agency adverse action concerning benefits.

(g) *Claimant* means a person who has filed a claim, as defined by paragraph (f) of this section.

(h) *Electronic hearing* means a hearing on appeal in which an appellant or a representative participates, through voice transmission or through picture and voice transmission, by electronic or other means, in a hearing with a Member or Members sitting at the Board's principal location in Washington, DC.

(i) *Hearing on appeal* means a hearing conducted after a Notice of Disagreement has been filed in which argument and/or testimony is presented concerning the determination, or determinations, by the agency of original jurisdiction being appealed.

(j) *Law student* means an individual pursuing a Juris Doctor or equivalent degree at a school approved by a recognized accrediting association.

(k) *Legal intern* means a graduate of a law school, which has been approved by a recognized accrediting association, who has not yet been admitted to a State bar.

(l) *Motion* means a request that the Board rule on some question which is subsidiary to the ultimate decision on the outcome of an appeal. For example, the questions of whether a

representative's fees are reasonable or whether additional evidence may be submitted more than 90 days after certification of an appeal to the Board are raised by motion (see Rule 609, paragraph (i), and Rule 1304, paragraph (b) §§20.609(i) and 20.1304(b) of this part). Unless raised orally at a personal hearing before Members of the Board, motions for consideration by the Board must be made in writing. No formal type of document is required. The motion may be in the form of a letter which contains the necessary information.

(m) *Paralegal* means a graduate of a course of paralegal instruction given by a school which has been approved by a recognized accrediting association, or an individual who has equivalent legal experience.

(n) *Past-due benefits* means a nonrecurring payment resulting from a benefit, or benefits, granted on appeal or awarded on the basis of a claim reopened after a denial by the Board of Veterans' Appeals or the lump sum payment which represents the total amount of recurring cash payments which accrued between the effective date of the award, as determined by applicable laws and regulations, and the date of the grant of the benefit by the agency of original jurisdiction, the Board of Veterans' Appeals, or an appellate court.

(o) *Presiding Member* means that Member of the Board who presides over a hearing, whether conducted as a single Member or panel hearing.

(p) *Simultaneously contested claim* refers to the situation in which the allowance of one claim results in the disallowance of another claim involving the same benefit or the allowance of one claim results in the payment of a lesser benefit to another claimant.

(q) *State* includes any State, possession, territory, or Commonwealth of the United States, as well as the District of Columbia. (Authority: 38 U.S.C. 501(a))

[57 FR 4109, Feb. 3, 1992, as amended at 61 FR 20449, May 7, 1996; 67 FR 36104, May 23, 2002; 69 FR 53808, Sept. 3, 2004; 79 FR 57698, Sep. 25, 2014]

Supplement *Highlights* references: 14(3), 49(1), 64(1), 114(1).

§§20.4-20.99 [Reserved]

Subpart C — Commencement and Perfection of Appeal**§20.200 Rule 200. What constitutes an appeal.**

An appeal consists of a timely filed Notice of Disagreement submitted in accordance with the provisions of §20.201, and either §20.302(a) or §20.501(a), as applicable and, after a Statement of the Case has been furnished, a timely filed Substantive Appeal. (Authority: 38 U.S.C. 7105)

[57 FR 4109, Feb. 3, 1992; as amended at 79 FR 57698, Sep. 25, 2014]

Supplement *Highlights* Referencs: 114(1).

§20.201 Rule 201. Notice of Disagreement.

(a) Cases in which a form is provided by the agency of original jurisdiction for the purpose of initiating an appeal.

(1) *Format.* For every case in which the agency of original jurisdiction (AOJ) provides, in connection with its decision, a form for the purpose of initiating an appeal, a Notice of Disagreement consists of a completed and timely submitted copy of that form. VA will not accept as a notice of disagreement an expression of dissatisfaction or disagreement with an adjudicative determination by the agency of original jurisdiction and a desire to contest the result that is submitted in any other format, including on a different VA form.

