

§ 19.52

the letter of notification to the claimant.

(Authority: 38 U.S.C. 7106)

[57 FR 4104, Feb. 3, 1992, as amended at 61 FR 20449, May 7, 1996]

§ 19.52 Notification to claimant of filing of administrative appeal.

When an administrative appeal is entered, the claimant and his or her representative, if any, will be promptly furnished a copy of the memorandum entitled "Administrative Appeal," or an adequate summary thereof, outlining the question at issue. They will be allowed a period of 60 days to join in the appeal if they so desire. The claimant will also be advised of the effect of such action and of the preservation of normal appeal rights if he or she does not elect to join in the administrative appeal.

(Authority: 38 U.S.C. 7106)

§ 19.53 Restriction as to change in payments pending determination of administrative appeals.

If an administrative appeal is taken from a review or determination by the agency of original jurisdiction pursuant to §§19.50 and 19.51 of this part, that review or determination may not be used to effect any change in payments until after a decision is made by the Board of Veterans' Appeals.

(Authority: 38 U.S.C. 7106)

§§ 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.

Hearings on appeal held at Department of Veterans Affairs field facilities will be scheduled for each area served by a regional office in accordance with the place of each case on the Board's docket, established under §20.900 of this chapter, relative to other cases for which hearings are scheduled to be held within that area. Such scheduling is subject to §20.704(f) of this chapter per-

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taining to advancement of a case on the hearing docket.

(Authority: 38 U.S.C. 7107)

[65 FR 14471, Mar. 17, 2000]

§ 19.76 Notice of time and place of hearing before the Board of Veterans' Appeals at Department of Veterans Affairs field facilities.

The agency of original jurisdiction will notify the appellant and his or her representative of the place and time of a hearing before the Board of Veterans' Appeals at a Department of Veterans Affairs field facility not less than 30 days prior to the hearing date. This time limitation does not apply to hearings which have been rescheduled due to a postponement requested by an appellant, or on his or her behalf, or due to the prior failure of an appellant to appear at a scheduled hearing before the Board of Veterans' Appeals at a Department of Veterans Affairs field facility with good cause. The right to notice at least 30 days in advance will be deemed to have been waived if an appellant accepts an earlier hearing date due to the cancellation of another previously scheduled hearing.

(Authority: 38 U.S.C. 7107)

[61 FR 20449, May 7, 1996, as amended at 61 FR 43008, Aug. 20, 1996]

§§ 19.77–19.99 [Reserved]

Subpart E—Simultaneously Contested Claims

§ 19.100 Notification of right to appeal in simultaneously contested claims.

All interested parties will be specifically notified of the action taken by the agency of original jurisdiction in a simultaneously contested claim and of the right and time limit for initiation of an appeal, as well as hearing and representation rights.

(Authority: 38 U.S.C. 7105A(a))

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

Upon the filing of a Notice of Disagreement in a simultaneously contested claim, all interested parties and their representatives will be furnished a copy of the Statement of the Case.

The Statement of the Case so furnished will contain only information which directly affects the payment or potential payment of the benefit(s) which is (are) the subject of that contested claim. The interested parties who filed Notices of Disagreement will be duly notified of the right to file, and the time limit within which to file, a Substantive Appeal and will be furnished with VA Form 9, "Appeal to Board of Veterans' Appeals."

(Authority: 38 U.S.C. 7105A(b))
 [57 FR 4104, Feb. 3, 1992, as amended at 61 FR 20449, May 7, 1996]

§ 19.102 Notice of appeal to other contesting parties in simultaneously contested claims.

When a Substantive Appeal is filed in a simultaneously contested claim, the content of the Substantive Appeal will be furnished to the other contesting parties to the extent that it contains information which could directly affect the payment or potential payment of the benefit which is the subject of the contested claim.

(Authority: 38 U.S.C. 7105A(b))

APPENDIX A TO PART 19—CROSS-REFERENCES

Sec.	Cross-reference	Title of cross-referenced material or comment
19.5	38 CFR 14.507(b)	See re "precedent opinions" of the General Counsel of the Department of Veterans Affairs.
	38 CFR 20.1303	<i>Rule 1303. Nonprecedential nature of Board decisions.</i>
19.7	38 CFR 20.905	<i>Rule 905. Vacating a decision.</i>
19.13	38 CFR 2.66	Contains similar provisions.
19.25	38 CFR 19.52	<i>Notification to claimant of filing of administrative appeal.</i>
	38 CFR 19.100	<i>Notification of right to appeal in simultaneously contested claims.</i>
19.26	38 CFR 20.302	<i>Rule 302. Time limit for filing Notice of Disagreement, Substantive Appeal, and response to Supplemental Statement of the Case.</i>
19.27	38 CFR 19.50–19.53	See re administrative appeals.
19.30	38 CFR 20.202	<i>Rule 202. Substantive Appeal.</i>
19.32	38 CFR 20.302	<i>Rule 302. Time limit for filing Notice of Disagreement, Substantive Appeal, and response to Supplemental Statement of the Case.</i>
	38 CFR 20.501	<i>Rule 501. Time limits for filing Notice of Disagreement, Substantive Appeal, and response to Supplemental Statement of the Case in simultaneously contested claims.</i>
19.33	38 CFR 19.50–19.53	See re administrative appeals.
19.50	38 CFR 19.53	<i>Restriction as to change in payments pending determination of administrative appeals.</i>
19.76	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 field facilities.</i>
19.100	38 CFR 20.713	<i>Rule 713. Hearings in simultaneously contested claims.</i>
19.101	38 CFR 19.30	<i>Furnishing the Statement of the Case and instructions for filing a Substantive Appeal.</i>

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

20.102 Rule 102. Delegation of authority—Rules of Practice.
 20.103–20.199 [Reserved]

Subpart A—General

Subpart C—Commencement and Perfection of Appeal

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

20.200 Rule 200. What constitutes an appeal.
 20.201 Rule 201. Notice of Disagreement.
 20.202 Rule 202. Substantive Appeal.
 20.203 [Reserved]
 20.204 Rule 204. Withdrawal of Appeal.
 20.205–20.299 [Reserved]

Subpart B—The Board

Subpart D—Filing

20.100 Rule 100. Name, business hours, and mailing address of the Board.
 20.101 Rule 101. Jurisdiction of the Board.

20.300 Rule 300. Place of filing Notice of Disagreement and Substantive Appeal.
 20.301 Rule 301. Who can file an appeal.