

VA | Board of Veterans' Appeals Update

July 2020



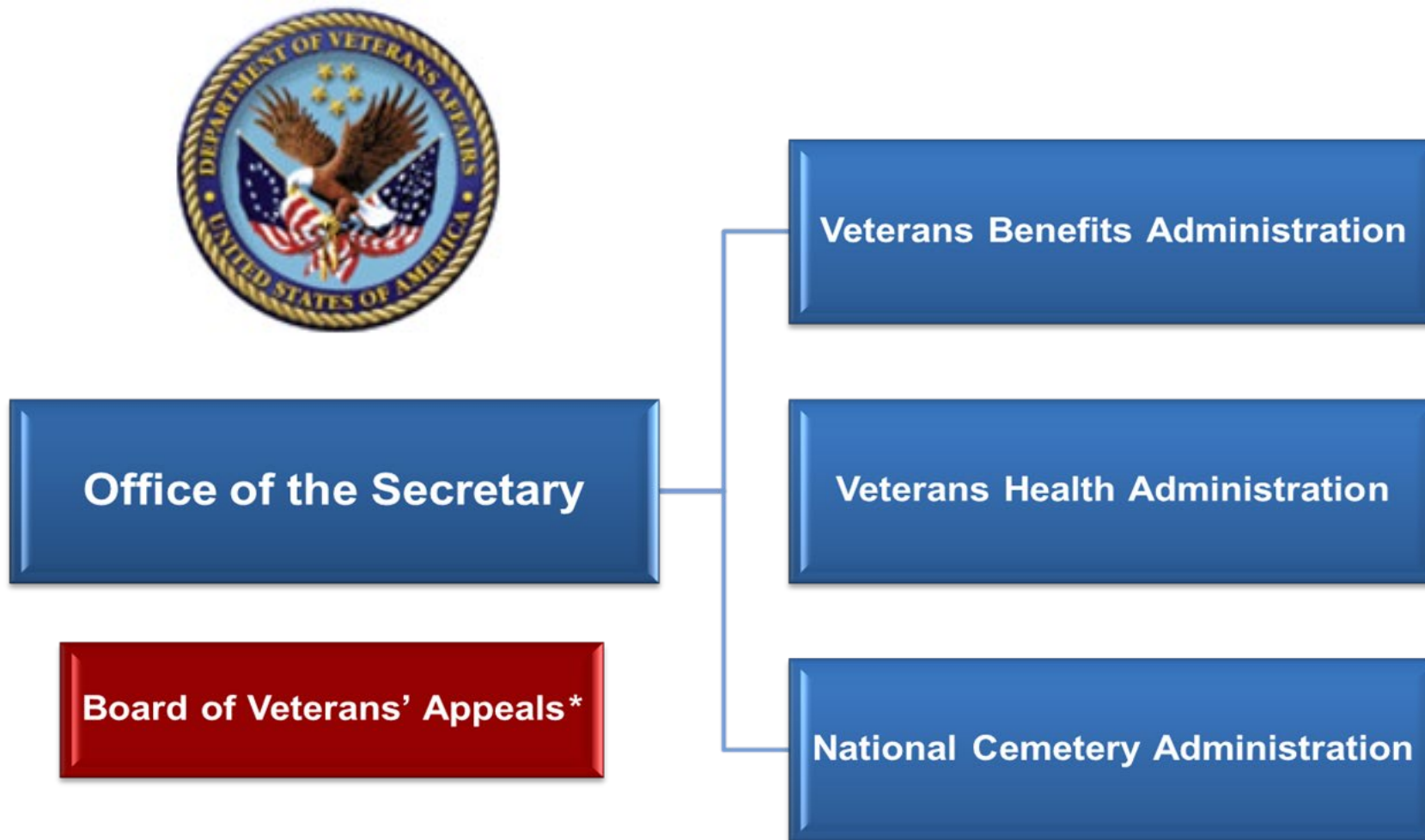
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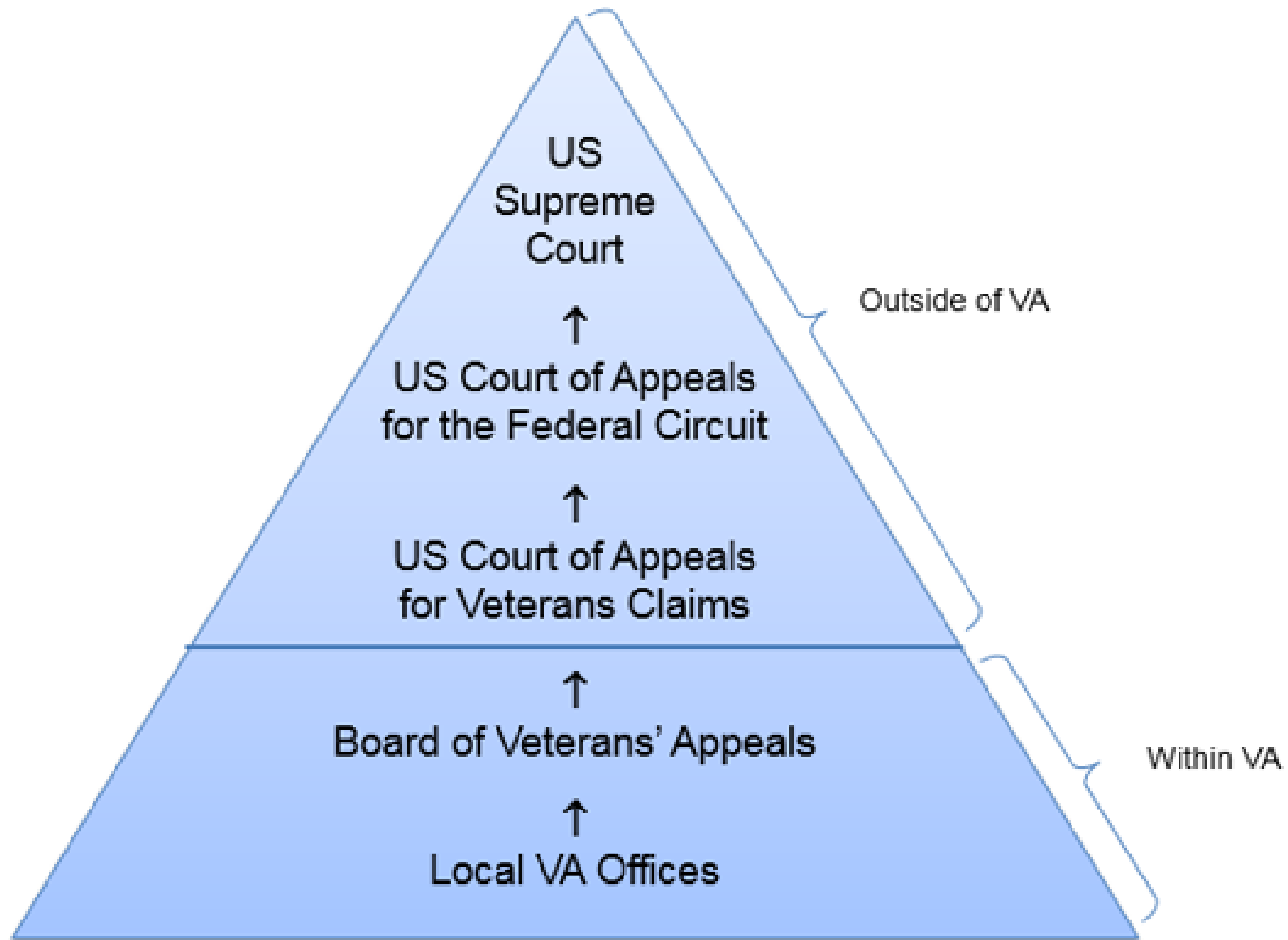
Department Organization