(2) *Provision of form to the claimant.* If a claimant has established an online benefits account with VA, or has designated an email address for the purpose of receiving communications from VA, VA may provide an appeal form pursuant to paragraph (a)(1) of this section electronically, whether by email, hyperlink, or other direction to the appropriate form within the claimant's online benefits account. VA may also provide a form pursuant to paragraph (a)(1) of this section in paper format.

(3) *Presumption form was provided.* This paragraph (a) applies if there is any indication whatsoever in the claimant's file or electronic account that a form was sent pursuant to paragraph (a)(1) of this section.

(4) *Specificity required by form.* If the agency of original jurisdiction gave notice that adjudicative determinations were made on several issues at the same time, the specific determinations with which the claimant disagrees must be identified to the extent a form provided pursuant to paragraph (a)(1) of this section so requires. If the claimant wishes to appeal all of the issues decided by the agency of original jurisdiction, the form must clearly indicate that intent. Issues not identified on the form will not be considered appealed.

(5) *Alternate form or other communication.* The filing of an alternate form or other communication will not extend, toll, or otherwise delay the time limit for filing a Notice of Disagreement, as provided in §20.302(a). In particular, returning the incorrect VA form, including a form designed to appeal a different benefit does not extend, toll, or otherwise delay the time limit for filing the correct form.

(b) *Cases in which no form is provided by the agency of original jurisdiction for purpose of initiating an appeal.* A written communication from a claimant or his or her representative expressing dissatisfaction or disagreement with an adjudicative determination by the agency of original jurisdiction and a desire to contest the result will constitute a Notice of Disagreement relating to a claim for benefits in any case in which the agency of original jurisdiction does not provide a form identified as being for the purpose of initiating an appeal. The Notice of Disagreement must be in terms which can be reasonably construed as disagreement with that determination and a desire for appellate review. If the agency of original jurisdiction gave notice that adjudicative determinations were made on several issues at the same time, the specific determinations with which the claimant disagrees must be identified.

(c) *Simultaneously contested claims.* The provisions of paragraph (b) of this section shall apply to appeals in simultaneously contested claims under §§20.500 and 20.501, regardless of whether a standardized form was provided with the decision of the agency of original jurisdiction. (Authority: 38 U.S.C. 7105)

[57 FR 4109, Feb. 3, 1992; as amended at 79 FR 57698, Sep. 25, 2014]

Supplement *Highlights* Referencs: 114(1).

§20.202 Rule 202. Substantive Appeal.

A Substantive Appeal consists of a properly completed VA Form 9, *Appeal to Board of Veterans' Appeals*, or correspondence containing the necessary information. If the Statement of the Case and any prior Supplemental Statements of the Case addressed several issues, the Substantive Appeal must either indicate that the appeal is being perfected as to all of those issues or must specifically identify the issues appealed. The Substantive Appeal should set out specific arguments relating to errors of fact or law made by the agency of original jurisdiction in reaching the determination, or determinations, being appealed. To the extent feasible, the argument should be related to specific items in the Statement of the Case and any prior Supplemental Statements of the Case. The Board will construe such arguments in a liberal manner for purposes of determining whether they raise issues on appeal, but the Board may dismiss any appeal which fails to allege specific error of fact or law in the determination, or determinations, being appealed. The Board will not presume that an appellant agrees with any statement of fact contained in a Statement of the Case or a Supplemental Statement of the Case which is not specifically contested. Proper completion and filing of a Substantive Appeal are the last actions the appellant needs to take to perfect an appeal. (Authority: 38 U.S.C. 7105(d)(3)–(5))

(Approved by the Office of Management and Budget under control number 2900-0085)

[57 FR 4109, Feb. 3, 1992, as amended at 61 FR 20450, May 7, 1996]

Supplement *Highlights* reference: 14(3)

§20.203 Rule 203. [Removed and reserved]

[57 FR 4109, Feb. 3, 1992; removed and reserved at 66 FR 53340, Oct. 22, 2001]

Supplement *Highlights* reference: 45(3)