



APPEALS BRIEFING

Fiscal Year 2021

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What is AMA?

- AMA is *The Veterans Appeals Improvement and Modernization Act of 2017*
- Signed into law August 23, 2017; fully implemented February 19, 2019
- One of the most significant statutory changes to effect VA and Veterans in decades
- New process is simple, timely, and fair to Veterans which offers a greater choice in resolving disagreements in VA decisions



Why Change?

- Veterans deserve an earlier resolution
- Greater choice of options and easier to understand
- Creates a new claims and appeals process that is simple, timely, transparent and fair, and enables earlier resolution of decisions
- VBA's goal for decisions under the Higher-Level Review & Supplemental Claim lanes is 125 days on average

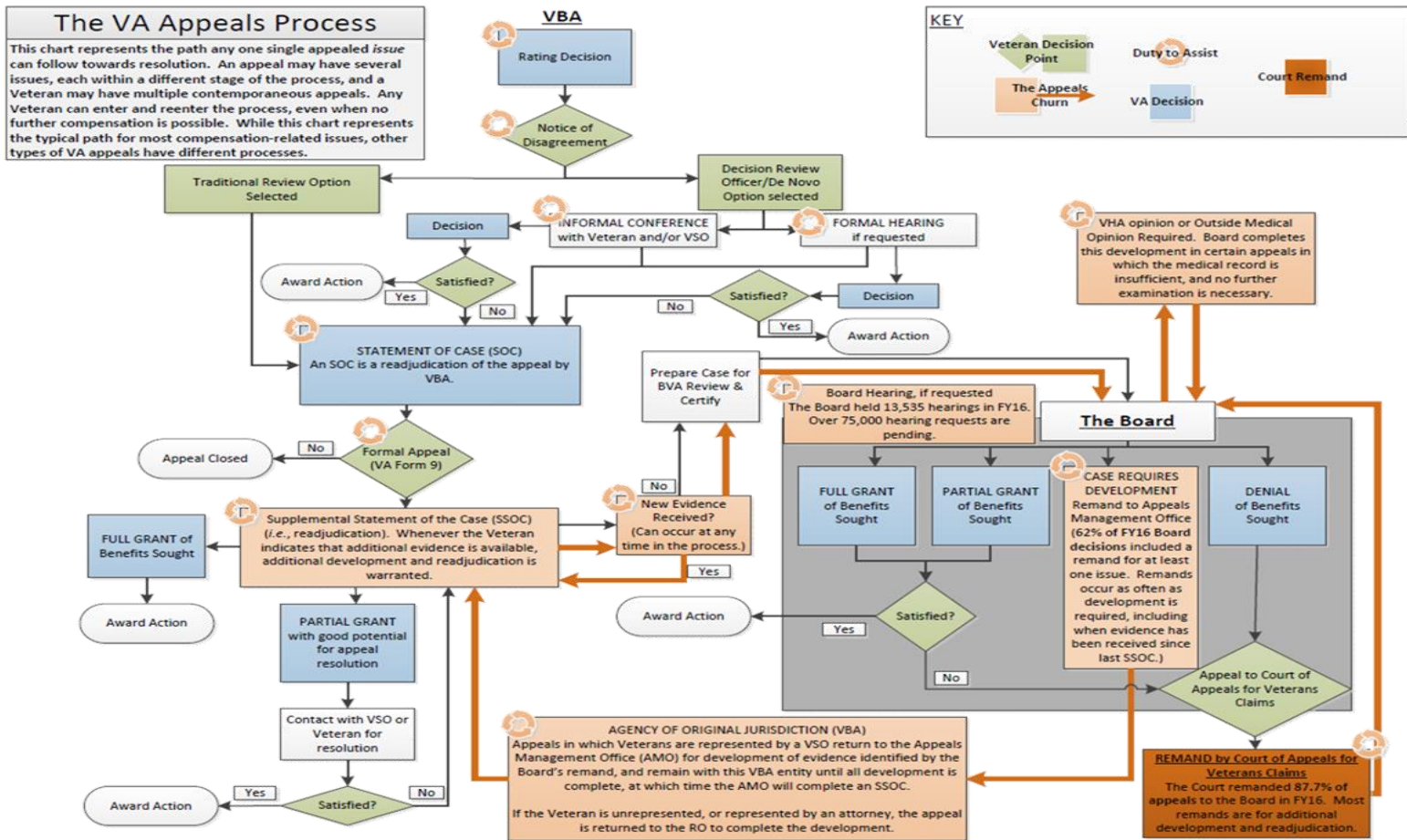


Who Does This Impact?

