



Board of Veterans' Appeals Update

Chairman Cheryl L. Mason



Choose VA

VA



U.S. Department
of Veterans Affairs

Overview

Mission

The Board's mission is to conduct hearings and decide appeals properly before the Board in a timely manner.
38 U.S.C. § 7101(a).

Background

The Board is the Secretary's designee to decide appeals for all three administrations (VBA, VHA, NCA). The Board Chairman reports directly to the Secretary.
38 U.S.C. § 511(a).

Board 2.0 Priorities

Service



- To each other
- Across the VA enterprise
- Best service to Veterans and their families

Modernization



- Technology
- Process
- Streamline operations

Action

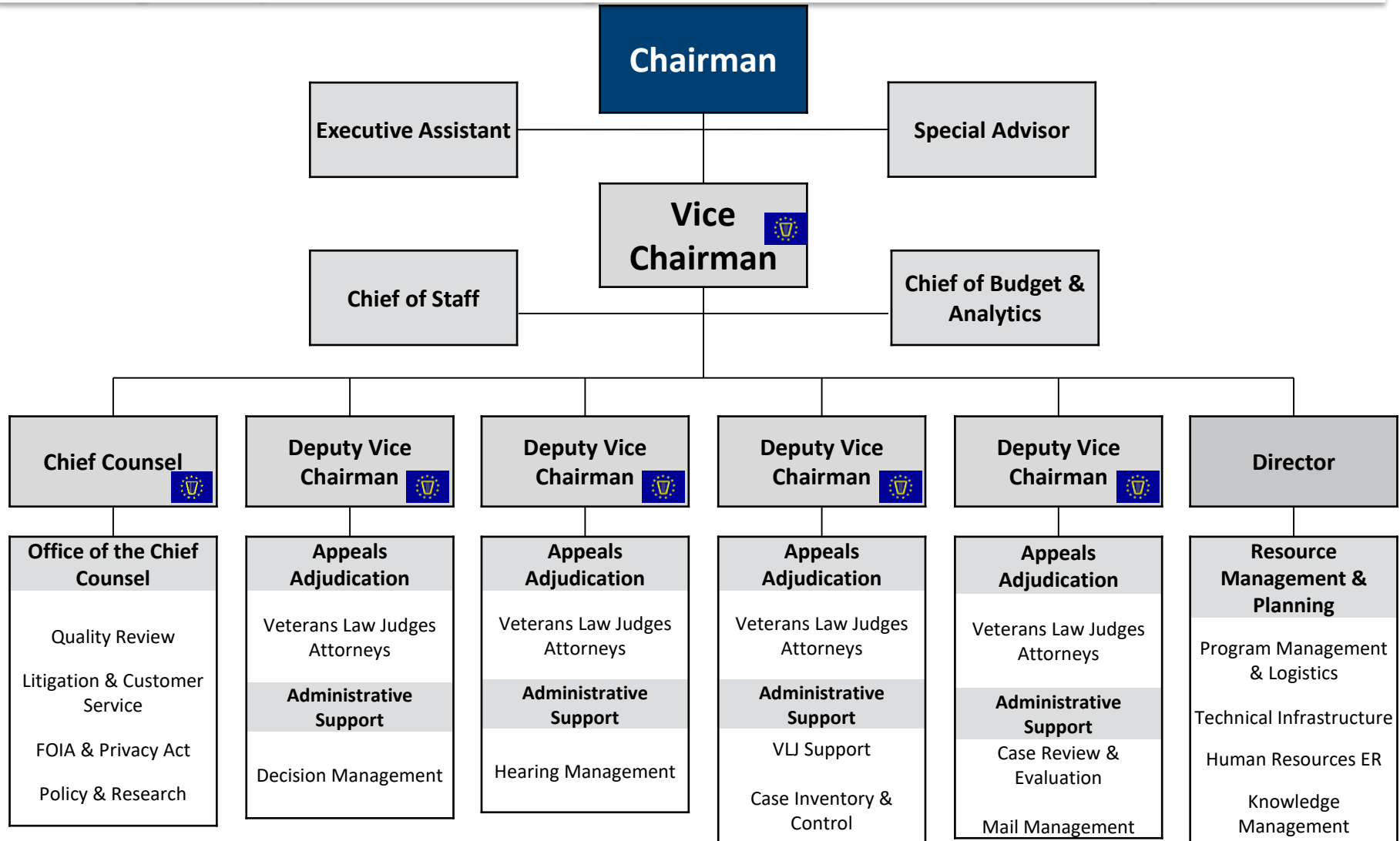


- Respond to inquiries
