

## The Fully Developed Appeals Pilot Program

While the Department of Veterans Affairs has made significant progress in reducing the claims backlog, DAV has remained concerned with another equally important part of benefits adjudication—the appeals process. On January 22, 2015, DAV testified before the House Disability and Memorial Affairs (DAMA) Subcommittee, to address concerns plaguing the appeals process and to also offer solutions. During our 2015 Mid-winter conference, we encouraged our DAV members to ask their members of Congress to support this proposal.

DAV believes that accuracy, timeliness, clarity and credibility of decisions made in claims can have a direct relationship on the appeals rate and backlog. It is our view that veterans (and their representatives) who receive rating decisions in a reasonable and predictable timeframe with understandable and correct decisions are less likely to appeal. As we and others have said for years, the most important principle of claims processing, and therefore the key to appeals as well, is *getting each claim done right the first time*.

As the volume of submitted and decided claims grows, so does the volume of appeals. According to Veterans Benefit Administration (VBA) data, the number of appealed claims decisions, those for which a Notice of Disagreement (NOD) is filed, has continued to average around 11 to 12 percent of the total number of claims decided. While VBA's pending claims inventory has come down, the appeals backlog has gone up. In part, this is a function of the volume of rating decisions issued resulting in a proportionately increasing number of appeals filed. However, it is also partially the result of VBA's "all-hands-on-deck" approach to reducing the claims backlog that has diverted VBA employees to appeals-related work, but whose primary function is to process claims.

DAV has recommended to Congress that VBA strengthen its Decision Review Officer (DRO) program, be provided with adequate resources to process appeals, improve the rating board notification letters, and create a voluntary Fully Developed Appeals (FDA) Pilot Program. Within this FDA Pilot Program, appellants could elect to voluntarily bypass several current processing steps in exchange for faster decisions.

The FDA would also allow veterans to retain the ability to submit additional evidence, along with any arguments in support of their appeals, at the time they voluntarily elected to enter the FDA program. Veterans who voluntarily enter the FDA program would retain the right to *opt out* at any time, thereby preserving their rights under the standard appeal process. The FDA concept was modeled on the existing and highly successful Fully Developed Claims program that allows veterans to take on the responsibility for gathering their private evidence in exchange for faster rating decisions.

In response to collaborative efforts between DAV, other veteran service organization, VA, Congress and other stakeholders, H.R. 800, the Express Appeals Act, was introduced in the House. The bill has been approved at the Subcommittee level soon will be considered by the full committee.

In order to make the FDA a reality, additional grassroots support is needed. Please continue to contact your elected officials to ensure their support of this initiative.