- All VA Administrations (VBA, VHA, VCA)
- All VBA claimants (Veterans, survivors, and other beneficiaries)
- All VA Business Lines (Compensation, Pension & Fiduciary, Loan Guaranty, VR&E, Insurance, and Education)
- All VBA claims and appeals personnel



Appeals-Legacy System





Pending Legacy Appeals

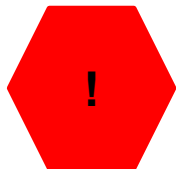
Claimants with a pending legacy appeal may “opt-in” to the new modernized review system

1. Test Programs (concluded)

- Rapid Appeals Modernization Program (RAMP)
- Board Early Applicability of Appeals Modernization (BEAAM)

2. Opt-in from a SOC/SSOC

- Available after the effective date of the new law
- Must be filed within 60 days of receipt of SOC/SSOC, or within the one-year appeal period

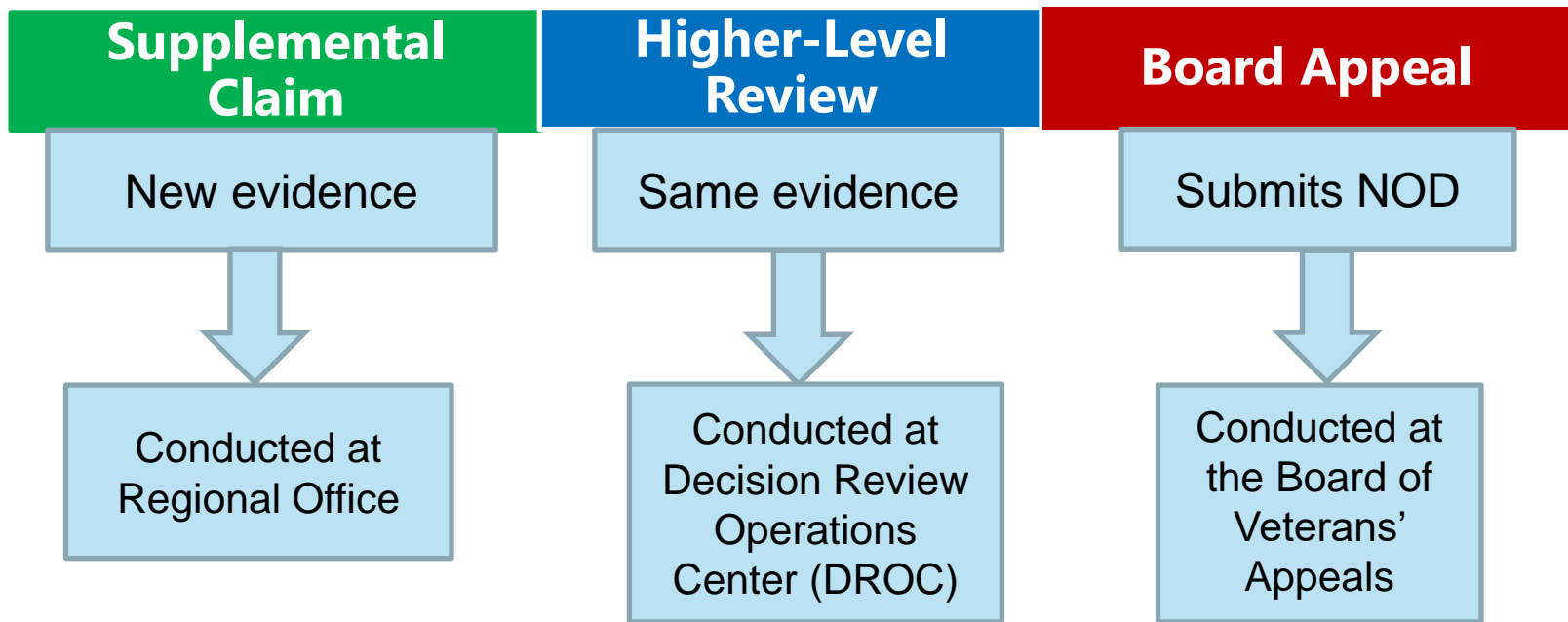


The claimant may not return to the legacy process once opt-in has been chosen for that issue