- Hold hearings
- Decide and issue decisions



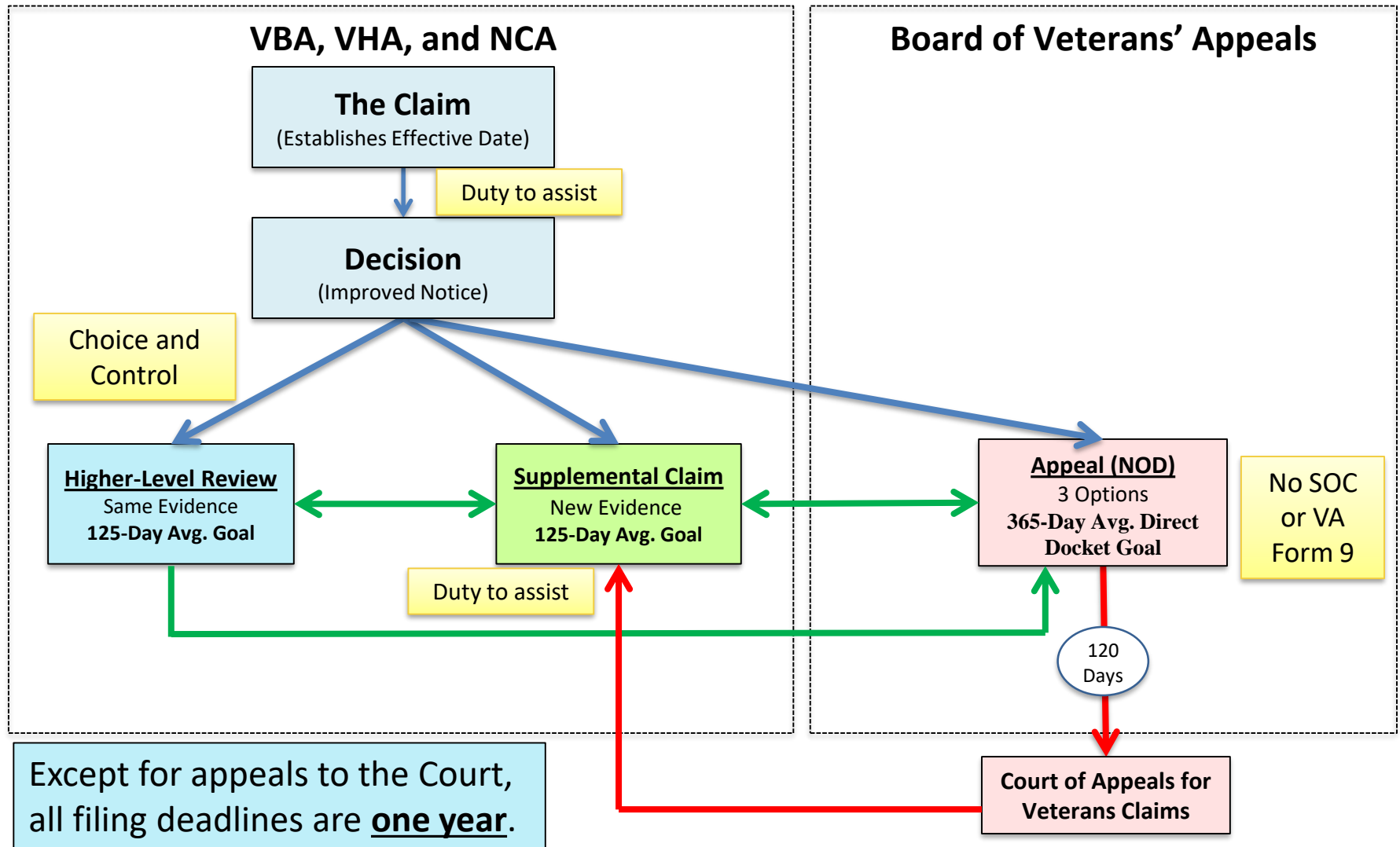
Organizational Structure

Realigned to provide Veteran-facing service and meet mission-critical requirements.



AMA Decision Review Process

Provides Veterans with more choice and control as well as clear and understandable communication.



VA Prioritization

Keeping the promise made by VA in March 2016.

Priorities 2016

Legacy appeals

Advancing AMA

Priorities Today

Legacy appeals

AMA Direct Lane (Board)
(365 days average processing goal)

AMA Evidence (Board)

AMA Hearings (Board)

VA Legacy Inventory

As of September 30, 2019

Veterans' Benefits Administration	238,772
Board of Veterans' Appeals	97,269
Total Inventory*	336,041