** The Board reports directly to the Office of the Secretary.*



The Appellate Landscape



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Board of Veterans' Appeals Overview

Mission

- The Board of Veterans' Appeals (Board) support's VA's mission of providing benefits and services to Veterans.
- The mission of the Board is to conduct hearings and decide appeals properly before the Board in a timely manner. See 38 United States Code (U.S.C.) § 7101(a).

Background

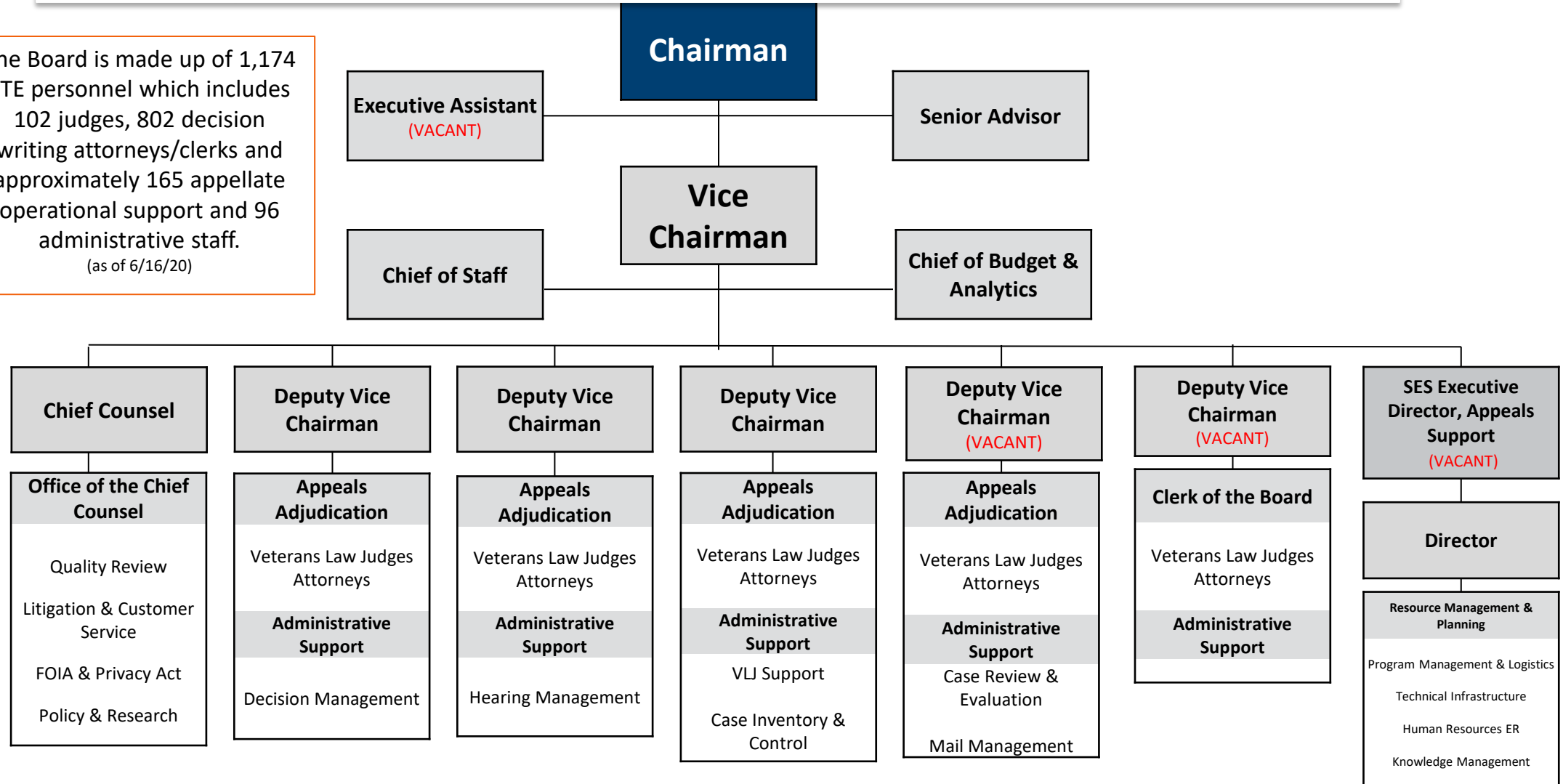
- All questions under 38 U.S.C. § 511(a) are subject to decision by the Secretary and shall be subject to one review on appeal to the Secretary. Final decisions on such appeals are made by the Board.
- The Board is the final appellate body within the Department and is responsible for resolving appeals on behalf of the Secretary arising out of VBA, VHA, NCA, and OGC.
- The Board is governed by statute, case law, and OGC opinions.



