

07-1209 SHINSEKI V. SANDERS

DECISION BELOW: 487 F3d 881

LOWER COURT CASE NUMBER: 06-7001

QUESTION PRESENTED:

The Veterans Claims Assistance Act of 2000 (VCAA), Pub. L. No. 106-475, 114 Stat. 2096, requires the Department of Veterans Affairs (VA) to provide a notice to benefits claimants. Under 38 U.S.C. 7261(b)(2) (Supp. V 2005), review of administrative decisions resolving claims for veterans benefits must "take due account of the rule of prejudicial error." The question presented is:

Whether the court of appeals erred in holding that a failure of the VA to give the notice required by the VCAA must be presumed to be prejudicial.

CERT. GRANTED 6/16/2008