



Board of Veterans' Appeals

Chairman Cheryl L. Mason

February 2019



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of Veterans Affairs

Overview

Mission

The Board's mission 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 in a matter under which 38 U.S.C. § 511(a) is subject to decision by the Secretary shall be subject to one review on appeal to the Secretary. Final decisions on such appeals are made by the Board.



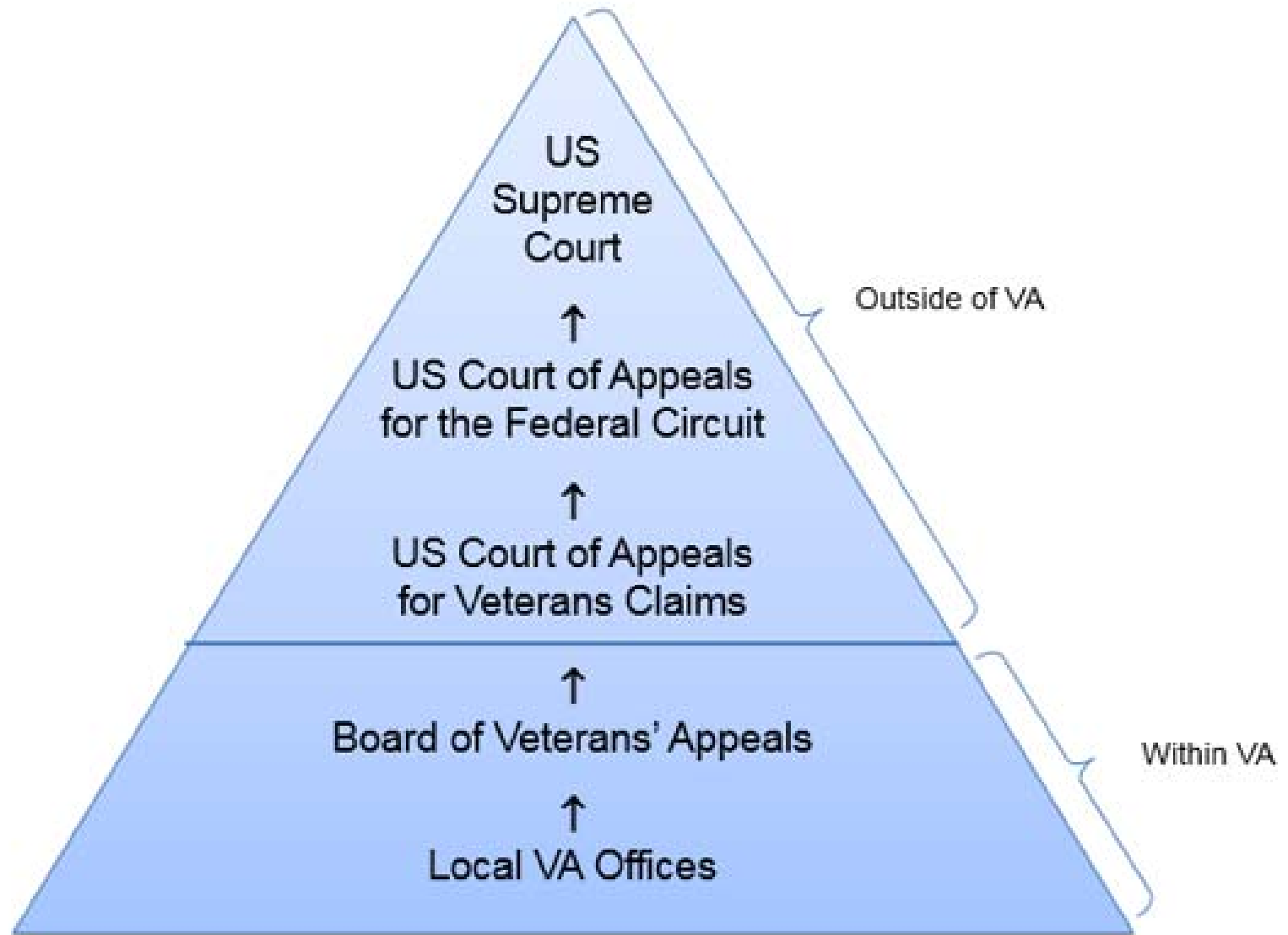
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The Appellate Landscape



