



APPEALS MODERNIZATION

BACKGROUND INFORMATION, SCRIPT, PROCEDURAL GUIDANCE, & FAQs

ISSUED DATE: SEPTEMBER 15, 2017

BACKGROUND INFORMATION

The Department of Veterans Affairs' (VA) current appeal process, which is set in law, is a complex and often lengthy process. Jurisdiction of appeals is split between VA and the Board of Veterans Appeals (BVA), adding additional complexity to the appeal process. This split jurisdiction also creates a strain on resources within VA as we process both claims and appeals. For seven consecutive years, VA has decided more than one million claims – a record for VA. Although the appeal rate has remained relatively static, at 11 to 12 percent of claims decided, the volume of appeals has grown in proportion to the volume of claims VA has decided. This continued growth is far beyond VA's capacity to timely resolve appeals under current law.

As a result of collaborative efforts between VA, Congressional staff, and Veterans Service Organizations, a legislative proposal outlining a new appeals process was introduced to Congress. The "Veterans Appeals Improvement and Modernization Act of 2017" (H.R. 2288) was signed into law on August 23, 2017.

To achieve the goal of a timely and understandable appeal process, the framework for the new process features clear lanes (i.e. supplemental claim, higher level review, and notice of disagreement) for claimants to address different concerns most efficiently. The new process provides for improved claim decision notices with plainly defined courses of action for disagreement with the decision.

Full implementation of the new legislation will occur in February 2019.

Disabilities determined by VA to be related to your military service can lead to monthly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



U.S. Department
of Veterans Affairs



“VA has been authorized to redesign and streamline the appeals system. The new system will meet Veterans’ expectations; it will be simple, timely, transparent, and fair. In this new system, the Board of Veterans’ Appeals will be the primary owner of appeals, which will ensure VA is utilizing resources more efficiently and effectively. Veterans should have confidence that if they disagree with a decision VA has made, they can appeal the decision while receiving the highest quality of service. ”

PROCEDURAL GUIDANCE

There are currently no procedural guidance changes. Updates will be released as the legislation is implemented.

FREQUENTLY ASKED QUESTIONS

Q1. HOW DOES APPEALS REFORM RELATE TO VA’S MODERNIZATION EFFORTS?

A1: Modernization is about simplifying the organization, removing burdensome bureaucracy, and focusing resources to deliver on the promise of better care and better service for Veterans and their families. The new appeal process simplifies the current complex process, provides claimants more options to meet their needs, and speeds the resolution of appeals.

Q2. WHAT PROPORTION OF CLAIMS BECOME APPEALS?

A2: On average, between 11 and 12 percent of all VA’s claims decisions are appealed by filing a notice of disagreement (NOD) with some aspect of the decision. Approximately 4-5 percent of all claims completed by VBA during a year are formally appealed to the Board of Veterans’ Appeals (BVA). These percentages have remained consistent, even as VBA completes significantly more claims and at higher accuracy levels.

Q3. HOW MANY APPEALS ARE CURRENTLY WITH VA AND HOW MANY APPEALS ARE WITH THE BOARD OF VETERANS’ APPEALS?

A3: Currently VA has a large number (approximately 438,524 at the end of FY 2015) of appeals pending. Of those, 353,977 are being processed at VBA, and 84,547 are under the BVA’s jurisdiction.



(Since an appellant can have more than one appeal pending in more than one stage of the appeal process, the total pending appeal number does not reflect distinct appellants, but rather, distinct appeals.)

Q4. WHAT IS VA’S STRATEGY TO ADDRESS THE INVENTORY OF LEGACY APPEALS AS IT TRANSITIONS TO THE NEW APPEALS SYSTEM?

A4: In an effort to streamline and improve appeals processing immediately, VA realigned its administrative appeals program under the Appeals Management Office (AMO), formerly known as the Appeals Management Center (AMC). The realignment created a single accountable office responsible for overseeing appeals. Previously, jurisdiction was split between the AMC and 56 regional offices within the Veterans Benefits Administration.

EFFECTIVE DATE FOR QUALITY REVIEW PURPOSES	CHANGE
11/1/17	<ul style="list-style-type: none">• Original Document Issued

