DEPARTMENT OF VETERANS AFFAIRS

Disruption of Mail Service

AGENCY: Department of Veterans Affairs.

ACTION: Notice of exception to date of receipt.

SUMMARY: In late August 2017, Hurricane Harvey interrupted operations at the Department of Veterans Affairs (VA) regional office in Houston, Texas, as well as postal service in multiple Texas communities. In late September 2017, Hurricane Maria interrupted operations at the VA regional office in Puerto Rico, and postal service throughout the Puerto Rico and U.S. Virgin Islands area.

Correspondence containing claims, information, or evidence sent to VA during these periods was likely delayed due to interrupted operations of the regional office or postal service. VA aims to protect the interest of claimants who sent correspondence to the Veterans Benefits Administration (VBA) through the normal channels of communication during these periods and prevent them from possibly being deprived of benefits solely because those channels of communication were disrupted due to events outside of the claimants’ control. Therefore, VA is instituting procedures to consider alternative dates as the date of receipt of correspondence.

FOR FURTHER INFORMATION CONTACT: Jonathan Hughes, Acting Assistant Director, Compensation Service, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 461–9700 (this is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: A VA regulation, 38 CFR 3.1(r), allows the Under Secretary for Benefits to establish exceptions to VA’s rule about date of receipt of claims, information, or evidence. Ordinarily, “date of receipt” means the date on which a claim, information or evidence was received in a VA office. The regulation states that exceptions may be established when a natural or man-made interference with the normal channels through which VA ordinarily receives correspondence has resulted in one or more VA offices experiencing extended delays in receipt of claims, information or evidence to an extent that, if not addressed, the delay would adversely affect such claimants, through no fault of their own.

In late August 2017, Hurricane Harvey interrupted operations at the VA regional office in Houston, Texas, as well as postal service in multiple surrounding Texas communities. In late September 2017, Hurricane Maria interrupted operations at the VA regional office in Puerto Rico, and as well as postal service in the Puerto Rico and U.S. Virgin Islands areas.

Correspondence containing claims, information or evidence sent to VA during these periods was likely delayed due to interrupted operations of the regional office or postal service. Because regional offices and the mail system were impacted, VA established the following exceptions to the standard rule, on date of receipt.

Exceptions to Date of Receipt for Claimants Affected By Hurricane Harvey

VA hereby gives notice that, for purposes of determining the date of entitlement, any correspondence received by VA during the period September 1 through September 7, 2017, from individuals in zip codes designated to have been impacted by Hurricane Harvey that contained claims, information or evidence will be considered received no later than August 31, 2017. Alternatively, if the correspondence was received during the period September 1 through September 7, 2017, but the postmark date is prior to August 31, 2017, the correspondence will be considered received on the date of postmark.

This guidance applies to correspondence received during the designated period from the zip codes designated below.

ZIP CODES IMPACTED BY HURRICANE HARVEY

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Exceptions to Date of Receipt for Claimants Affected By Hurricane Maria

VA hereby gives notice that, for purposes of determining the date of entitlement, any correspondence received by VA during the period October 1 through October 31, 2017, from claimants under the jurisdiction of the Puerto Rico Regional Office that contained claims, information or evidence will be considered received no later than September 30, 2017. Claimants under the jurisdiction of the Puerto Rico Regional Office include residents of Puerto Rico and the U.S. Virgin Islands, as well as those claimants receiving pension or survivor benefits who are in the geographic region covered by the Puerto Rico Regional Office, but serviced by the Philadelphia Pension Management Center. Alternatively, if the correspondence was received between October 1 and 31, 2017, and the postmark date is prior to September 30, 2017, the correspondence will be considered received on the date of postmark.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jacquelyn Hayes-Byrd, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on March 13, 2018, for publication.

Dated: March 29, 2018.

Jeffrey Martin,
Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

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