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The *Veterans Appeals Efficiency Act of 2025*: A Double-Edged Sword

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H.R. 3835, the *Veterans Appeals Efficiency Act of 2025*,³ addresses the Department of Veterans Affairs (VA) adjudication and appeals system for veterans' benefits. The bill proposes sweeping changes that promise increased transparency, technological modernization, and faster adjudication timelines. But beneath the surface, several provisions raise serious concerns about fairness, due process, and the practical burden on both veterans and the institutions that serve them.

As the nation's largest veterans law firm, Chisholm Chisholm & Kilpatrick (CCK Law) has represented over 15,000 veterans and dependents at the U.S. Court of Appeals for Veterans Claims (CAVC) and 12,500 veterans and dependents before VA. We strongly support

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³ Veterans Appeals Efficiency Act of 2025, H.R. 3835, 119th Cong. (2025).
<https://www.congress.gov/bill/119th-congress/house-bill/3835/text>.

reforms that improve the efficiency and equity of VA decision-making. Yet we must also speak out when those reforms risk unintended harm.

Based on a close reading of the bill and the public record—including statements from the Disabled American Veterans (DAV),⁴ the Board of Veterans’ Appeals (Board),⁵ and CAVC⁶—we identify two provisions where we and many veteran advocates agree that the legislation falls short: claim aggregation and expanded judicial jurisdiction.

Key Provisions of the Act

At its core, H.R. 3835 proposes the following reforms:

1. Annual Reporting Enhancements:

Requires VA to report to Congress annually about the average length of time claims remain pending after Board remands, the number of motions to advance cases on the docket (with reasons for grant/denial), and the number of appeals dismissed due to death, including suicides.

2. Guidance for Case Advancement:

Mandates that VA publish evidentiary guidelines for motions to expedite cases at the Board under 38 U.S.C. § 7107(b).

3. Claims Tracking and Transparency:

Directs VA to use technology to track claims in continuous pursuit, remanded cases, hearing backlogs, and instances of agency noncompliance with Board remands, with mandatory annual reports.

⁴ Disabled American Veterans, Comment Letter on H.R. 3835, Veterans Appeals Efficiency Act of 2025 (June 24, 2025), <https://www.dav.org/wp-content/uploads/2025-0624-HVAC-DAMA-SFR-Lemay-Legislative-Hearing-12-bills.pdf>.

⁵ Board of Veterans’ Appeals, Department of Veterans Affairs, Comment Letter on H.R. 3835, Veterans Appeals Efficiency Act of 2025 (June 24, 2025), <https://docs.house.gov/meetings/VR/VR09/20250624/118409/HHRG-119-VR09-Wstate-DeichertE-20250624.pdf>.

⁶ U.S. Court of Appeals for Veterans Claims, Comment Letter on H.R. 3835, Veterans Appeals Efficiency Act of 2025 (June 24, 2025), <https://docs.house.gov/meetings/VR/VR09/20250624/118409/HHRG-119-VR09-Wstate-WagnerT-20250624.pdf>.

4. Claim Aggregation Authority:

Allows the Board to aggregate appeals involving “common questions of law or fact,” a new statutory authority not previously granted.

5. Expanded Jurisdiction for CAVC:

Grants the Court authority to review certain class actions before final agency action and to issue “limited remands” to the Board for specific legal/factual errors while retaining jurisdiction.

6. Precedential Decision Feasibility Study:

Requires VA to contract with a Federally Funded Research and Development Center (FFRDC) to study whether the Board should be permitted to issue binding precedential decisions.

Concern 1: Aggregation of Claims Without Adequate Safeguards

What the Bill Allows:

The bill permits the Board Chairman to aggregate appeals that share common legal or factual issues (e.g., joinder, class action, or multiparty procedures) and issue a single decision on the common question. The Board would then still be required to individually adjudicate each case.

Why It Is a Problem:

DAV, the Board, and multiple stakeholders have cautioned that aggregation could:

- Delay resolution of complex or medically intensive claims;
- Overlook case-specific nuances critical to a fair decision;
- Allow weaker claims to influence the adjudication of stronger ones;
- Introduce procedural confusion, especially concerning hearings and evidence records under AMA’s structured lanes;
- Conflict with 38 U.S.C. § 7107’s requirement that the Board decide cases in docket order.

Most critically, the bill lacks any guaranteed mechanism for veterans or their representatives to opt out of aggregation. This omission violates the principle that veterans should maintain control over their own appeals. DAV emphasized that opt-out rights are “non-negotiable” for claimant autonomy.

Our Position:

CCK Law supports procedural innovations that streamline appeals, but not at the expense of fairness. Aggregation may have merit for class-wide exposure issues (e.g., toxic exposure), but must include opt-out protections, clear evidentiary procedures, and transparency in how aggregated classes are formed and decided.

Concern 2: Expanded CAVC Jurisdiction and Limited Remands

What the Bill Allows:

Section 2(e) of the bill expands CAVC jurisdiction to include supplemental claims and class certification requests before VA has issued a final decision. It also formalizes the Court’s authority to issue limited remands directing the Board to address specific questions of law or fact, while retaining jurisdiction.

Why It Is a Problem:

According to both the Board and CAVC:

- The expanded jurisdiction risks “administrative chaos,” as class members could be bound by court decisions without participating or understanding their rights;
- Overlapping jurisdiction between the Court and VA creates confusion for claimants and disrupts VA’s unique non-adversarial system;

- Statutorily defined limited remand authority could restrict, rather than expand, the Court's existing equitable discretion to remand matters under 38 U.S.C. § 7252(a).

Moreover, CAVC is already handling record volumes of appeals. Granting it jurisdiction over non-final claims would balloon its caseload, delay unrelated appeals, and may require new infrastructure without congressional appropriation.

Our Position:

We agree with both CAVC and the Board that these provisions are unworkable in their current form. Veterans must not be drawn into class actions without informed consent or procedural clarity. And while CAVC already has authority to issue limited remands, codifying and regulating the process could undermine the Court's core strength: flexibility and case-by-case justice.

Additional Stakeholder Concerns

- **DAV** criticized the bill for delegating legislative authority to a private FFRDC without ensuring congressional oversight.
- **The Board of Veterans' Appeals** itself opposed several provisions, citing "significant resource burdens" and "confusion that could prejudice veterans."
- **No formal cost estimate** is available, but VA warns that compliance with technical and staffing requirements—especially around tracking, docketing, and class actions—could roll back years of progress reducing the appeal backlog.

Final Thoughts

There is no doubt H.R. 3835 aims to bring much-needed modernization to veterans' benefits adjudication. Provisions like expanded data

reporting, technological tracking, and timeliness metrics are steps in the right direction.

But reform cannot come at the cost of the veterans it is meant to serve.

As a law firm that has represented thousands of veterans in appeals, we have seen the system's issues and fought them for decades. We know how vital it is for veterans to have agency, clarity, and procedural fairness at every stage of their claims journey. Aggregation without opt-out rights and jurisdictional expansion without guardrails do not meet those standards.

We urge Congress to amend the bill to preserve due process, limit unintended consequences, and ensure that justice is not sacrificed for the sake of speed.

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