AMA offers three options:

Three-option framework to choose from when dissatisfied with VA's decision





Three Review Options

VBA		BVA
Supplemental Claim	Higher-Level Review	Board Appeal
<ul style="list-style-type: none">• Replaces “reconsiderations” and “reopening” claims with “new and material” evidence• VA will readjudicate a claim if “new and relevant” evidence is presented or identified with a supplemental claim (open record).• VA will assist in gathering new and relevant evidence (duty to assist).• Effective date for benefits is always protected when submitted within 1 year of prior decision.• Tracked and controlled under EP 040 series• Decisionmakers are Veterans Service Representatives (VSRs) and Rating VSRs (RVSRs)	<ul style="list-style-type: none">• More experienced VA employee takes a second look at the same evidence (closed record and no duty to assist).• Option for a one-time telephonic informal conference with the higher-level reviewer to discuss the error in the prior decision• <i>De novo</i> review with full difference of opinion authority• Duty to assist errors returned to lower-level for correction (quality feedback)• Tracked and controlled under EP 030 series• Decisionmakers are Decision Review Officers (DROs) and Senior VSRs	<ul style="list-style-type: none">• Evidence only docket: The appellant may submit evidence within the 90 day window following submission of the NOD. The Board does not have a duty to assist and the record is otherwise closed.• Direct docket: The appellant receives direct review by the Board of the evidence that was before VBA in the decision on appeal. The Board has a 365-day timeliness goal for this docket. Quality feedback loop for VBA.• Hearing docket: The appellant will be scheduled for a Board hearing. Additionally, the appellant may submit evidence within the 90 day window following the scheduled hearing. The Board does not have a duty to assist and the record is otherwise closed.



How to Opt-In

- Claimants must file an opt-in request within 60 days of receipt of the SOC/SSOC, or within the one-year appeal period if still within that timeframe. (see 38 CFR 3.2400(c)(2))
- Claimants will use the new enterprise-wide VA forms to “opt-in” a legacy appeal into the modernized system.
 - **VA Form 20-0995**, Decision Review Request: Supplemental Claim
 - **VA Form 20-0996**, Decision Review Request: Higher-Level Review
 - **VA Form 10182**, Decision Review Request: Board Appeal (Notice of Disagreement)



Impact to Indiana Veterans

Pending as of
December 1, 2018

Pending as of
December 1, 2020

Appeals Pending					
Appeal Stg	Nbr Pending	ADP in Stage	ADP from NOD	Median Days In Stage	Median Days from NOD
NOD	4,148	477.7	477.7	415.0	415.0
SOC	340	64.4	729.2	44.5	737.5
Form 9	442	582.6	1,401.4	403.0	1,448.0
Cert, ADV	1,030	194.1	1,158.4	144.0	1,194.0
BVA	695	306.2	2,001.0	267.0	1,865.0
Remand (RO)	689	540.8	2,920.1	366.0	2,885.0
Remand Retur..	6	389.2	2,811.7	343.5	2,715.5
Grand Total	7,350	414.8	1,015.2	294.0	786.0

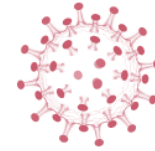


Appeals Pending					
Appeal Stg	Nbr Pending	ADP in Stage	ADP from NOD	Median Days In Stage	Median Days from NOD
NOD	33	1,072.3	1,072.3	928.0	928.0
SOC	28	211.4	1,194.8	55.5	951.5
Form 9	13	541.6	1,419.2	480.0	1,433.0
Cert, ADV	6	486.8	1,465.0	383.5	1,319.0
BVA	1,492	251.3	1,897.3	161.0	1,757.5
Remand (RO)	237	387.2	2,739.1	294.0	2,541.0
Remand Retur..	35	94.2	2,938.3	13.0	2,715.0
Grand Total	1,844	282.7	1,995.1	170.0	1,836.5





Impact of COVID-19



Exams

- ACE/Mental Tele-health
- Send in evidence
- Utilize PPE for in-person visits

Hearings

- Virtual
- Same result; Never leave home

Public Contact

- Visits by appointment
- Utilize PPE



Fiscal Year 2021 Focus

Current Remand
Inventory
35,743

Remand Inventory by
end of March 2021
17,000

Completion of Legacy Appeals



Questions