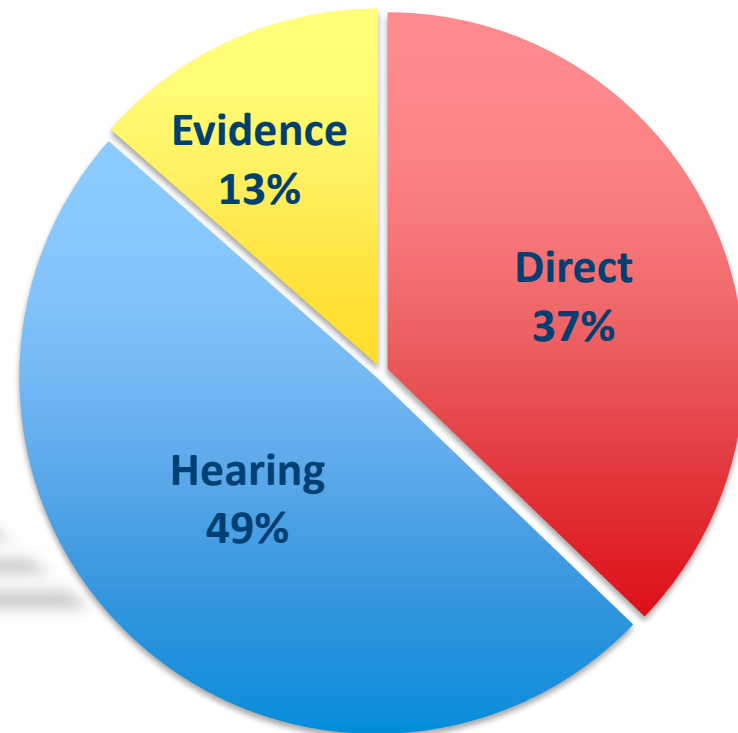
*Excludes approximately 12,000 appeals that originated from NCA and VHA.

Source: VBA Tableau > AMO Dashboard

Board AMA Appeals Inventory and Distribution

LANE CHOICE %

AMA Lane	Inventory	Cases Dispatched
Direct	7,531	1,214
Evidence	2,949	240
Hearing	11,609	64
Total	22,089	1,518



Which AOJ lane to choose?

	Supplemental Claim	Higher Level Review
When to choose	If your claim needs new evidence .	If you don't need new evidence, but think a mistake was made.
What will happen	The Duty to Assist applies and VA will help you gather the evidence. A new decision will be made looking at the new evidence.	A higher-trained AOJ reviewer will review your claim and make a new decision. No new evidence will be added.
How long	125 days (on average)	125 days (on average)

*AOJ= Agency of Original Jurisdiction (VBA, VHA, or NCA)



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Which Board docket to choose?

	Direct	Evidence	Hearing
When to choose	If you think a mistake was made.	If you have new evidence you want a Judge to consider.	If you want a hearing before a Judge.
What will happen	<p>The Judge will review the same record and make a decision.</p> <p>No new evidence will be added.</p>	<p>You will have 90 days from your NOD to submit any new evidence.</p> <p>The Judge will make a decision considering the evidence you provided.</p>	<p>You will be placed on a list for a hearing before a Judge by videoconference (or in DC).</p> <p>After your hearing you will have 90 days to submit new evidence.</p> <p>The Judge will make a decision considering the hearing and the evidence you provided.</p>
How long	365 days (on average)	Over 365 days	Based on availability. Currently the Board has 98 Judges. There are approximately 69,000 Veterans waiting for hearings.



Decision Review Form: Board Appeal

Fill out VA Form 10182 to appeal to the Board of Veterans' Appeals.

- If you want the Board to review your case as quickly as possible, choose Direct Review.
- If you have additional evidence for the Board to review, choose Evidence Submission.
- If you want a video conference hearing with the Board, choose Hearing Request.
- If you choose the same lane for all appeals, use one form.
- If you choose separate lanes for appeals, use separate forms.

OMB Approval No. 2900-0674
Respondent Burden: 30 Minutes
Expiration Date: Feb. 26, 2022

Department of Veterans Affairs **DECISION REVIEW REQUEST: BOARD APPEAL (NOTICE OF DISAGREEMENT)**

PART I - PERSONAL INFORMATION

1. VETERAN'S NAME (First, middle initial, last)
2. VETERAN'S SOCIAL SECURITY NUMBER
3. VETERAN'S VA FILE NUMBER (if different than their SSN)
4. VETERAN'S DATE OF BIRTH
5. IF I AM NOT THE VETERAN, MY NAME IS (First, middle initial, last)
6. MY DATE OF BIRTH (if I am not the Veteran)
7. MY PREFERRED MAILING ADDRESS (Number and street or rural route, P.O. Box, City, State, ZIP Code and Country) ☐ I AM HOMELESS
8. MY PREFERRED TELEPHONE NUMBER (Include Area Code)
9. MY PREFERRED E-MAIL ADDRESS
10. MY REPRESENTATIVE'S NAME

PART II - BOARD REVIEW OPTION (Check only one)

11. A Veterans Law Judge will consider your appeal in the order in which it is received, depending on which of the following review options you select. (For additional explanation of your options, please see the attached information and instructions.)

