



LEGAL NEWS UPDATE: March 2012

1. The American Bar Association has a program called **Home Front** that provides legal resources for military families:

http://www.americanbar.org/portals/public_resources/aba_home_front.html

2. In addition to the Disability Benefits Questionnaires available on VA's website (to be used by both VA and private physicians in conducting medical examinations), you can still access Disability Examination Worksheets that are used by VA physicians in comp and pen exams, listed by condition, at

<http://www.vba.va.gov/bln/21/Benefits/exams/index.htm>

The link for the Disability Benefits Questionnaires is:

<http://benefits.va.gov/TRANSFORMATION/disabilityexams/>

3. If you filed an appeal with the U.S. Court of Appeals for Veterans Claims between July 24, 2008, and December 20, 2011, and your appeal was dismissed because it was filed late (i.e., more than 120 days after the Board of Veterans' Appeals denied your claim), you may be able to get the Court to reconsider its dismissal, as long as you have good cause for the late filing. *See Bove v. Shinseki*, No. 08-1468, 2011 WL 6364587 (per curiam order Dec. 20, 2011), *available at* http://www.uscourts.cavc.gov/documents/Bove_Rasheed_Lopez_King_published_order_12-20-2011.pdf
4. VA has indicated that it may repeal a rule that says that Board hearing officers are *not* required to follow the same rules as regional office hearing officers. *See* 76 Fed. Reg. 52572 (Aug. 23, 2011). Until then, Board hearing officers are bound by one set of regulations, and regional office hearing officers are bound by a different set of regulations.
5. The U.S. Court of Appeals for the Federal Circuit issued a decision stating that you can file a request to reopen a previously denied claim without submitting new and material evidence at the time that you file that request. You will have submit new and material evidence in order to have the claim reopened – but you can file the claim to preserve the earlier effective date. *Akers v. Shinseki*, 2011-7018 (Mar. 23, 2012), *available at* <http://www.cafc.uscourts.gov/images/stories/opinions-orders/11-7018.pdf>