



U.S. Department

f Veterans Affairs

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**February 2020 Update**

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**Executive Summary**

*Comprehensive Plan for Processing of Legacy  
Appeals and Implementing the New Appeals System                      Periodic Progress  
Reports*

## I. Requirement for Periodic Progress Reports

Public Law 115–55, 115th Congress

The “Veterans Appeals Improvement and Modernization Act of 2017”

Sec. 3. Comprehensive Plan for Processing of Legacy Appeals and Implementing New Appeals System.

*(d) **Periodic Progress Reports.**—Not later than 90 days after the date on which the Secretary submits the plan under subsection (a), not less frequently than once every 90 days thereafter until the applicability date set forth in section 2(x)(1), and not less frequently than once every 180 days thereafter for the seven-year period following such applicability date, the Secretary shall submit to the appropriate committees of Congress and the Comptroller General a report on the progress of the Secretary in carrying out the plan and what steps, if any, the Secretary has taken to address any recommendations formulated by the Comptroller General pursuant to subsection (c)(2)(C).*

## II. GAO Recommendations on Appeals

**VA Disability Benefits: Improved Planning Practices Would Better Ensure Successful Appeals Reform**

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**GAO Findings:**

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**VA Disability Benefits: Additional Planning Would Enhance Efforts to Improve the Timeliness of Appeals Decisions**