☐ 11A. Direct Review by a Veterans Law Judge: I do not want a Board hearing, and will not submit any additional evidence in support of my appeal. (Choosing this option often results in the Board issuing its decision most quickly.)

☐ 11B. Evidence Submission Reviewed by a Veterans Law Judge: I have additional evidence in support of my appeal that I will provide within the next 90 days, but I do not want a Board hearing. (Choosing this option may add delay to issuance of a Board decision.)

☐ 11C. Hearing with a Veterans Law Judge: I want a Board hearing and the opportunity to submit additional evidence in support of my appeal that I will provide within 90 days after my hearing. (Choosing this option may add delay to issuance of a Board decision.)

PART III - SPECIFIC ISSUE(S) TO BE APPEALED TO A VETERANS LAW JUDGE AT THE BOARD

12. Please list each issue decided by VA that you would like to appeal. Please refer to your decision notice(s) for a list of adjudicated issues. For each issue, please identify the date of VA's decision and the area of disagreement.

☐ Check here if you attached additional sheets. Include the Veteran's last name and last 4-digits of the Social Security number.
Check the SOC/SSOC Opt in box if any issue listed below is being withdrawn from the legacy appeals process. ☐ Opt in from SOC/SSOC

A. Specific Issue(s) **B. Date of Decision**

PART IV - CERTIFICATION AND SIGNATURE

I CERTIFY THAT THE STATEMENTS ON THIS FORM ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

13. SIGNATURE (Appellant or appointed representative) (ink signature)
14. DATE SIGNED

VA FORM 10182 FEB 2019 PENALTY: THE LAW PROVIDES SEVERE PENALTIES WHICH INCLUDE A FINE, IMPRISONMENT, OR BOTH, FOR THE WILLFUL SUBMISSION OF ANY STATEMENT OR EVIDENCE OF A MATERIAL FACT, KNOWING IT TO BE FALSE.

Board Remands

Legacy System

- Remand for:
 - Duty to assist (DTA) errors that occurred **at any time during the pendency of the appeal**
 - Medical examinations and opinions
 - *Stegall* compliance
- Following required development, AOJ makes a new decision. Unless the AOJ can grant, the appeal is returned to the Board with the same docket number