Board's Organizational Structure

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

The Board is made up of 1,174 FTE personnel which includes 102 judges, 802 decision writing attorneys/clerks and approximately 165 appellate operational support and 96 administrative staff.
(as of 6/16/20)



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Who Does What?

Veterans Law Judges (VLJ)

- As the Board of Judges, the VLJs are leaders in the organization
- Appointed by the Secretary, approved by the President
- Responsible for signing decisions and holding hearings, ruling on motions
- Mentor and train attorneys, sit on hiring panels, represent the Board at conferences and on panels
- Currently 102 VLJs

Staff Attorneys

- Evaluate Veterans appeals and write decisions
- Several attorneys serve on details at the Board to include Quality Review, Training, PREVENTS, etc

Appellate Operations and Administrative Staff

- Work in the Hearing branch, mail, intake, dispatch . . .etc. Ensure that the Veteran's appeals get to the Board, the appellate decisions get to the Veteran, and the Hearings are scheduled.

Boards Response to COVID-19

Proactive approach:

- In keeping with the VA's primary mission to care for our Veterans, the Board suspended all travel board, video and central office hearings until further notice.
- Notified VSOs and attorneys how to proceed with virtual hearing technology while preserving the Veterans hearing date.
- Began scheduling new virtual tele-hearings.
- Continuing suspension of in-person hearings until safe for Veterans and VA staff.
- The Board continues to monitor the COVID-19 situations, with travel board, and video hearings still under suspension. The Board will resume Central Office Hearings only on July 13th.
- Will prioritize rescheduling of hearings who elect to wait for a video, central office, or travel board hearing.



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What is New for the Board?

Virtual Hearings

- In July, the Board began testing virtual tele-hearings. Virtual tele-hearing technology is based off the tele-health platform and uses the VA Connect App. It allows Veterans to participate in their secure Board hearings from their phone or laptop, as long as there is a WiFi connection.
- Secure method of holding hearings during the suspension of in-person hearings (including video hearings).
- On April 10, 2020, Virtual tele-hearings became a permanent option for Veterans to choose the location of their hearing when President Trump signed the Tele-Hearing Modernization Act.
- The Board has the capacity to hold at least 250 Virtual tele-hearings weekly.
- As of July 6, the Board has completed 1,763 successful virtual tele-hearings to date, more than 1,400 between March 23 and June 30 , 2020.



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What is New with the Board?

VEText

- The Board began sending out texts to Veterans to remind them of their upcoming hearings. As of April 30, the Board has sent 17,334 text messages, and has seen a decrease in no-show/cancellation rates.

Hiring the right people for the right job

- In the past year, the Board has hired:
 - a VSO/Stakeholder liaison to improve communications with our VSOs and representatives;
 - a Strategic Engagement/Communication Director to enhance internal and external engagement and communications;
 - a training officer to manage and develop training for all Board staff; and
 - a Technical Infrastructure Branch Chief and team to manage IT processes and procedures at the Board.