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**GAO Findings:**

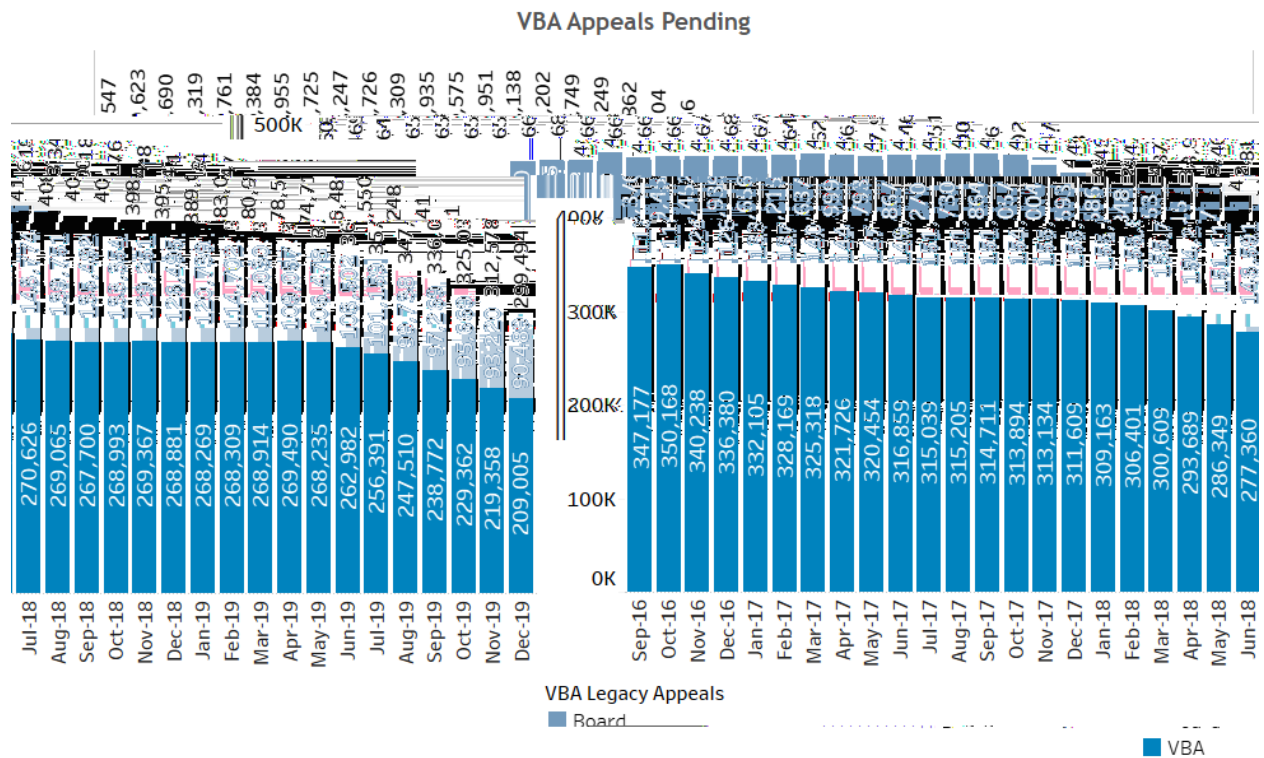
### III. Comprehensive Plan

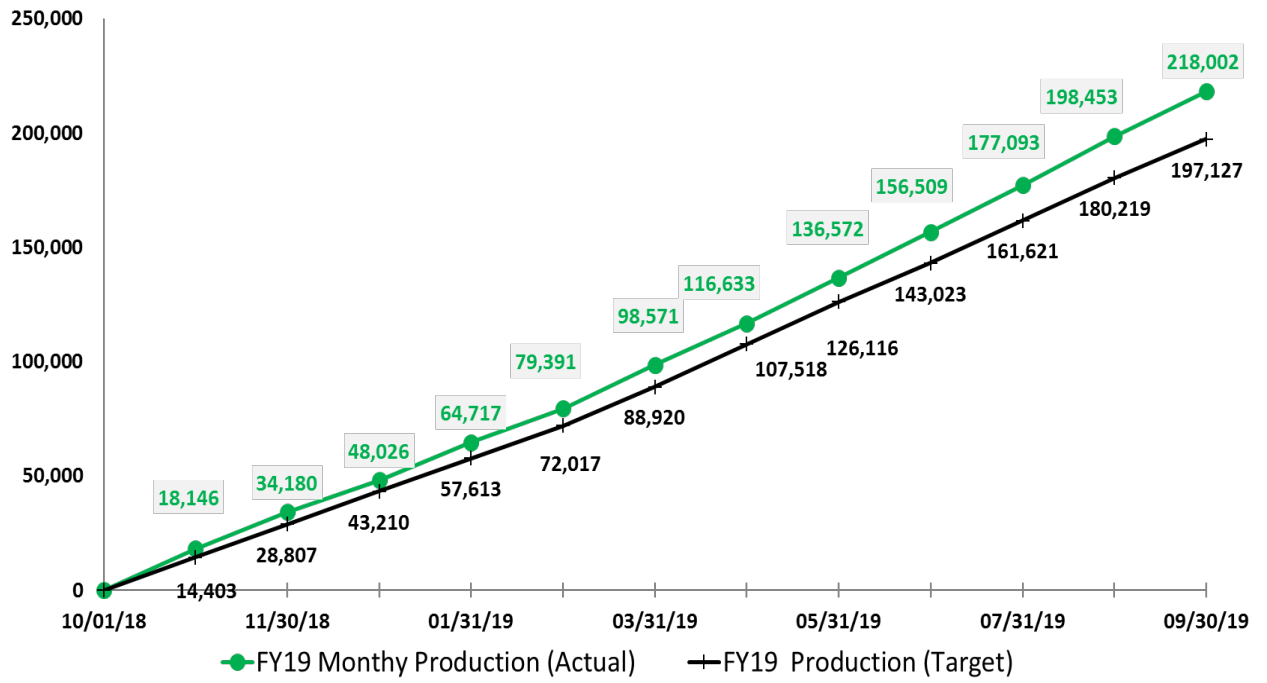
#### Implementation Plan Requirements

##### Section 3(a)(1) – Processing of Legacy Appeals

[T]he Secretary of Veterans Affairs shall submit to the appropriate committees of Congress and the Comptroller General of the United States a comprehensive plan for—

- (1) the processing of appeals of decisions on legacy claims that the Secretary considers pending;





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**Section 3(a)(2) – Implementing the New Appeals System**

*(2) implementing the new appeals system;*

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**Section 3(a)(3) – Timely Processing Under New Appeals System**