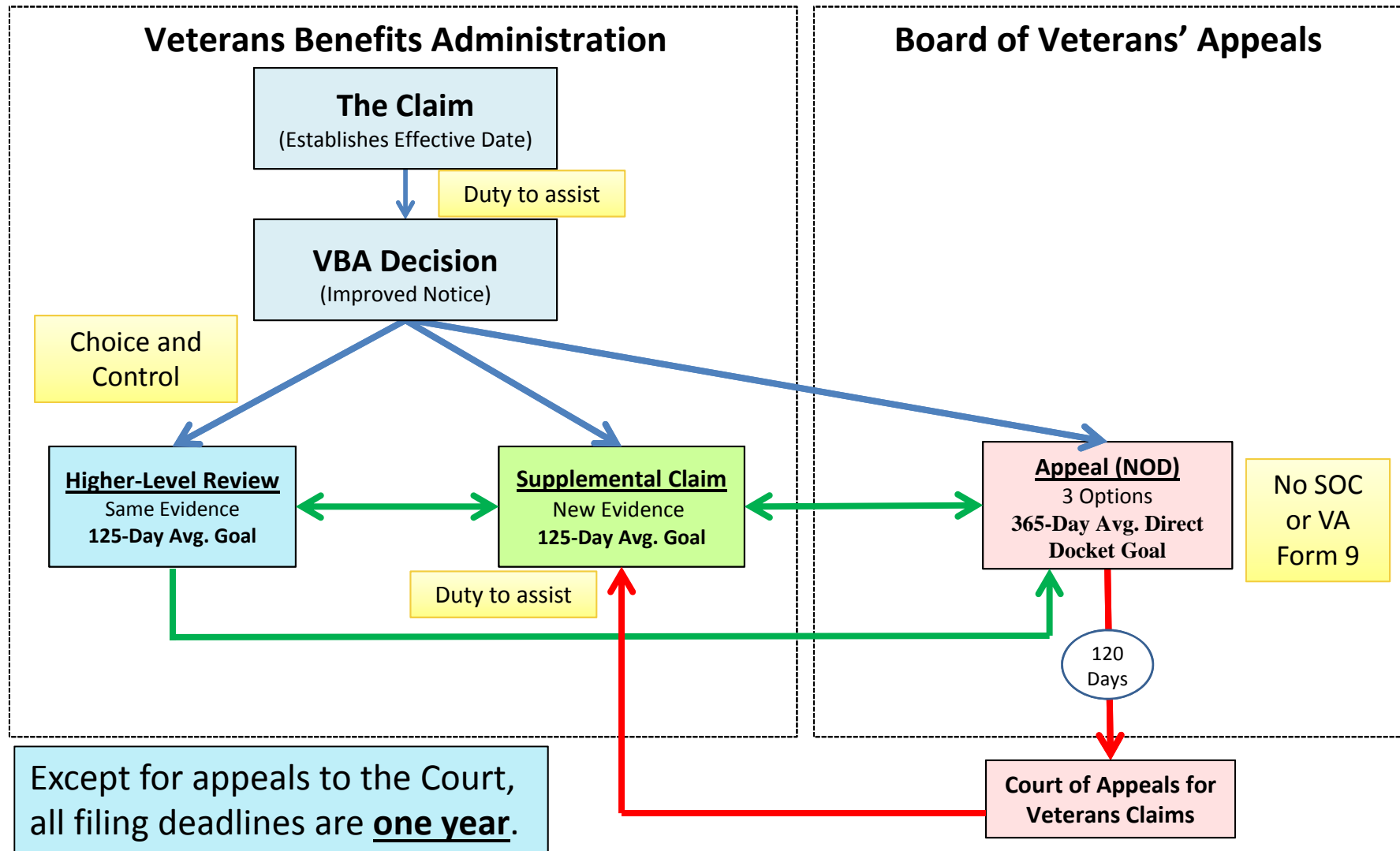
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New Decision Review Process



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Which AOJ lane to choose?

