

ISSUE BRIEF: IMPLEMENTATION OF APPEALS REFORM

The Situation

- In August 2017, the Veterans Appeals Improvement and Modernization Act of 2017 was signed into law (P.L. 115-55). It is required to be fully implemented in February 2019.
- Under the new appeals system, in general, veterans unsatisfied with their claims decision will be able to elect one of three options within one year of the claims decision to protect their effective date. First, there will be an option for a local Higher Level Review of the original claim decision based on the evidence of record at the time of the claim decision. Second, there will be an option for a Supplemental Claim when new and relevant evidence is presented or a hearing requested. Third, there will be an option to pursue an appeal directly to the Board, with or without new evidence or a hearing request.
- The new law also requires VA to improve the contents of decision notification letters so that they are clearer, easier to understand and simpler to navigate.
- The law required VA to develop and implement a plan to address the processing of legacy appeals and to prepare for the implementation of the new appeals system.

The Challenge

- The VA is required to provide a Comprehensive Plan for Processing Legacy Appeals and Implementing the Modernized Appeals System, every 90 days. The first plan was introduced in November 2017.
- To address the backlog of VA's legacy appeals, the Rapid Appeals Modernization Program (RAMP) was launched in November 2017 to offer veterans with the oldest legacy appeals the ability to opt-in to the new system early if they chose either the Higher Level Review or Supplemental Claim option.
- VA must draft, review and promulgate new regulations to implement the new statute prior to its February 2019 enactment date.
- VA must develop a plan to simultaneously manage up to five dockets at the Board of Veterans' Appeals to address appeals filed under the new statute as well as pending legacy appeals.
- VA must develop and deploy new IT systems before February 2019 that will concurrently manage both new and legacy appeals, and sufficient IT resources must be dedicated to this task.

The Solution

- Congress must conduct vigorous oversight to ensure all provisions of the Veterans Appeals Improvement and Modernization Act of 2017 are fully, faithfully and timely implemented.
- VA must request, and Congress must provide, adequate resources to implement all phases of the new appeals system.
- VA must continue working closely with veterans service organizations and other stakeholders to ensure the new appeals system operates effectively as intended.