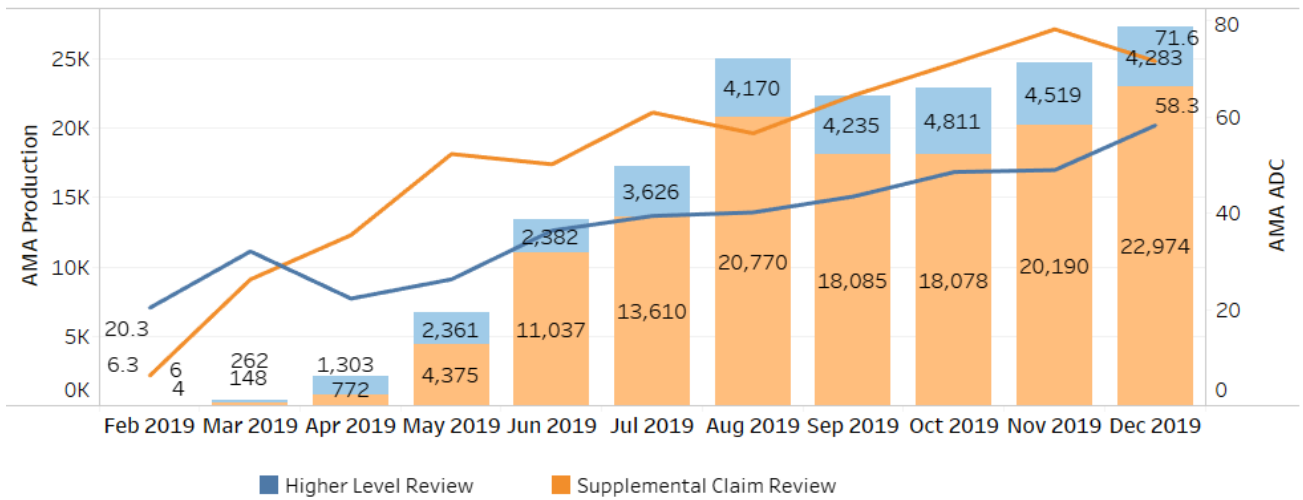
*(3) timely processing, under the new appeals system, of—*

*(A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i);*

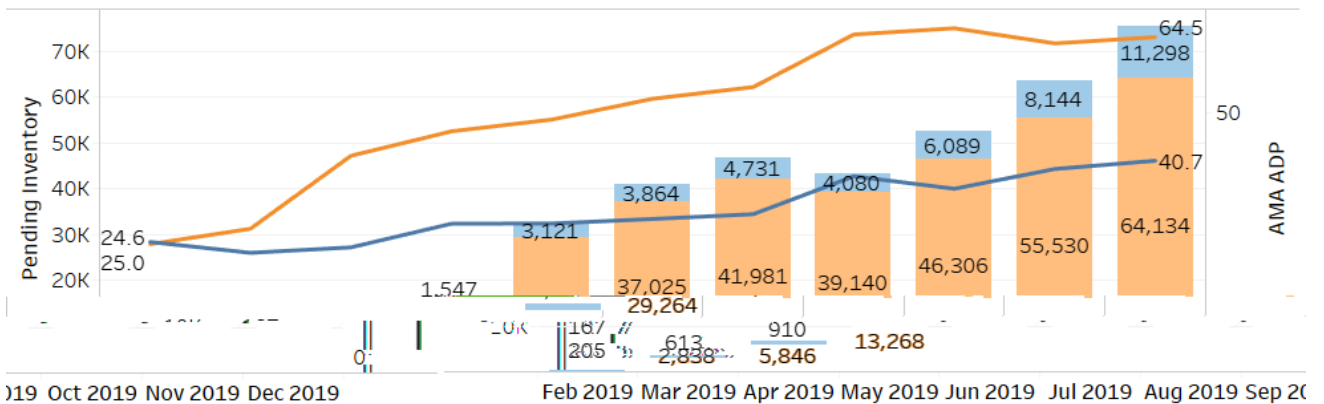
*(B) requests for higher-level review under section 5104B of such title, as added by section 2(g); and*

*(C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(f).*

AMA Completions and Average Days to Complete (ADC) Month-to-Date (MTD)



AMA Pending Inventory and Average Days Pending (ADP)





**Section 3(a)(4) – Monitoring Metrics and Goals of New Appeals System**

*(4) monitoring the implementation of the new appeals system, including metrics and goals—*

- (A) to track the progress of the implementation;*
- (B) to evaluate the efficiency and effectiveness of the implementation; and*
- (C) to identify potential issues relating to the implementation.*

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## Plan Elements

### **Sections 3(b)(1) & (2) – Resource and Personnel Requirements**

*(1) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans' Appeals, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.*

*(2) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—*

*(A) period in which the Administration and the Board are concurrently processing—*

*(i) appeals of decisions on legacy claims; and*

*(ii) appeals of decisions on non-legacy claims under the new appeals system;*

*(B) Period during which VBA and the Board are no longer processing any appeals on legacy claims.*



**Section 3(b)(3) – Legal Authorities for Hiring and Removing Employees**

*(3) Identification of the legal authorities under which the Administration or the Board may—*

*(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and*

*(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.*

**Section 3(b)(4) – Estimated Time for Hiring Employees**

*(4) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees.*

**Section 3(b)(5) – Higher-Level Adjudicator Training and Experience Requirements**

*(5) A description of the amount of training and experience that will be required of individuals conducting higher-level reviews under section 5104B of title 38, United States Code, as added by section 2(g).*