Under Appeals Modernization beginning February 2019

	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	The Judge will review the same record and make a decision. No new evidence will be added.	You will have 90 days from your NOD to submit any new evidence. The Judge will make a decision considering the evidence you provided.	You will be placed on a list for a hearing before a Judge by videoconference (or in DC). After your hearing you will have 90 days to submit new evidence. The Judge will make decision considering the hearing and the evidence you provided.
How long	365 days (on average)	Over 365 days	Based on availability. Currently the Board has 98 Judges. There are approximately 67,000 Veterans waiting for hearings.



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Decision Review Request: Board Appeal

Fill out this form 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 hearing with the Board, choose Hearing Request.

OMB Approval No. 2000-0674
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
		CCSS -	
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) <input type="checkbox"/> 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 refer to the attached information and instructions.)			
<input type="checkbox"/> 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.)			
<input type="checkbox"/> 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.)			
<input type="checkbox"/> 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.			
<input type="checkbox"/> 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. <input type="checkbox"/> 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.**



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Decision Review Request: Board Appeal

How do I...?		When?
Change review options at the Board	Fill out a new Board Appeal form. Make sure you check the box for the new review option, and list all of the issues.	To change the lane elected at the Board, you have 1 year from the date on the decision, or 60 days from the date that you submitted your Board Appeal, whichever is later.
Request different Board review options for different issues	You can submit one Board Appeal form and attach additional pages to explain how you want your issues reviewed, or you can submit multiple Board Appeal forms – one for each review option.	You have 1 year from the date on your decision to file an appeal at the Board.
Change review options from Board Appeal to Supplemental Claim or Higher-Level Review	Tell the Board – in writing – that you wish to withdraw your Board Appeal. File a Supplemental Claim or Higher-Level Review with the local VA office that issued the last decision.	You have 1 year from the date on your decision to request to appeal. You need to withdraw your Board Appeal before you can request a different type of review.



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Board Dockets FY 19

Priority to Advanced on the Docket on all dockets.

Board Priorities
Legacy appeals
Legacy appeals with hearings*
AMA Direct Lane (365 average processing goal)
AMA Evidence
AMA Hearings*

Honoring a
promise made by
VA in March 2016.

*Hearing requests may result in a multi-year delay in Board adjudication. Approximately 67,000 Veterans are waiting for a hearing with one of the 98 VLJs.



