

initiated by the Board pursuant to this subpart.

(Authority: 38 U.S.C. 501(a); Pub. L. 105-111)  
[64 FR 2139, Jan. 13, 1999, as amended at 66 FR 35903, July 10, 2001]

**§ 20.1410 Rule 1410. Stays pending court action.**

The Board will stay its consideration of a motion under this subpart upon receiving notice that the Board decision that is the subject of the motion has been appealed to a court of competent jurisdiction until the appeal has been concluded or the court has issued an order permitting, or directing, the Board to proceed with the motion.

(Authority: 38 U.S.C. 501(a))

**§ 20.1411 Rule 1411. Relationship to other statutes.**

(a) The “benefit of the doubt” rule of 38 U.S.C. 5107(b) does not apply to the

Board’s decision, on a motion under this subpart, as to whether there was clear and unmistakable error in a prior Board decision.

(b) A motion under this subpart is not a claim subject to reopening under 38 U.S.C. 5108 (relating to reopening claims on the grounds of new and material evidence).

(c) A motion under this subpart is not an application for benefits subject to any duty associated with 38 U.S.C. 5103(a) (relating to applications for benefits).

(d) A motion under this subpart is not a claim for benefits subject to the requirements and duties associated with 38 U.S.C. 5107(a) (requiring “well-grounded” claims and imposing a duty to assist).

(Authority: 38 U.S.C. 501(a))

APPENDIX A TO PART 20—CROSS-REFERENCES

Sec.	Cross-reference	Title of cross-referenced material or comment
20.1	38 CFR 3.103(a)	Statement of policy.
20.100	38 CFR 20.306	Rule 306. Legal holidays.
20.200	38 CFR 20.201	Rule 201. Notice of Disagreement.
	38 CFR 20.202	Rule 202. Substantive Appeal.
	38 CFR 20.300–20.306	See re filing Notices of Disagreement and Substantive Appeals.
20.202	38 CFR 19.29	Statement of the Case.
	38 CFR 19.31	Supplemental Statement of the Case.
20.301	38 CFR 20.500	Rule 500. Who can file an appeal in simultaneously contested claims.
	38 CFR 20.602	Rule 602. Representation by recognized organizations.
	38 CFR 20.603	Rule 603. Representation by attorneys-at-law.
	38 CFR 20.604	Rule 604. Representation by agents.
	38 CFR 20.605	Rule 605. Other persons as representative.
20.302	38 CFR 20.501	Rule 501. Time limits for filing Notice of Disagreement, Substantive Appeal, and response to Supplemental Statement of the Case in simultaneously contested claims.
20.303	38 CFR 20.304	Rule 304. Filing additional evidence does not extend time limit for appeal.
	38 CFR 20.503	Rule 503. Extension of time for filing a Substantive Appeal in simultaneously contested claims.
20.305	38 CFR 20.306	Rule 306. Legal holidays.
20.400	38 CFR 19.50–19.53	See also re administrative appeals.
20.401	38 CFR 19.50–19.53	See also re administrative appeals.
	38 CFR 20.302–20.306	See re time limits for perfecting an appeal.
	38 CFR 20.501, 20.503	See re time limits for perfecting an appeal in simultaneously contested claims.
20.500	38 CFR 20.713	Rule 713. Hearings in simultaneously contested claims.
20.501	38 CFR 20.305	Rule 305. Computation of time limit for filing.
	38 CFR 20.306	Rule 306. Legal holidays.
	38 CFR 20.713	Rule 713. Hearings in simultaneously contested claims.
20.502	38 CFR 20.305	Rule 305. Computation of time limit for filing.
	38 CFR 20.306	Rule 306. Legal holidays.
	38 CFR 20.713	Rule 713. Hearings in simultaneously contested claims.
20.503	38 CFR 20.713	Rule 713. Hearings in simultaneously contested claims.
20.504	38 CFR 20.713	Rule 713. Hearings in simultaneously contested claims.
20.600	38 CFR 14.626 et seq	See also re representation.
	38 CFR 20.602	Rule 602. Representation by recognized organizations.
	38 CFR 20.603	Rule 603. Representation by attorneys-at-law.
	38 CFR 20.604	Rule 604. Representation by agents.
	38 CFR 20.605	Rule 605. Other persons as representative.
20.602	38 CFR 14.628	Recognition of organizations.
	38 CFR 14.631	Powers of attorney.
	38 CFR 20.100	Rule 100. Name, business hours, and mailing address of the Board.
	38 CFR 20.607	Rule 607. Revocation of a representative’s authority to act.
	38 CFR 20.608	Rule 608. Withdrawal of services by a representative.