**Section 3(b)(6) – Estimated Percentage of Higher-Level Adjudicators Who Were Decision Review Officers**

*(6) An estimate of the percentage of higher-level adjudicators who will be employees of the Department of Veterans Affairs who were Decision Review Officers on the day before the new appeals system takes effect or had experience, as of such date, comparable to that of one who was a Decision Review Officer.*

**Section 3(b)(7) – Decision Review Officer Functions in New System**

*(7) A description of the functions that will be performed after the date on which the new appeals system takes effect by Decision Review Officers who were Decision Review Officers on the day before the date the new appeals system takes effect.*

**Section 3(b)(8) – Training Identification and Timeline**

*(8) Identification of and a timeline for—*

*(A) any training that may be required as a result of hiring new employees to carry out the new appeals system or to process appeals of decisions on legacy claims; and*

*(B) any retraining of existing employees that may be required to carry out such system or to process such claims.*

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### **Section 3(b)(9) – Costs of Training**

*(9) Identification of the costs to the Department of Veterans Affairs of the training identified under paragraph (8) and any additional training staff and any additional training facilities that will be required to provide such training.*

### **Section 3(b)(10) – Modifications to Information Technology Systems**

*(10) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.*

**Section 3(b)(11) – Estimate of Office Space by Phase**

*(11) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including—*

*(A) an estimate of the amount of time the Administration and the Board will require to acquire any additional office space to carry out processing of appeals of decisions on legacy claims and processing of appeals under the new appeals system;*

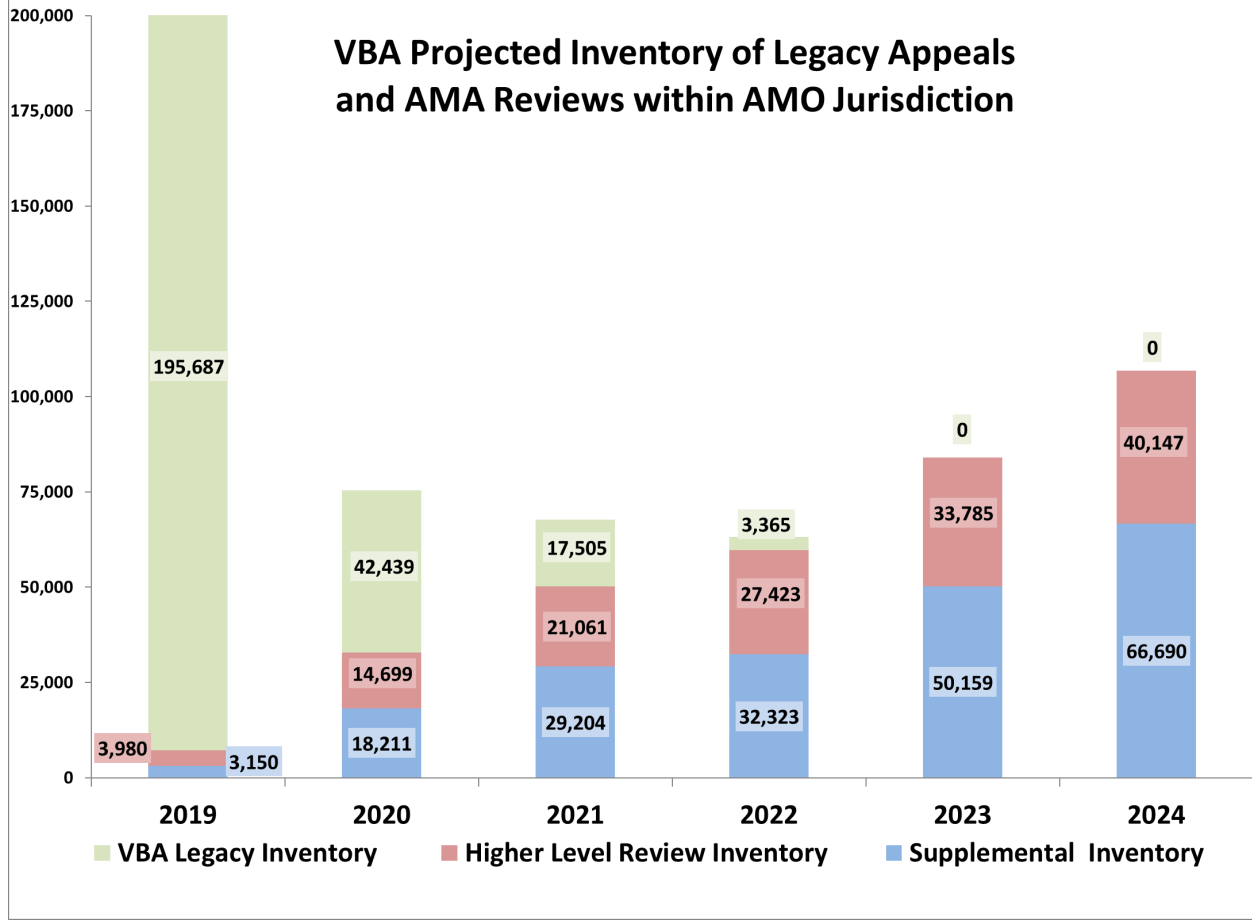
*(B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and*