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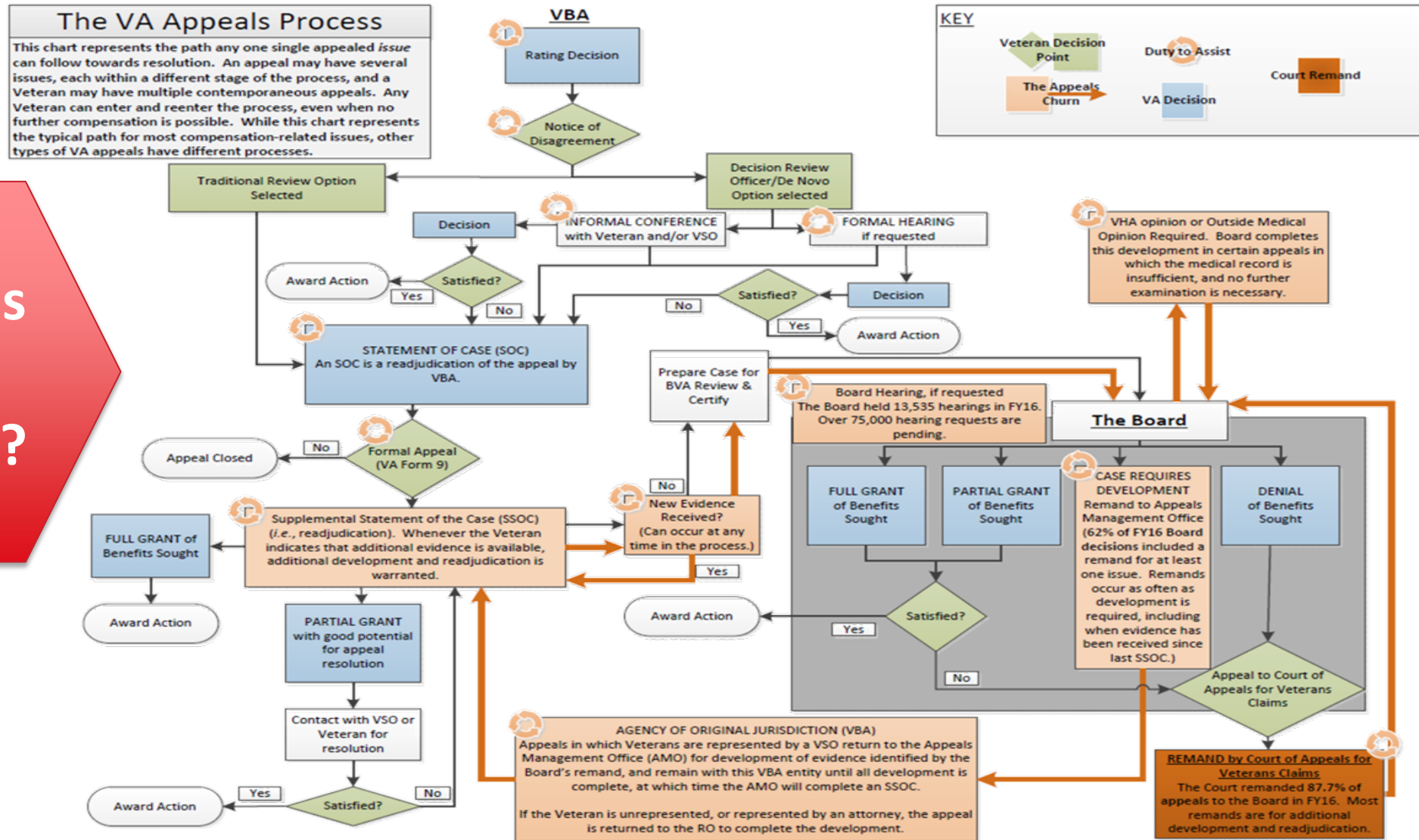
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Legacy VA Appeal Process

Where is
the
Veteran?



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Appeals Modernization Act (AMA)

- The *Veterans Appeals Improvement and Modernization Act of 2017 (AMA)* was signed into law on August 23, 2017 and became effective on February 19, 2019. It replaced the legacy appeals system, and gives Veterans Choice, Clarity & Control.
- **What does this law change?**
 - VA's claims and appeals processes
 - VA's decision notification requirements
- **Who does this law impact?**
 - All VA administrations (VBA, VHA, NCA)
 - All VA claimants (Veterans, survivors, and other beneficiaries)
 - Veteran Service Organizations & the private bar



Legacy v. AMA

Legacy System

- File a Notice of Disagreement (NOD) within one year of the letter notifying of a claim decision (not available after Feb 18, 2020)
- Receive Statement of the Case
- Return VA Form 9 within 60 days
- VA may prepare a Supplemental Statement of the Case
- VA Form 9 Appeal is sent to the Board
- File to the Court of Appeals for Veterans Claims within 120 days of a Board decision – this remains in AMA.