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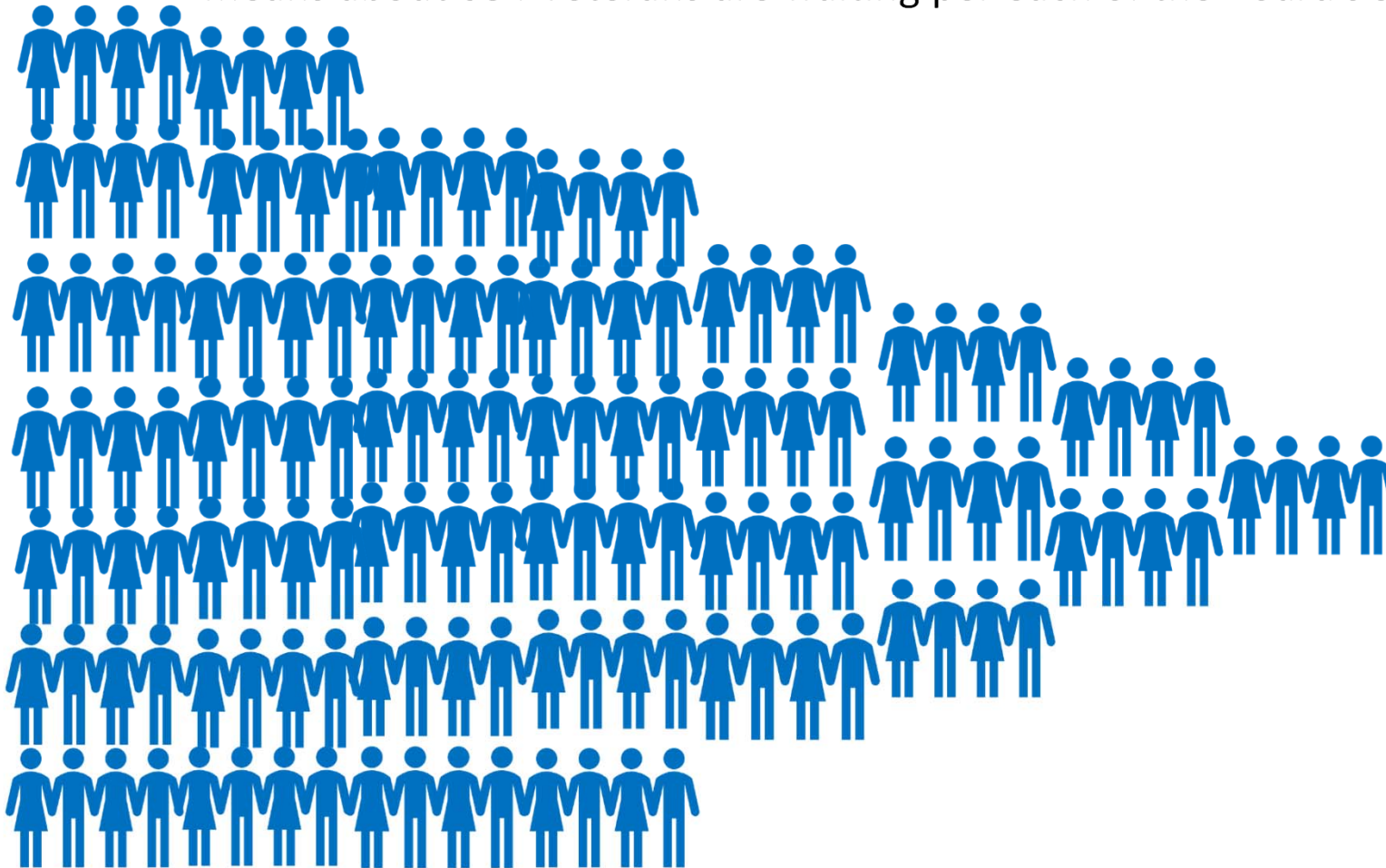
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Pending Board Hearings

There are currently approximately 67,000 Veterans waiting for a Board hearing. That means about 684 Veterans are waiting per each of the Board's 98 VLJs.



Each VLJ holds roughly 200 hearings per year.

Each figure represents approximately 5 waiting Veterans.