Sec.	Cross-reference	Title of cross-referenced material or comment
	38 CFR 20.609 .....	<i>Rule 609. Payment of representative's fees in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
	38 CFR 20.610 .....	<i>Rule 610. Payment of representative's expenses in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
20.603 .....	38 CFR 14.629 .....	<i>Requirements for accreditation of representatives, agents, and attorneys.</i>
	38 CFR 14.631 .....	<i>Powers of attorney.</i>
	38 CFR 20.100 .....	<i>Rule 100. Name, business hours, and mailing address of the Board.</i>
	38 CFR 20.606 .....	<i>Rule 606. Legal interns, law students and paralegals.</i>
	38 CFR 20.607 .....	<i>Rule 607. Revocation of a representative's authority to act.</i>
	38 CFR 20.608 .....	<i>Rule 608. Withdrawal of services by a representative.</i>
	38 CFR 20.609 .....	<i>Rule 609. Payment of representative's fees in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
	38 CFR 20.610 .....	<i>Rule 610. Payment of representative's expenses in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
20.604 .....	38 CFR 14.631 .....	<i>Powers of attorney.</i>
	38 CFR 20.100 .....	<i>Rule 100. Name, business hours, and mailing address of the Board.</i>
	38 CFR 20.607 .....	<i>Rule 607. Revocation of a representative's authority to act.</i>
	38 CFR 20.608 .....	<i>Rule 608. Withdrawal of services by a representative.</i>
	38 CFR 20.609 .....	<i>Rule 609. Payment of representative's fees in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
	38 CFR 20.610 .....	<i>Rule 610. Payment of representative's expenses in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
20.605 .....	38 CFR 14.630 .....	<i>Authorization for a particular claim.</i>
	38 CFR 14.631 .....	<i>Powers of attorney.</i>
	38 CFR 20.100 .....	<i>Rule 100. Name, business hours, and mailing address of the Board.</i>
	38 CFR 20.607 .....	<i>Rule 607. Revocation of a representative's authority to act.</i>
	38 CFR 20.608 .....	<i>Rule 608. Withdrawal of services by a representative.</i>
	38 CFR 20.609 .....	<i>Rule 609. Payment of representative's fees in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
	38 CFR 20.610 .....	<i>Rule 610. Payment of representative's expenses in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
20.606 .....	38 CFR 20.603 .....	<i>Rule 603. Representation by attorneys-at-law.</i>
20.607 .....	38 CFR 14.631(d) .....	See also re revocation of powers of attorney.
20.609 .....	38 CFR 14.629 .....	<i>Requirements for accreditation of representatives, agents, and attorneys.</i>
	38 CFR 20.603 .....	<i>Rule 603. Representation by attorneys-at-law.</i>
	38 CFR 20.604 .....	<i>Rule 604. Representation by agents.</i>
	38 CFR 20.606 .....	<i>Rule 606. Legal interns, law students and paralegals.</i>
	38 CFR 20.610 .....	<i>Rule 610. Payment of representative's expenses in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
20.610 .....	38 CFR 20.609 .....	<i>Rule 609. Payment of representative's fees in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.</i>
20.611 .....	38 CFR 1.525(d), 14.631(e) .....	See also re continuation of authority conferred by powers of attorney upon the death of a claimant.
20.701 .....	38 CFR 20.710 .....	<i>Rule 710. Witnesses at hearings.</i>
20.702 .....	38 CFR 20.704 .....	<i>Rule 704. Scheduling and notice of hearings conducted by traveling Sections of the Board of Veterans' Appeals at Department of Veterans Affairs facilities.</i>
	38 CFR 20.713 .....	<i>Rule 713. Hearings in simultaneously contested claims.</i>
20.703 .....	38 CFR 20.201 .....	<i>Rule 201. Notice of Disagreement.</i>
20.704 .....	38 CFR 20.702 .....	<i>Rule 702. Scheduling and notice of hearings conducted by the Board of Veterans' Appeals in Washington, DC, and by agency of original jurisdiction personnel acting on behalf of the Board of Veterans' Appeals at field facilities.</i>
20.706 .....	38 CFR 20.700(c) .....	See also re the presiding Member's role in the conduct of hearings.
	38 CFR 20.708 .....	<i>Rule 708. Prehearing conference.</i>
	38 CFR 20.709 .....	<i>Rule 709. Procurement of additional evidence following a hearing.</i>
20.707 .....	38 CFR 19.11 .....	<i>Reconsideration Section.</i>
20.708 .....	38 CFR 20.606(d) .....	See re the prehearing conference required when a legal intern, law student, or paralegal is to participate in a hearing held before a traveling Section of the Board.
20.709 .....	38 CFR 19.37 .....	<i>Consideration of additional evidence received by the agency of original jurisdiction after an appeal has been initiated.</i>
	38 CFR 20.1304 .....	<i>Rule 1304. Request for change in representation, request for personal hearing, or submission of additional evidence following certification of an appeal to the Board of Veterans' Appeals.</i>
20.710 .....	38 CFR 20.711 .....	<i>Rule 711. Subpoenas.</i>
20.711 .....	38 CFR 2.1 .....	See for further information on subpoenas, including action to be taken in the event of noncompliance.
20.713 .....	38 CFR 20.702 .....	<i>Rule 702. Scheduling and notice of hearings conducted by the Board of Veterans' Appeals in Washington, DC, and by agency of original jurisdiction personnel acting on behalf of the Board of Veterans' Appeals at field facilities.</i>
	38 CFR 20.704 .....	<i>Rule 704. Scheduling and notice of hearings conducted by traveling Sections of the Board of Veterans' Appeals at Department of Veterans Affairs facilities.</i>
20.715 .....	38 CFR 20.706 .....	<i>Rule 706. Functions of the presiding Member.</i>
20.800 .....	38 CFR 20.304 .....	<i>Rule 304. Filing additional evidence does not extend time limit for appeal.</i>
	38 CFR 20.709 .....	<i>Rule 709. Procurement of additional evidence following a hearing.</i>