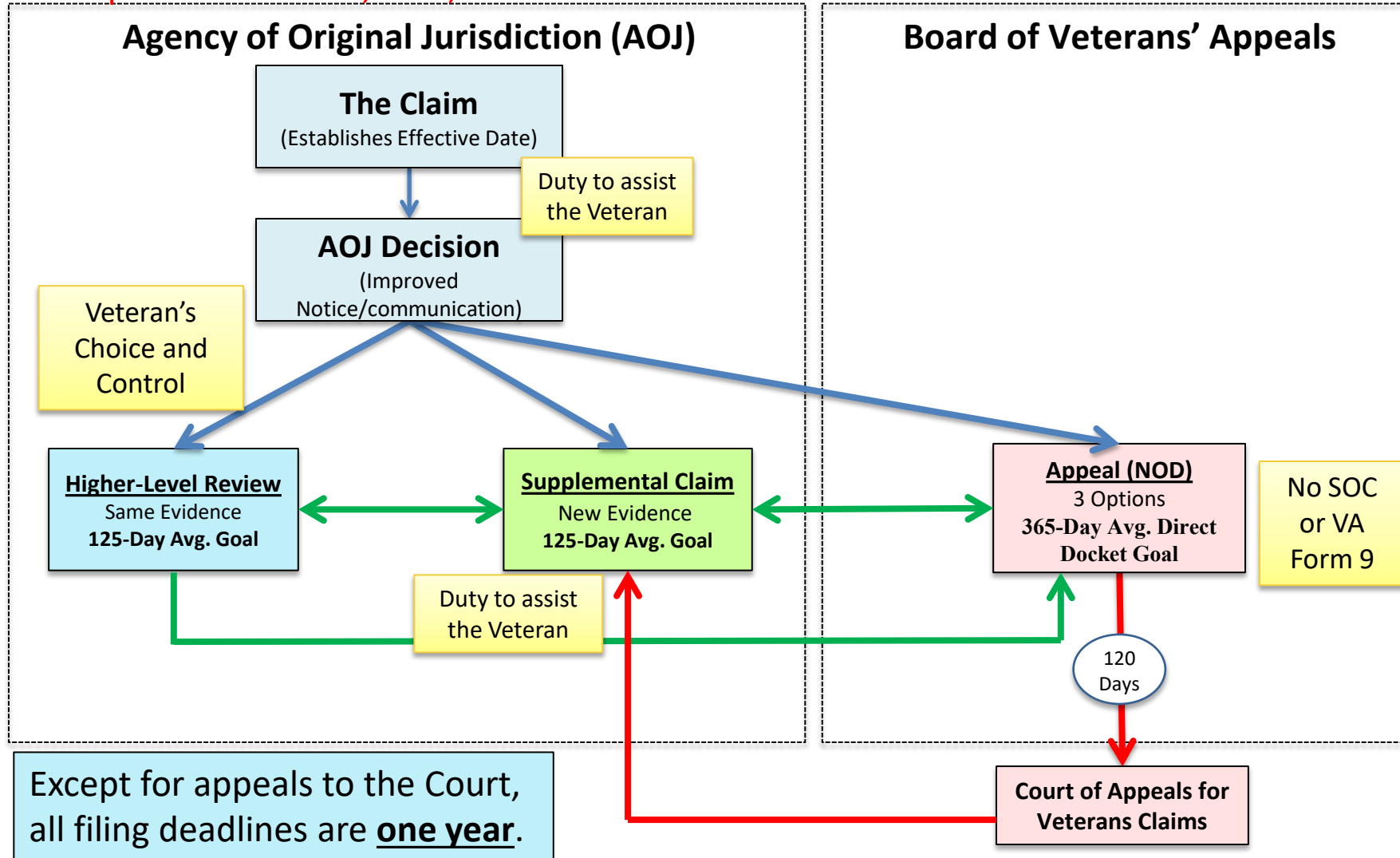
AMA

- After receiving an initial VA decision, file one of the following:
 - Higher Level Review
 - VA Form 20-0996: Higher-Level Review
 - Supplemental Claim
 - VA Form 20-0995: Supplemental Claim
 - Appeal to the Board
 - VA Form-10182
- If you have a Veteran who currently has a legacy appeal, but would like to opt-in to the new system:
 - Ensure the Veteran received a Statement of the Case (SOC) or Supplemental Statement of the Case (SSOC) within the previous 60 days. Submit the SOC/SSOC with the appropriate form listed above.