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Board 2.0 Priorities



Action



Service



Modernization



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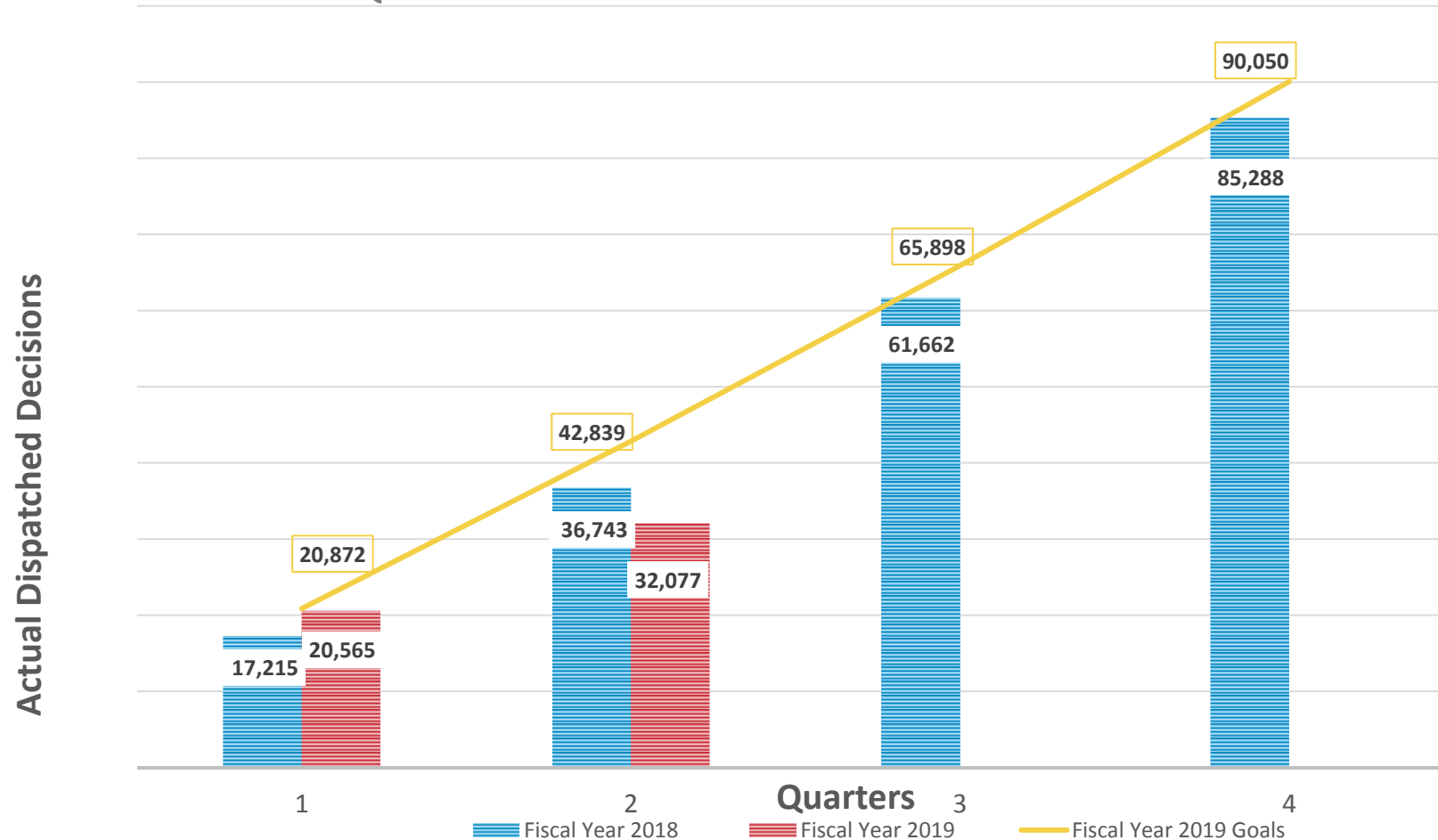
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Board of Veterans' Appeals – Decisions

FY 2018 VS. FY 2019 QUARTERLY CUMULATIVE APPEALS DECISIONS



*Data is thru February 17, 2019. Through this date the Board has 33,197 decisions signed.



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FOUO, Working Draft, Pre-Decisional, Deliberative Document

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FY 18 Successes

- The Board issued **85,288 decisions**, serving more Veterans than any of fiscal year in the Board's history.
 - The Board's average working docket date progressed from February 2014 to October 2016 in FY18.
- The Board's VLJs held **16,423 hearings**. There were **24,045** hearings scheduled. Over 8,000 hearings were scheduled but not held due to postponements, rescheduling and appellants failing to report.
 - The majority (11,660) were video hearings.
- The Board hired up to a total of **1,055 FTE** in FY 18.



