

such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter.

(Added Pub. L. 103-353, §2(a), Oct. 13, 1994, 108 Stat. 3169.)

#### PRIOR PROVISIONS

A prior section 4333 was renumbered section 7633 of this title.

#### EFFECTIVE DATE

Section effective with respect to reemployments initiated on or after the first day after the 60-day period beginning Oct. 13, 1994, with transition rules, see section 8 of Pub. L. 103-353, set out as a note under section 4301 of this title.

### § 4334. Notice of rights and duties

(a) REQUIREMENT TO PROVIDE NOTICE.—Each employer shall provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and such employers under this chapter. The requirement for the provision of notice under this section may be met by the posting of the notice where employers customarily place notices for employees.

(b) CONTENT OF NOTICE.—The Secretary shall provide to employers the text of the notice to be provided under this section.

(Added Pub. L. 108-454, title II, §203(a), Dec. 10, 2004, 118 Stat. 3606.)

#### PRIOR PROVISIONS

Prior sections 4334 to 4336, and 4351 to 4355 were renumbered sections 7634 to 7636, and 7651 to 7655 of this title, respectively.

A prior section 5001 was renumbered section 8101 of this title.

Another prior section 5001, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1251; Pub. L. 88-450, §1, Aug. 19, 1964, 78 Stat. 500; Pub. L. 89-311, §8, Oct. 31, 1965, 79 Stat. 1157; Pub. L. 93-82, title III, §301, Aug. 2, 1973, 87 Stat. 194; Pub. L. 94-581, title I, §114, title II, §§206(a), 210(e)(1), Oct. 21, 1976, 90 Stat. 2852, 2859, 2864; Pub. L. 95-201, §4(c), Nov. 23, 1977, 91 Stat. 1431, relating generally to the authority of the Administrator to establish hospitals and domiciliary facilities for veterans, was omitted in the general revision of subchapter I of chapter 81 of this title by Pub. L. 96-22. See section 8102 of this title.

A prior section 5002 was renumbered section 8102 of this title.

Another prior section 5002, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1252; Pub. L. 94-581, title II, §210(e)(2), Oct. 21, 1976, 90 Stat. 2865, relating to the construction and repair of hospitals, domiciliaries, and outpatient dispensary facilities, was omitted in the general revision of subchapter I of chapter 81 of this title by Pub. L. 96-22. See section 8103 of this title.

A prior section 5003 was renumbered section 8103 of this title.

Another prior section 5003, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1252, relating to the use by the Veterans' Administration of Armed Forces' facilities, was omitted in the general revision of subchapter I of chapter 81 of this title by Pub. L. 96-22. See section 8111 of this title.

A prior section 5004 was renumbered section 8104 of this title.

Another prior section 5004, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 152; Pub. L. 89-785, title II, §201(a), Nov. 7, 1966, 80 Stat. 1372; Pub. L. 94-581, title II, §210(e)(3), Oct.

21, 1976, 90 Stat. 2865, relating to garage and parking facilities, was omitted in the general revision of subchapter I of chapter 81 of this title by Pub. L. 96-22. See section 8109 of this title.

A prior section 5005 was renumbered section 8105 of this title.

Another prior section 5005, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1252; Pub. L. 94-581, title II, §210(e)(4), Oct. 21, 1976, 90 Stat. 2865, relating to the acceptance by the President of buildings, structures, equipment, or grounds from States or other political subdivisions or from persons, was omitted in the general revision of subchapter I of chapter 81 of this title by Pub. L. 96-22. See section 8115 of this title.

A prior section 5006 was renumbered section 8106 of this title.

Another prior section 5006, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1253, relating to property formerly owned by the National Home for Disabled Volunteer Soldiers, was omitted in the general revision of subchapter I of chapter 81 of this title by Pub. L. 96-22. See section 8113 of this title.

A prior section 5007 was renumbered section 8107 of this title.

Another prior section 5007, added Pub. L. 93-82, title III, §302(1), Aug. 2, 1973, 87 Stat. 195, and amended Pub. L. 94-581, title II, §210(e)(5), Oct. 21, 1976, 90 Stat. 2865, relating to partial relinquishment of legislative jurisdiction, was omitted in the general revision of subchapter I of chapter 81 of this title by Pub. L. 96-22. See section 8112 of this title.

Prior sections 5008 to 5011 were renumbered sections 8108 to 8111 of this title, respectively.

Another prior section 5011 was renumbered section 5021 of this title.

Prior sections 5011A and 5012 were renumbered sections 8111A and 8112 of this title, respectively.

Another prior section 5012 was renumbered section 5022 of this title.

A prior section 5013 was renumbered section 8113 of this title.

Another prior section 5013 was renumbered section 5023 of this title.

A prior section 5014 was renumbered section 8114 of this title.

Another prior section 5014 was renumbered section 5024 of this title.

Prior sections 5015, 5016, 5021 to 5025, 5031 to 5037, and 5051 to 5056 were renumbered sections 8115, 8116, 8121 to 8125, 8131 to 8137, and 8151 to 8156 of this title, respectively.

A prior section 5057, added Pub. L. 89-785, title II, §203, Nov. 7, 1966, 80 Stat. 1376, directed Administrator to submit to Congress not more than sixty days after end of each fiscal year separate reports on activities carried out under sections 5053 and 5054 of this title, prior to repeal by Pub. L. 99-576, title II, §231(c)(2)(A), Oct. 28, 1986, 100 Stat. 3264.

Prior sections 5070, 5071 to 5074, 5081 to 5083, 5091 to 5093, and 5096 were renumbered sections 8201, 8211 to 8214, 8221 to 8223, 8231 to 8233, and 8241 of this title, respectively.