New Decision Review Process

Examples of AOJ: VBA, VHA, NCA



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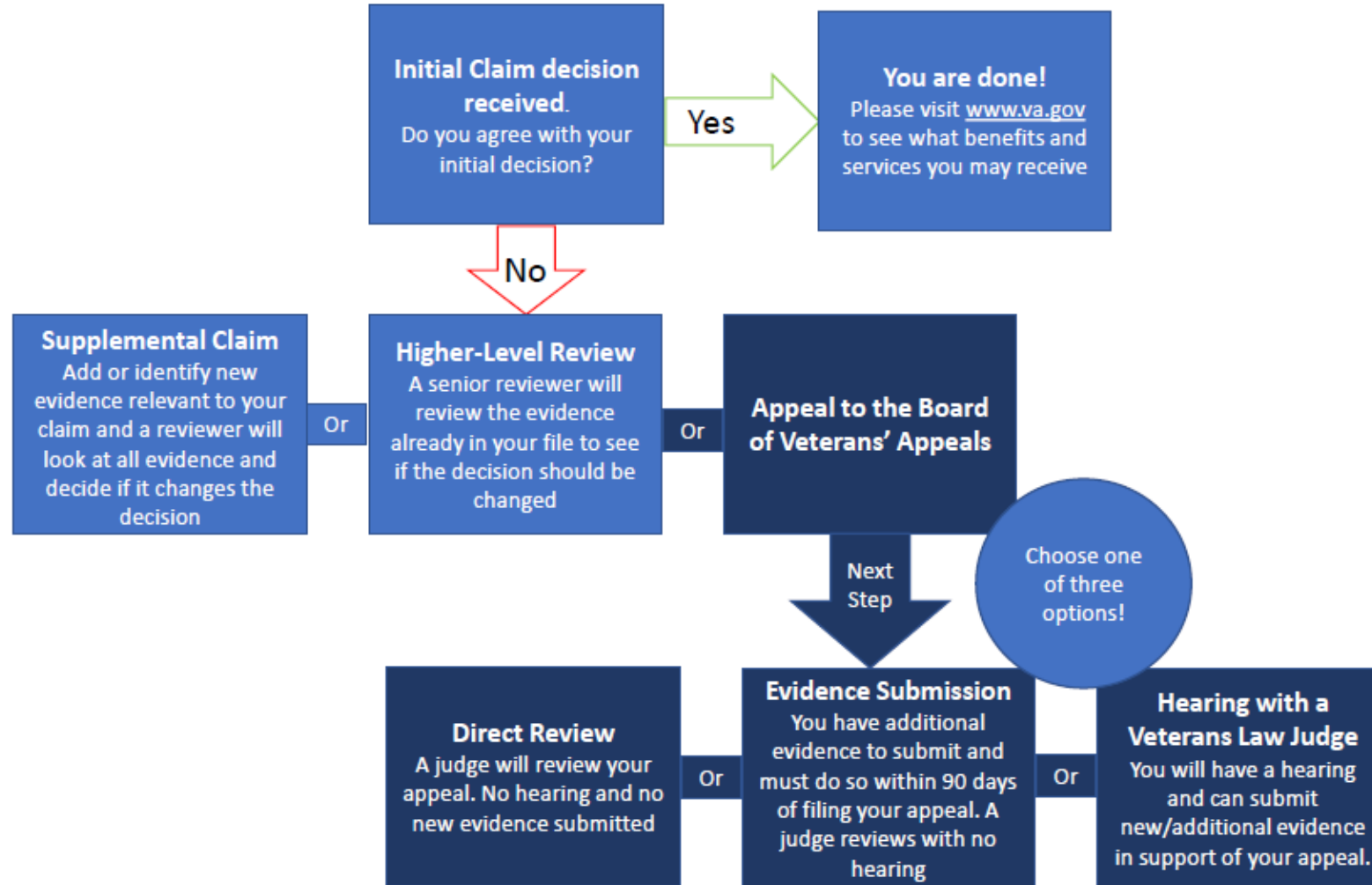
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AMA: Which Board docket to choose?

What happens after you receive your initial claim decision?



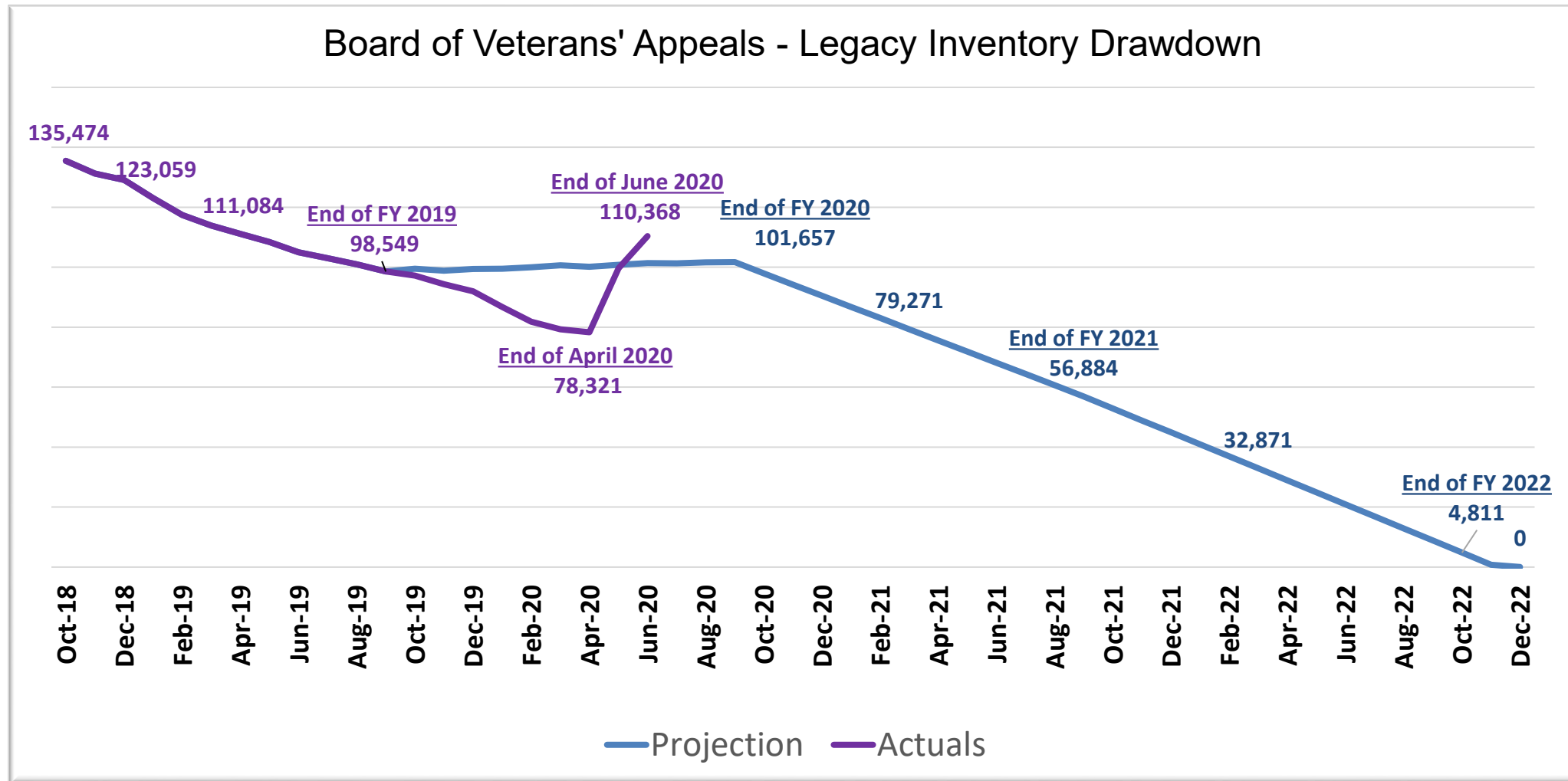
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Board Drawdown Projections