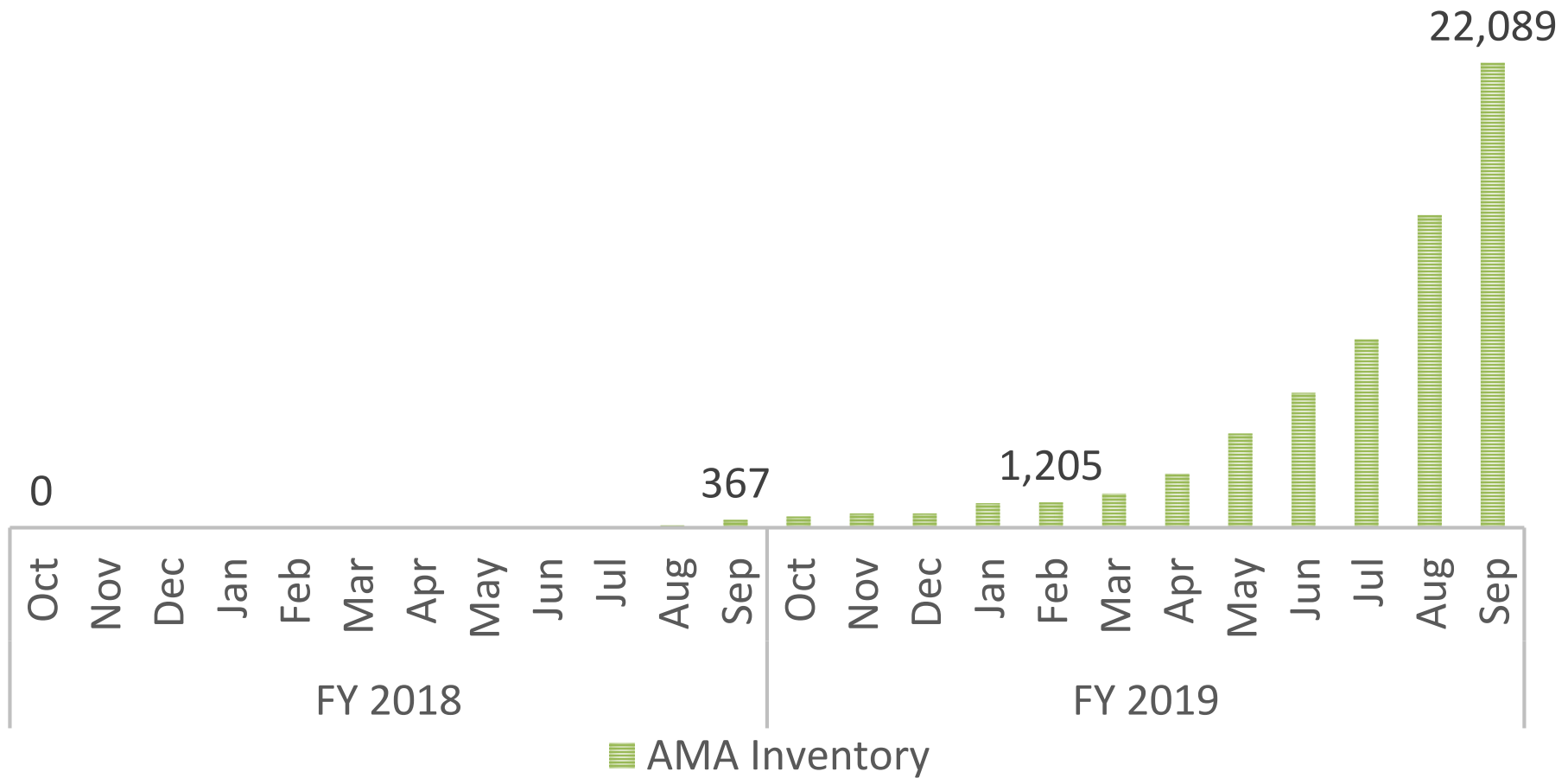
New System

- Remand for:
 - DTA errors (including related to examinations), **but only if the error occurred prior to the AOJ adjudication on appeal (pre-decisional)**
- Board cannot request VHA or independent medical opinions