#### EFFECTIVE DATE

Pub. L. 108-454, title II, §203(c), Dec. 10, 2004, 118 Stat. 3606, provided that:

“(1) Not later than the date that is 90 days after the date of the enactment of this Act [Dec. 10, 2004], the Secretary of Labor shall make available to employers the notice required under section 4334 of title 38, United States Code, as added by subsection (a).

“(2) The amendments made by this section [enacting this section] shall apply to employers under chapter 43 of title 38, United States Code, on and after the first date referred to in paragraph (1).”

## PART IV—GENERAL ADMINISTRATIVE PROVISIONS

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AMENDMENTS

2006—Pub. L. 109-233, title IV, § 402(d)(3), June 15, 2006, 120 Stat. 411, added item for chapter 63.

2002—Pub. L. 107-330, title III, § 308(g)(1)(A), Dec. 6, 2002, 116 Stat. 2828, substituted “5100” for “5101” in item for chapter 51.

1991—Pub. L. 102-40, title IV, § 402(c)(2), May 7, 1991, 105 Stat. 239, substituted “5101” for “3001” in item for chapter 51, “5301” for “3101” in item for chapter 53, “5501” for “3201” in item for chapter 55, “5701” for “3301” in item for chapter 57, “5901” for “3401” in item for chapter 59, and “6101” for “3501” in item for chapter 61.

1988—Pub. L. 100-687, div. A, title I, § 103(c)(1), Nov. 18, 1988, 102 Stat. 4107, substituted “Claims” for “Applications” in item for chapter 51.

**CHAPTER 51—CLAIMS, EFFECTIVE DATES, AND PAYMENTS**

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AMENDMENTS

2003—Pub. L. 108-183, title VII, § 707(a)(2), Dec. 16, 2003, 117 Stat. 2673, added item 5109B.

2000—Pub. L. 106-475, § 6, Nov. 9, 2000, 114 Stat. 2099, added items 5100, 5102 to 5103A, 5107, and 5126, and struck out former items 5102 “Application forms furnished upon request”, 5103 “Incomplete applications”, and 5107 “Burden of proof; benefit of the doubt”.

<sup>1</sup> So in original. Does not conform to section catchline.

Pub. L. 106-398, § 1 [[div. A], title XVI, § 1611(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-360, directed amendment of table of sections by striking the item relating to section 5017 and inserting item 5107 “Assistance to claimants; benefit of the doubt; burden of proof”. Pub. L. 106-419, title I, § 104(c)(2), Nov. 1, 2000, 114 Stat. 1828, provided that, as of the enactment of Pub. L. 106-419, the amendments made by Pub. L. 106-398, § 1 [[div. A], title XVI, § 1611(b)], were deemed for all purposes not to have taken effect and that Pub. L. 106-398, § 1 [[div. A], title XVI, § 1611(b)], ceased to be in effect.

1997—Pub. L. 105-111, § 1(a)(2), Nov. 21, 1997, 111 Stat. 2271, added item 5109A.

1994—Pub. L. 103-446, title III, § 301(c), Nov. 2, 1994, 108 Stat. 4658, added items 5124 and 5125.

1991—Pub. L. 102-40, title IV, § 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3001 to 3023 as 5101 to 5123, respectively.

1989—Pub. L. 101-237, title I, § 115(a)(2), Dec. 18, 1989, 103 Stat. 2066, added item 3004.

1988—Pub. L. 100-687, div. A, title I, § 103(a)(2), (c)(2), (3), Nov. 18, 1988, 102 Stat. 4107, 4108, substituted “CLAIMS” for “APPLICATIONS” in heading for chapter and in item for subchapter I and added items 3007, 3008, and 3009.

1982—Pub. L. 97-253, title IV, §§ 401(a)(2), 403(a)(2), Sept. 8, 1982, 96 Stat. 802, added items 3011 and 3023, respectively.

1977—Pub. L. 95-117, title IV, § 402(b)(2), Oct. 3, 1977, 91 Stat. 1066, struck out “by check” after “benefit” in item 3020.

1976—Pub. L. 94-432, title IV, § 403(1), Sept. 30, 1976, 90 Stat. 1372, added item 3006.

1962—Pub. L. 87-825, § 5(b), Oct. 15, 1962, 76 Stat. 950, struck out items 3004 and 3011.

SUBCHAPTER I—CLAIMS

AMENDMENTS

1988—Pub. L. 100-687, div. A, title I, § 103(c)(4), Nov. 18, 1988, 102 Stat. 4108, substituted “CLAIMS” for “APPLICATIONS” in heading for subchapter I.

**§ 5100. Definition of “claimant”**

For purposes of this chapter, the term “claimant” means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.

(Added Pub. L. 106-475, § 2, Nov. 9, 2000, 114 Stat. 2096.)

**§ 5101. Claims and forms**

(a) A specific claim in the form prescribed by the Secretary (or jointly with the Commissioner of Social Security, as prescribed by section 5105 of this title) must be filed in order for benefits to be paid or furnished to any individual under the laws administered by the Secretary.

(b)(1) A claim by a surviving spouse or child for compensation or dependency and indemnity compensation shall also be considered to be a claim for death pension and accrued benefits, and a claim by a surviving spouse or child for death pension shall be considered to be a claim for death compensation (or dependency and indemnity compensation) and accrued benefits.

(2) A claim by a parent for compensation or dependency and indemnity compensation shall also be considered to be a claim for accrued benefits.

(c)(1) Any person who applies for or is in receipt of any compensation or pension benefit under laws administered by the Secretary shall, if requested by the Secretary, furnish the Sec-