Residual returned remands will continue to be worked beyond FY 2023



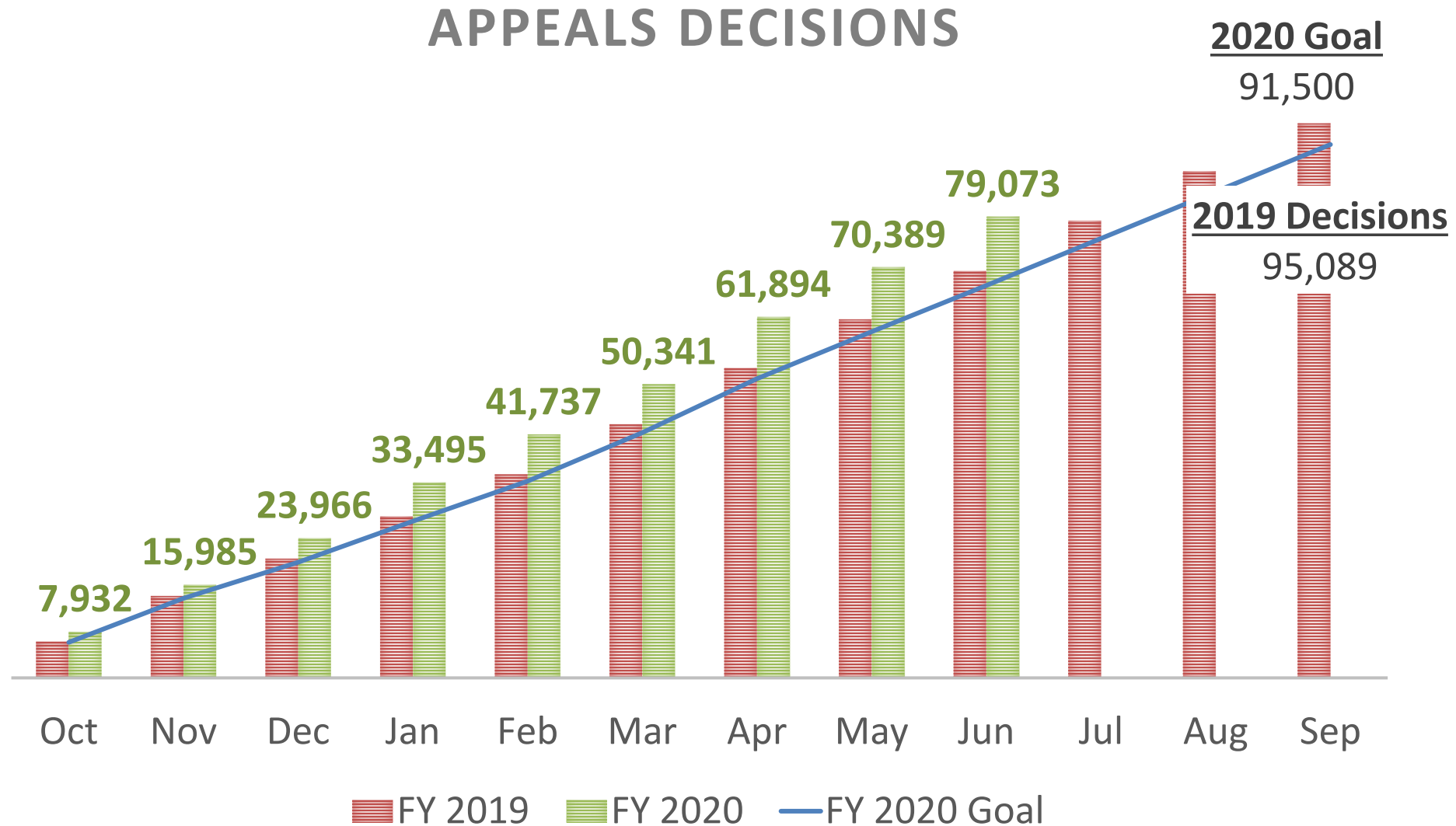
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Board of Veterans' Appeals – Decisions



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FOUO, Working Draft, Pre-Decisional, Deliberative Document