- Appeals **not** automatically returned to the Board following development



Board AMA Appeals Inventory

AMA APPEALS INVENTORY



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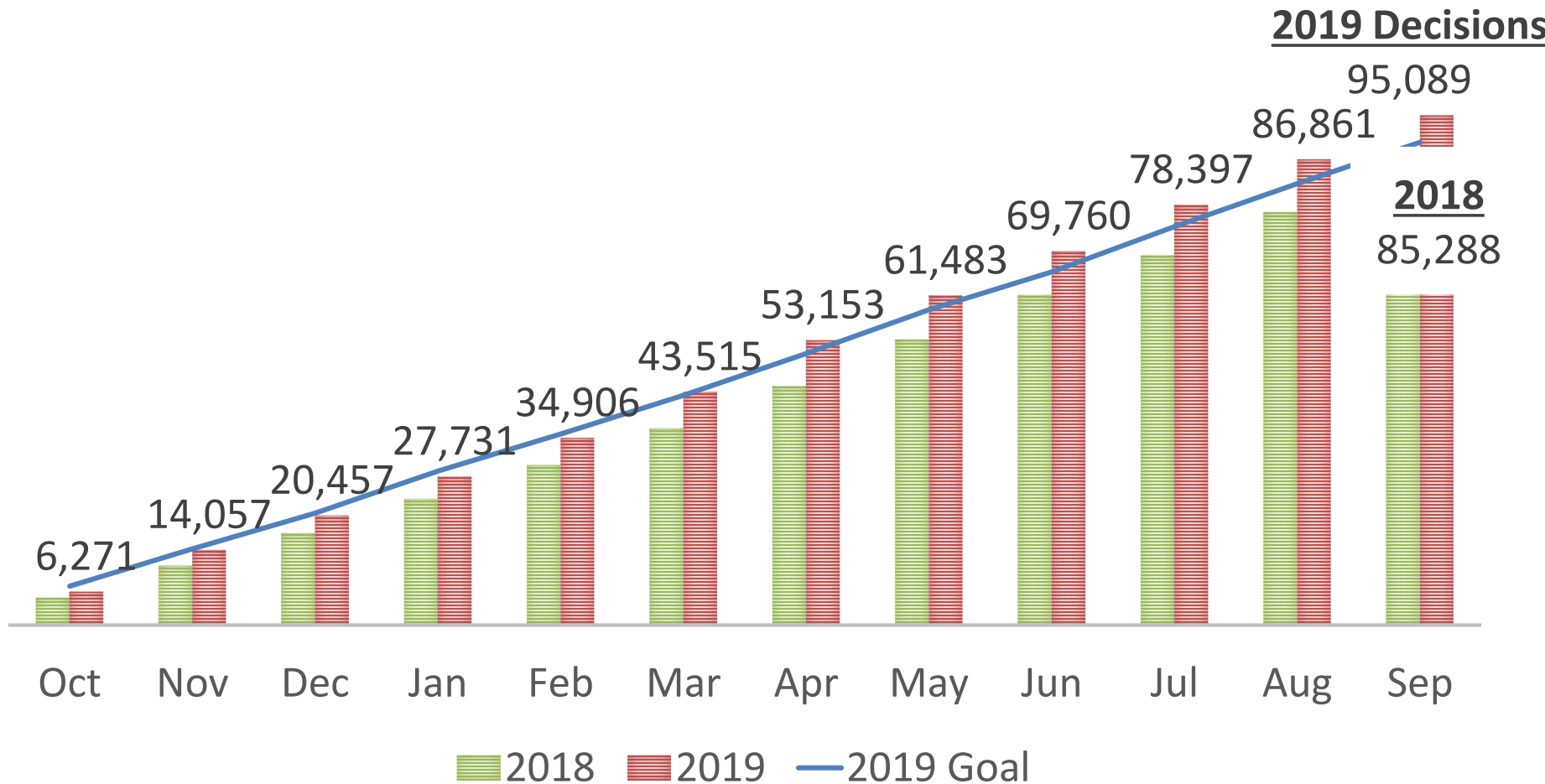
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Board of Veterans' Appeals – Decisions