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Board Hearing Scheduling

- The Board is transitioning to take over hearing scheduling from the Veterans Benefits Administration in April 2019.
- There are additional staff in the hearing unit to provide customer service to Veterans and representatives with questions.
- The Board increased the number of hearings in FY2019. Over 10,000 more hearings are scheduled than in FY2018.
- The Board is planning to use retired Veterans Law Judges to hold hearings to reduce the number of pending hearings.
- The Board is exploring options to provide more convenient hearings options to Veterans and utilizing IT efficiencies for automated scheduling.



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Hearing Scheduling after April 2019

	Responsible prior to April 2019	Responsible after April 2019
Legacy video hearing scheduling	RO	Board
Legacy travel board hearing scheduling	RO	Board
AMA video hearing scheduling	N/A	Board
Mailing scheduling letters	RO	Board
Set up and break down of hearing rooms	RO	RO
Greeting and escorting appellants and representatives to hearing room	RO	RO
Operating on-site hearing equipment	RO	RO



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SecVA Customer Service Prime Directive

“VA will be driven by customer feedback, unified Veteran Data, and employees characterized by a customer-centric mindset to make accessing VA services seamless, effective, efficient and emotionally resonant for our Veterans.

To provide Veterans with better choices and improved access to the benefits, care, and services they need, we must enhance our understanding of what Veterans are experiencing at each phase of their life journey, establish interactive relationships with Veterans prior to their release from active duty, and ensure VA understands what Veterans need.

VA will leverage an understanding of Veterans’ needs, as well as incorporate the findings of continuous market analyses and feedback, to identify the most available, easily accessed and quality care, benefits, and services. Our lines of communication must be clear and understandable.”

—VA Secretary Wilke

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BOARD2.0
every decision matters

Board Surveys

To measure Veteran experience, the Board developed surveys to ask Veterans about their experiences during the appeals process to include when filing appeals in the AMA and in the legacy systems, after a Board hearing, and after Veterans receive a decision in order to analyze their feedback and improve performance in all areas.



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Board Surveys: Analysis

Analysis of Likert-Scale Responses to Board Hearing Survey:

<u>Survey Question</u>	% "Strongly Agree" and "Agree" Responses January 2019	% "Strongly Agree" and "Agree" Responses FY19 Q1
The Veterans Law Judge (VLJ) who held the hearing listened to me.	93.8%	94.5%
The Veterans Law Judge (VLJ) explained things to me in a way that was easy to understand.	92.8%	91.4%
If necessary, it was clear to me how to submit new evidence following my hearing.	74.0%	75.6%
I am satisfied with the service I received from the Board of Veterans' Appeals.	70.1%	71.2%
I understood what I needed to do to prepare for my hearing (for example: gathering evidence, requesting legal aid, etc.).	69.1%	79.1%
I trust the Board of Veterans' Appeals to fulfill our country's commitment to Veterans and their families.	67.0%	67.5%
I knew what to expect on the day of the hearing.	55.7%	67.5%
I received a hearing date in a timely fashion.	50.5%	52.8%



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Change Mgmt/Employee Engagement Initiatives

- The Board launched a **Change Management** initiative in early-2018 which included training, Board-wide surveys, a change network for employees and enhanced communication strategies.
- An **Employee Engagement** initiative is currently rolling out at the Board, including events which connect staff to the mission. These include visits by future service puppies, communications highlighting individual veterans, Veteran focused messaging during Town Halls and service projects dedicated to assisting Veterans groups.
- The Board launched internal voting on a Board-wide phrase to create cohesiveness and motivate Board staff. The phrase adopted was **Mission: Veterans.**



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Useful Links

- Board's webpage:

Check it out!

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

- Vets.gov appeals status tracker:

www.va.gov



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