

# United States Senate

WASHINGTON, DC 20510

March 20, 2020

United States Department of Veterans Affairs  
Office of the Secretary  
810 Vermont Avenue, NW  
Washington, DC 20420

Dear Secretary Wilkie:

Under 38 C.F.R. §20.303, an extension to the 60 day period for filing a Substantive Appeal or to the 30 day period for responding to the Supplemental Statement of the Case may be granted for good cause. Because of the inevitable disruption to workflow caused by the unprecedented pandemic due to the novel coronavirus, we write to request that you implement the following extensions to all veterans undergoing the veterans benefits claims process under Title 38 of the United States Code and the corresponding Code of Federal Regulations:

- For any intent to file a claim submitted between March 1, 2019 and March 1, 2020: the subsequent deadline to submit a claim for benefits is extended 180 days from the date of the original one year deadline. 38 C.F.R. § 3.155.
- For the requirement to submit a Notice of Disagreement in response to a Rating Decision: for a Rating Decision issued from February 1, 2020 through September 1, 2020, the deadline to submit a Notice of Disagreement is extended 180 days from the standard deadline. 38 C.F.R. § 20.302(a).
- For the requirement to respond to a Rating Decision under the Appeals Modernizations system to choose a higher level review, supplemental claim, or direct appeal to the Board: for any rating decision issued from March 1, 2020 to September 1, 2020, the standard deadline to submit a response is extended 180 days.
- For the requirement to submit a substantive appeal (Form VA-9) in response to a Statement of the Case: for a Statement of the Case issued from February 1, 2020 to September 1, 2020, the deadline to submit a substantive appeal (Form VA-9) to perfect an appeal is extended 180 days. 38 C.F.R. § 20.302(b).

We would like to ensure that our veterans have some consolation in knowing that they will not be penalized for their inability to respond in the standard timelines due to the nationwide disruption caused by the novel coronavirus response.

Thank you for your prompt consideration and response to this request.

Sincerely,



Senator Rob Portman



Senator Sherrod Brown