*(C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.*

**Section 3(b)(12) – Projections for the Productivity of Individual Employees**

*(12) Projections for the productivity of individual employees at the Administration and the Board in carrying out tasks relating to the processing of appeals of decisions on legacy claims and appeals under the new appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).*

### VBA Projected Inventory of Legacy Appeals and AMA Reviews within AMO Jurisdiction







**Section 3(b)(13) – Outreach Plan**

*(13) An outline of the outreach the Secretary expects to conduct to inform veterans, families of veterans, survivors of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about the new appeals system, including—*

- (A) a description of the resources required to conduct such outreach; and*
- (B) timelines for conducting such outreach.*

**Section 3(b)(14) – Timeline for Policy Updates**

- (14) Timelines for updating any policy guidance, Internet Websites, and official forms that may be necessary to carry out the new appeals system, including—*
- (A) identification of which offices and entities will be involved in efforts relating to such updating; and*
  - (B) historical information about how long similar update efforts have taken.*

*Appeals.*

### **Section 3(b)(15) – Timeline for Promulgating Regulations**

*(15) A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.*

### **Section 3(b)(16) – Outline of “Opt-In” Circumstances**

*(16) An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to have their appeals reviewed under the new appeals system.*

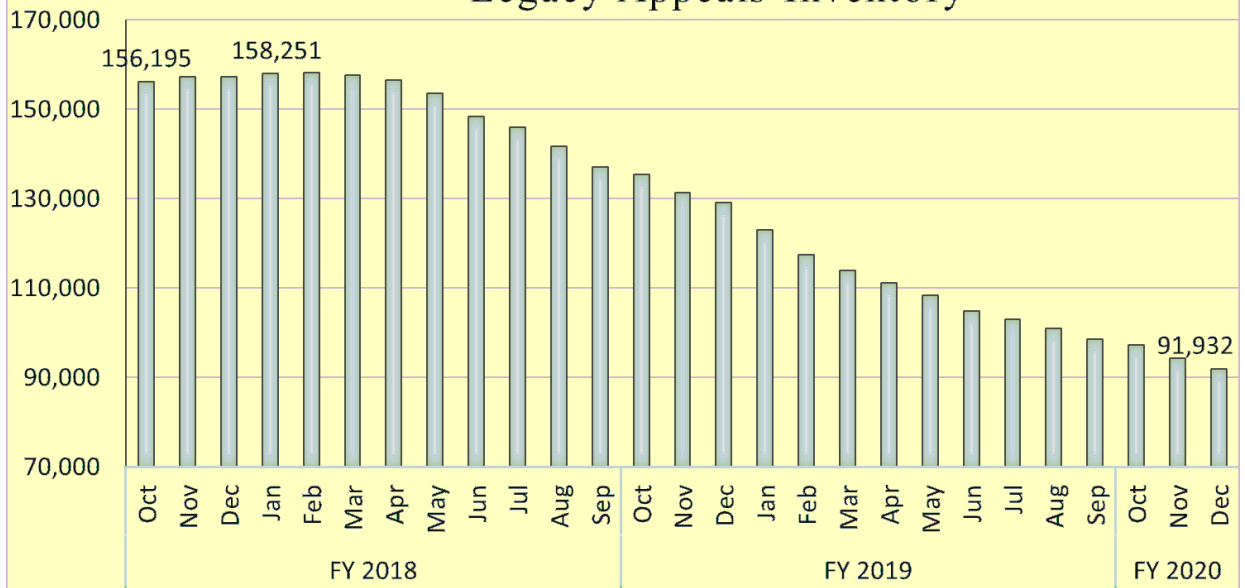
### **Section 3(b)(17) – Key Goals & Milestones for Reducing Legacy Appeals**