APPEALS DECISIONS



Choose **VA**

FOUO, Working Draft, Pre-Decisional, Deliberative Document

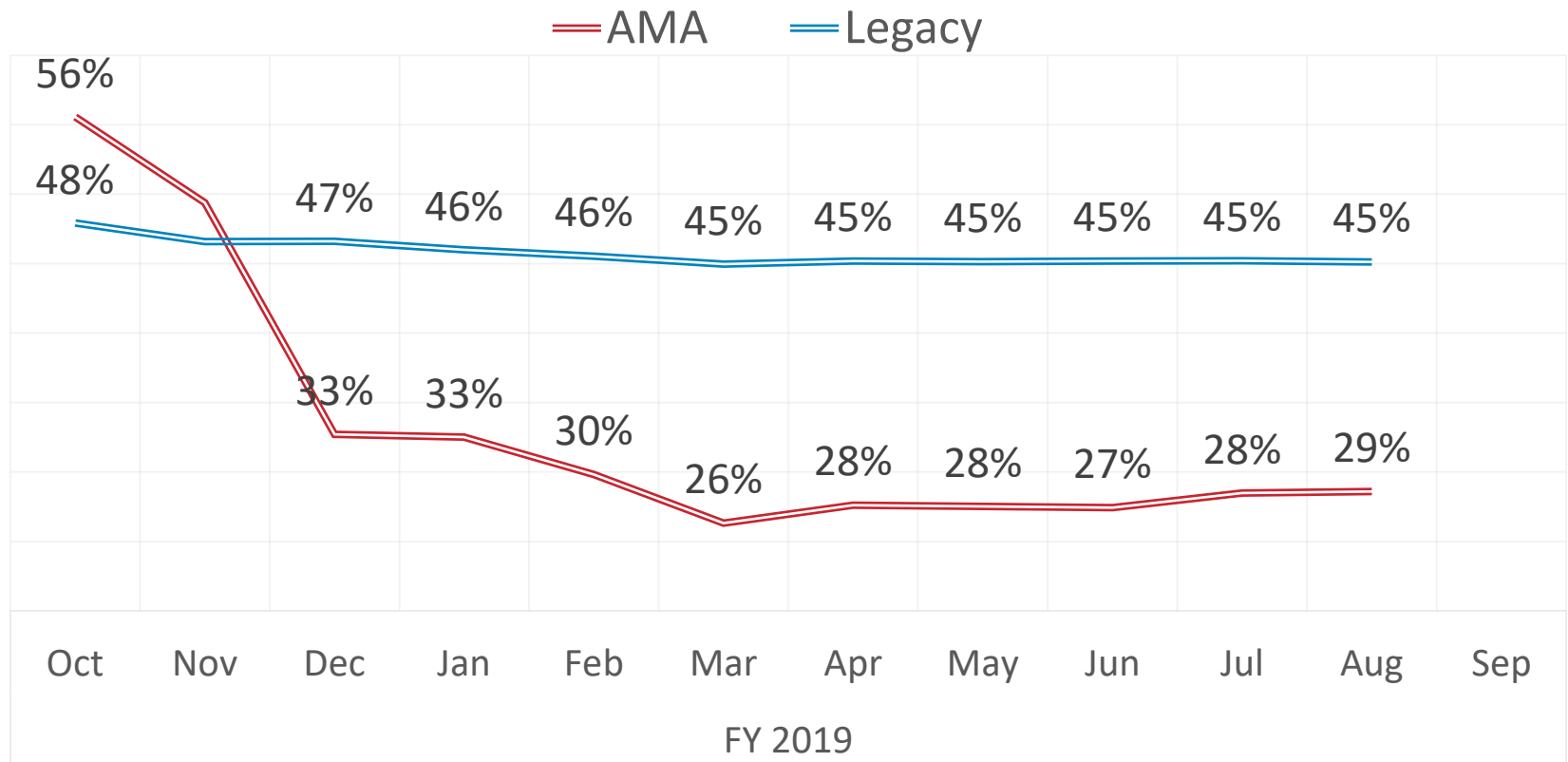
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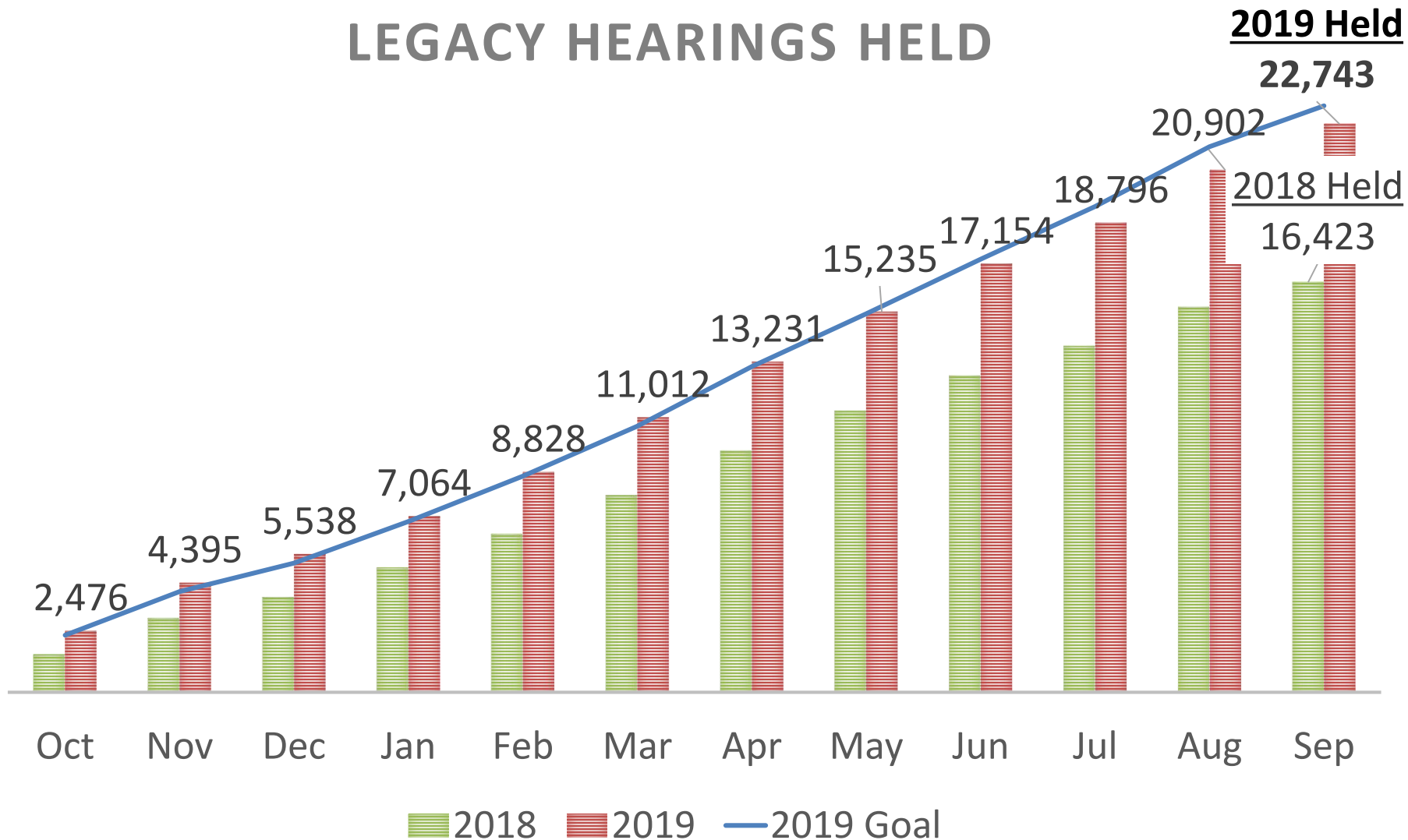
Remand Rates for Legacy and AMA (FYTD)

REMAND RATES (BY ISSUE)