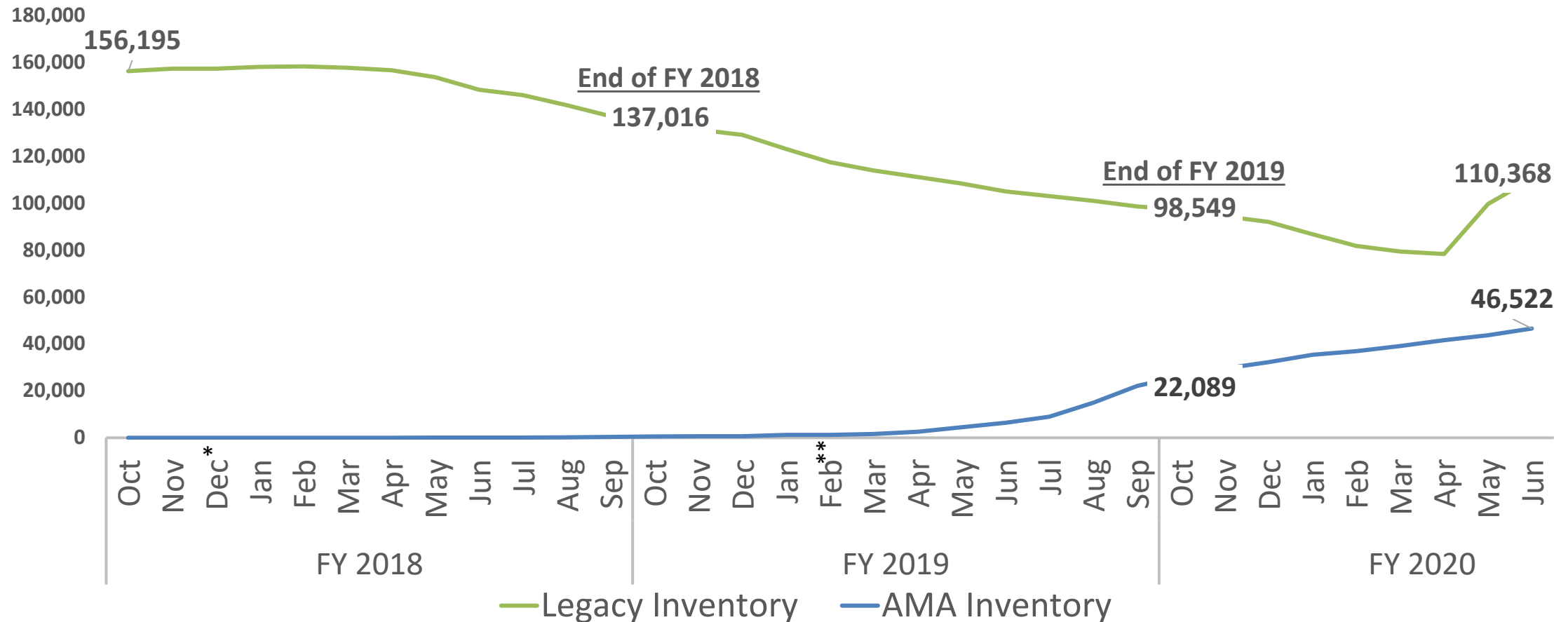
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Board Appeals Inventory

TOTAL APPEALS INVENTORY



*Chairman Mason confirmed by U.S. Senate

**AMA implementation effective February 19, 2019.

Customer Experience

Surveys

- In coordination with the Veterans Experience Office, the Board conducts surveys with Veterans after they have received a decision. These surveys focus on aspects of a Board appeal including the Notice of Disagreement (NOD), decision, and hearing.
- We use this feedback to improve the customer experience by making decisions more readable, improving forms...etc.



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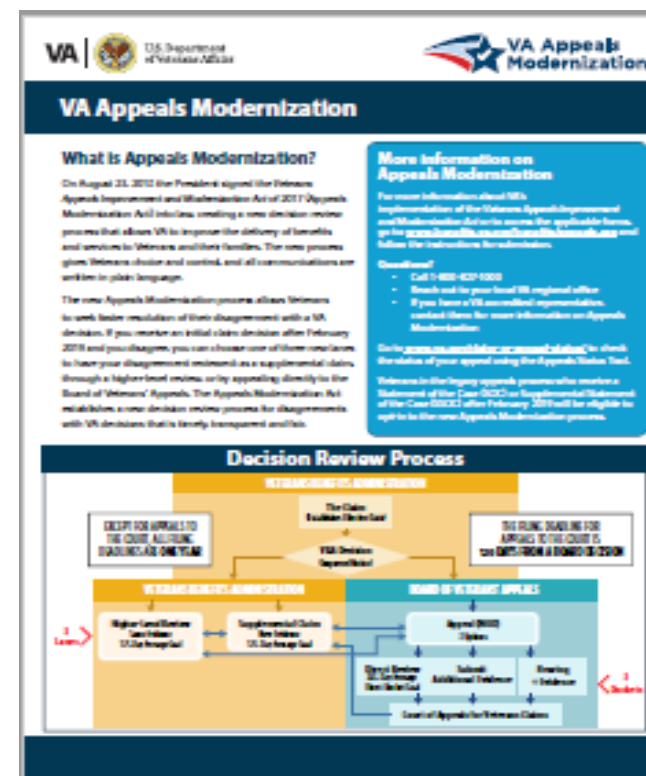
Resources & Materials

The following resources can be found on the [VA.gov](https://benefits.va.gov/benefits/appeals.asp) website at <https://benefits.va.gov/benefits/appeals.asp>

- Brochure
- FAQs
- Fact Sheet
- Infographic
- Video
- Poster

The Board of Veterans' Appeals:
<https://www.bva.va.gov/>

Appeals Status Tracker:
<https://www.va.gov/claim-or-appeal-status/>



Claimants can find information on filing requirements and the forms to apply at <https://www.va.gov/decision-reviews>.