*(17) A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected*

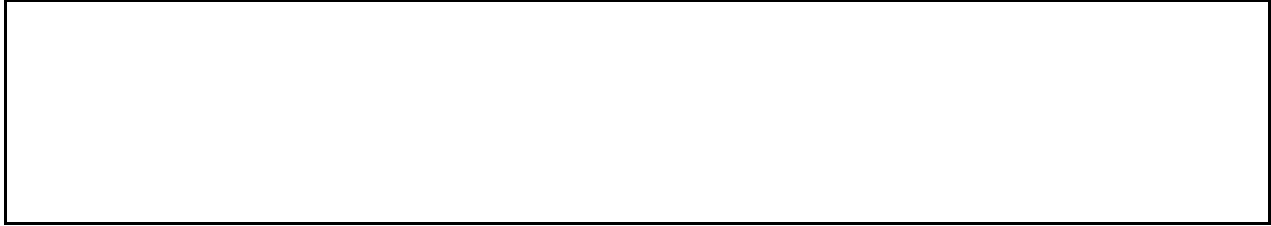
*number of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one-year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.*

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## Board of Veteran's Appeals Legacy Appeals Inventory







**Section 3(b)(18) – Risk Factors**

*(18) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.*

**1. Resource Requirements (Section 3(b)(1))**

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**2-3. Personnel (Section 3(b)(2)-(3))**

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**4. Estimated Time for Hiring Employees (Section 3(b)(4))**

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**5. Training and Experience Required of Higher-Level Adjudicators (Section 3(b)(5))**

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**6. Estimated percentage of higher-level adjudicators who were Decision Review Officers (Section 3(b)(6))**

**7. Decision Review Officer functions in new system (Section 3(b)(7))**

**8. Training Timeline (Section 3(b)(8))**

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**9. Costs of Training (Section 3(b)(9))**

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**10. Information Technology (Section 3(b)(10))**

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**11. Estimate of office space by phase (Section 3(b)(11))**

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**12. Projections for the productivity of individual employees (Section 3(b)(12))**

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**13. Outreach Plan (Section 3(b)(13))**

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**14. Timeline for Policy Updates (Section 3(b)(14))**

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**15. Timeline for Promulgating Regulations (Section 3(b)(15))**

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**16. Outline of “Opt-In” Circumstances (Section 3(b)(16))**

**17. Key goals and milestones for reducing legacy inventory (Section 3(b)(17))**

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#### **IV. Pilot Programs to Test Assumptions**

*(a) AUTHORIZATION.—*

*(1) IN GENERAL.—The Secretary of Veterans Affairs may carry out such programs as the Secretary considers appropriate to test any assumptions relied upon in developing the comprehensive plan required by section 3(a) and to test the feasibility and advisability of any facet of the new appeals system.*

*(2) REPORTING REQUIRED.—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals system are necessary, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination.*

**VBA's Test Program: RAMP**

**Appendix A – Board of Veterans’ Appeals Outreach**

<b><u>FY- Quarter</u></b>	<b><u>Completed Outreach Task Date</u></b>	<b><u>Outreach/Communication Activities</u></b>
	<i>VSO Engagement</i>	
	<i>Stakeholder Outreach</i>	
	<i>Stakeholder Outreach</i>	
	<i>VSO Engagement</i>	
	<i>VSO Engagement</i>	
	<i>VSO Engagement</i>	
	<i>Media</i>	

	<i>Stakeholder Outreach</i>	
	<i>VSO Engagement</i>	
	<i>VSO Engagement</i>	
	<i>VSO Engagement</i>	
	<i>Media</i>	
	<i>VSO Engagement</i>	
	<i>VSO Engagement</i>	
	<i>VSO Engagement</i>	



	<i>Media</i>	
	<i>Stakeholder Outreach</i>	
	<i>Stakeholder Outreach</i>	
	<i>Media</i>	
	<i>VSO Engagement</i>	
	<i>Media</i>	

**Estimate of Cost to Prepare  
Congressionally-Mandated Report**

**Short Title of Report:** \_\_\_\_\_

**Report Required By:** \_\_\_\_\_

**Manpower Cost:** \_\_\_\_\_

**Contract(s) Cost:** \_\_\_\_\_

**Other Cost:** \_\_\_\_\_

**Total Estimated Cost to  
Prepare Report:** \_\_\_\_\_