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	38 CFR 20.1304 .....	<i>Rule 1304. Request for change in representation, request for personal hearing, or submission of additional evidence following certification of an appeal to the Board of Veterans' Appeals.</i>
20.901 .....	38 CFR 14.507 .....	See re opinions of the General Counsel of the Department of Veterans Affairs.
20.903 .....	38 CFR 20.305 .....	<i>Rule 305. Computation of time limit for filing.</i>
	38 CFR 20.306 .....	<i>Rule 306. Legal holidays.</i>
20.1003 ....	38 CFR 20.700(b) .....	See re submission of written brief and of oral argument on audio cassette.
20.1105 ....	38 CFR 3.156 .....	<i>New and material evidence.</i>
	38 CFR 3.160(e) .....	<i>Reopened claim.</i>
	38 CFR 20.1304(b)(1) .....	See re request for a personal hearing or submission of additional evidence more than 60 days after a case has been certified to the Board of Veterans' Appeals as possible basis for a reopened claim.
20.1106 ....	38 CFR 3.22(a)(2) .....	See re correction of a rating, after a veteran's death, based on clear and unmistakable error, in cases involving claims for benefits under the provisions of 38 U.S.C. 1318.
20.1300 ....	38 CFR 1.500–1.527 .....	See re the release of information from Department of Veterans Affairs claimant records.
	38 CFR 1.550–1.559 .....	See re the release of information from Department of Veterans Affairs records other than claimant records.
	38 CFR 1.575–1.584 .....	See re safeguarding personal information in Department of Veterans Affairs records.
	38 CFR 20.1301 .....	<i>Rule 1301. Disclosure of information.</i>
20.1301 ....	38 CFR 1.577 .....	<i>Access to records.</i>
20.1302 ....	38 CFR 20.611 .....	<i>Rule 611. Continuation of representation following death of a claimant or appellant.</i>
20.1304 ....	38 CFR 3.103(c), 20.700–20.717.	See also re hearings.
	38 CFR 3.156 .....	<i>New and material evidence.</i>
	38 CFR 3.160(e) .....	<i>Reopened claim.</i>
	38 CFR 20.305 .....	<i>Rule 305. Computation of time limit for filing.</i>
	38 CFR 20.306 .....	<i>Rule 306. Legal holidays.</i>

**PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

**Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31**

VOCATIONAL REHABILITATION OVERVIEW

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21.79 Determining entitlement usage under Chapter 31.