Board of Veterans' Appeals - Hearings

LEGACY HEARINGS HELD



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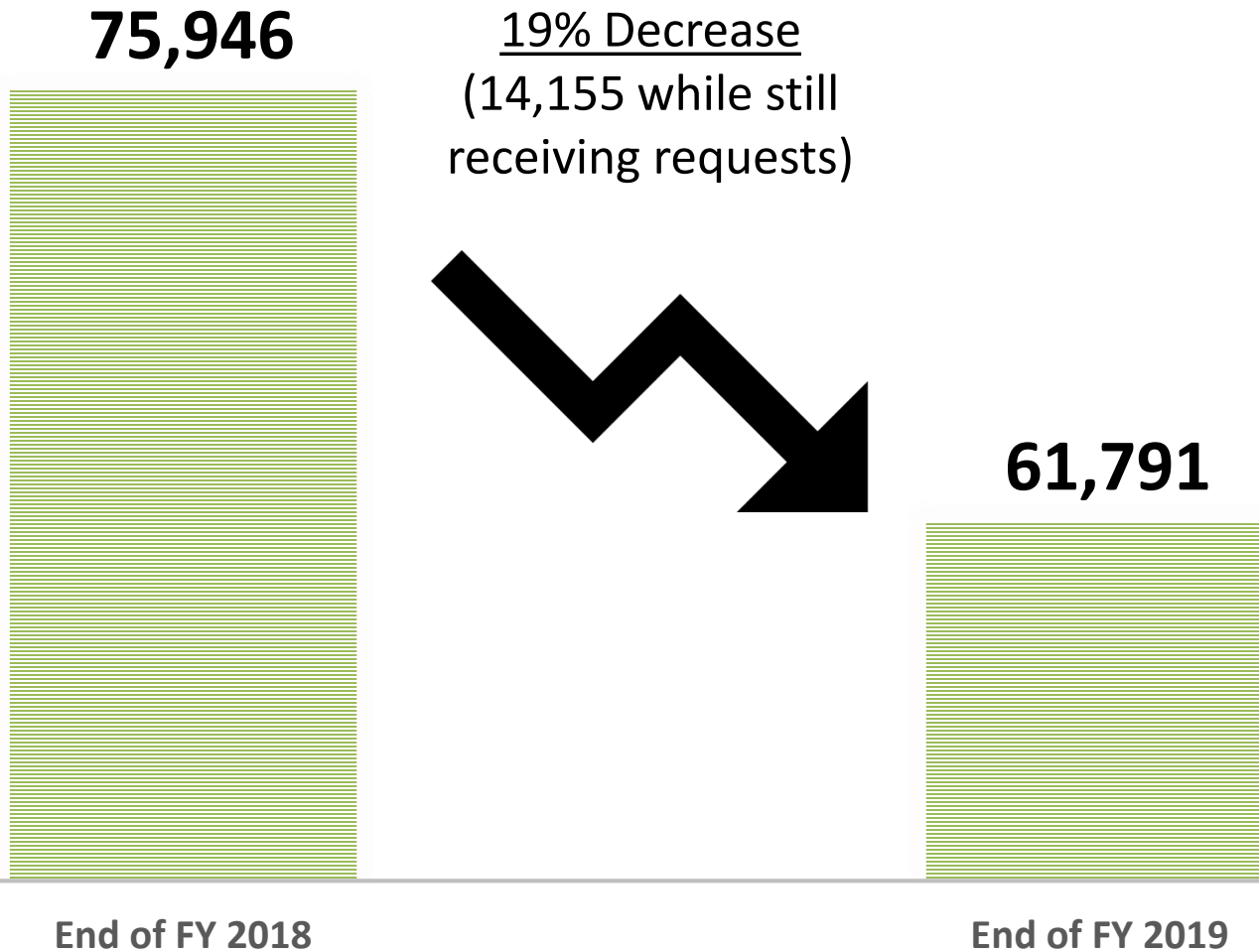
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Legacy Hearings Pending

PENDING HEARING REQUESTS



FY19 Accomplishments

- Fully implemented AMA as of its effective date of February 19, 2019, in collaboration with VA colleagues.
- Judges and attorneys work all dockets in legacy and AMA to ensure VA keeps the March 2016 promise to prioritize legacy takedown and work AMA cases.
- Continued support for Advance on the Docket status for Veterans living in locations impacted by natural disasters as well as automatic ADO status for Veterans aged 75 years and older.
- Established Caseflow access for VSOs and other stakeholders.
- Expanded eFolder Express access to allow Veterans and their advocates to download the claims file.
- Initiated surveys in collaboration with VEO. These surveys query Veterans about their experiences during the appeals process at four major stages NOD, Board docketing (legacy), hearing, and decision.
- Transitioned hearing scheduling from VBA in April 2019 and implemented new processes and technologies—learning much and beginning to implement standard procedures for hearings.
- Onboarded 253 personnel.

FY20 and Beyond

- Prioritizing the drawdown of the legacy appeals inventory.
- Testing tele-hearing technology, a version of VHA's tele-health platform, to help ensure hearings are more accessible to and convenient for Veterans by allowing Veterans to attend hearings using personal devices.
- Adopting VEText to communicate with Veterans via text message to remind Veterans of upcoming hearings.
- Using feedback provided through surveys to improve the appeals experience for Veterans.
- Revising all letters and decisions to ensure Veteran-focused communication.

Useful Links

- Board's webpage:

<https://www.bva.va.gov/>

Check it out!

- Vets.gov appeals status tracker:

www.va.gov