



# U.S. Department of Veterans Affairs

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Periodic Progress Report on Appeals  
Public Law 115-55, Section 3

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**February 2022 Update**

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## **Executive Summary**

This report is the sixth post-implementation report that satisfies section 3 of the Veterans Appeals Improvement and Modernization Act of 2017 (Appeals Modernization Act or AMA), Comprehensive Plan for Processing of Legacy Appeals and Implementing the New Appeals System, paragraph (d), Periodic Progress Reports. VA is required to submit post-implementation reports every 180 days.

On February 19, 2019, VA successfully implemented the new claims and appeals system after benefiting from feedback received from stakeholders, including Veterans Service Organizations (VSOs) and the Government Accountability Office (GAO). This report focuses on elements that are relevant to post-implementation, ongoing support for the AMA and VA's comprehensive plan to process legacy and AMA appeals.

## I. Requirement for Periodic Progress Reports

*P.L. 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

In this report, VA provides an update on findings contained in the following GAO reports. For more information on GAO findings, including the status of the recommendations they contain, please see the provided hyperlinked websites.

### A. Summary of GAO Reports

**Report 1:** VA Disability Benefits: Improved Planning Practices Would Better Ensure Successful Appeals Reform, [GAO-18-352](#), published March 22, 2018.

**GAO’s Findings:** “VA’s plan for implementing a new disability appeals process while attending to appeals in the current process addresses most, but not all, elements required by the AMA. VA’s appeals plan reflects certain sound planning practices, but it could benefit from including important details in several key planning areas.”

In its fiscal year (FY) 2018 report, GAO raised the following questions:

- Whether VA had sufficient personnel and information technology (IT) resources to implement the AMA;
- How VA would delineate resources between the legacy and AMA systems;
- How VA would measure success in the new system; and
- Whether VA’s master schedule/project plan and risk assessment were adequate.

The Board released timeliness goals for its two remaining AMA dockets (Evidence Submission and Hearing) in FY 2021. Establishing these goals satisfied an open GAO High Risk List recommendation (GAO-18-352) and the Board has begun monitoring and reporting monthly and will capture results through the FY 2022 VA Annual Performance Plan and Review.

**Report 2:** VA Disability Benefits: Additional Planning Would Enhance Efforts to Improve the Timeliness of Appeals Decisions, [GAO-17-234](#), published March 23, 2017.

**GAO's Findings:** "VA is taking steps to improve the timeliness of its benefit compensation appeals process, in which Veterans who are dissatisfied with claims decisions by the Veterans Benefits Administration (VBA) can appeal first to VBA, and then to the Board of Veterans' Appeals (Board). VA has taken actions related to increasing staff, reforming the process and updating IT, which are consistent with relevant sound planning practices."

GAO recommended that VA implement the following:

- Apply sensitivity analyses when projecting staff needs;
- Develop a timelier and more detailed workforce plan;
- Develop a robust plan for monitoring process reform;
- Develop a strategy for assessing process reform; and
- Create a schedule for IT improvements that considers plans for potential process reform.

GAO recently closed two outstanding recommendations from VA DISABILITY BENEFITS, Additional Planning Would Enhance Efforts to Improve the Timeliness of Appeals Decisions (GAO-17-234). on appeals reform planning. Sufficient actions and progress led to closure for both Recommendation 1 (workforce plan) and Recommendation 4 (enhance plan to monitor implementation).

## **B. VA's Progress to Address Both GAO Reports**

VA successfully implemented the AMA in February 2019 and addressed the concerns discussed in the March 2018 and March 2017 GAO reports as follows:

- VA developed a robust, scalable model, which was presented to GAO and projected timeliness and appeals inventories;
- VA's test programs, the Rapid Appeals Modernization Program (RAMP) and the Board of Veterans' Appeals Early Applicability of Appeals Modernization (BEAAM), provided sensitivity analysis and information about Veteran preferences that enabled VA to improve services to Veterans, VA policies and operating procedures;
- With the support of project management experts, VA continuously updated and improved the project plan, leading to successful implementation of AMA;
- Test programs supported VA's efforts to improve risk assessment by testing processes and technology prior to implementation;
- Extensive reporting requirements in sections 3 and 5 of the AMA ensured transparency in monitoring and assessing process reform; and
- VA expanded quality review and training programs including AMA procedures. Further details on VA's plans for recruiting, hiring and training are addressed in Part III of this report.

### III. Comprehensive Plan

#### Implementation Plan Requirements

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

(a) PLAN REQUIRED.—[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;

VA’s Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals, informed by continuous stakeholder engagement as well as sound project management practices. This prioritization will significantly reduce the number of legacy appeals pending before the Board and in all three Administrations: VBA, Veterans Health Administration (VHA), and the National Cemetery Administration (NCA). The plan demonstrated significant progress by reducing the number of pending legacy appeals by approximately 66%, from 347,975 pending at the beginning of FY 2020, to 116,901 pending at the end of Quarter 1 (Q1) FY 2022 (see Table 1).

The Board continues to prioritize resources in FY 2022 to address the pending legacy appeals inventory. The Board has set a goal to adjudicate over 111,500 appeals in FY 2022. Through December 2021, the Board has dispatched 20,469 decisions, with 16,280 (80%) of those decisions occurring in the legacy system. As a result of this and VBA, VHA and NCA’s efforts, VA’s total legacy appeals inventory dropped almost 7% in the Q1 FY 2022. Approximately half of all Board legacy decisions do not result in a fully resolved appeal from the total VA legacy inventory due to remanded appeals that require additional development and are returned to the agency of original jurisdiction.

Table 1. Pending Legacy Appeals by VA Office - FY 2020 through Q1 FY 2022.

	FY 2020				FY 2021				FY 2022
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
<b>VBA</b>	209,005	173,800	89,242	51,049	38,611	32,262	32,043	31,425	29,757
<b>VHA</b>	5,629	3,208	2,372	2,037	1,888	1,768	1,675	1,444	1,417
<b>NCA</b>	119	186	76	33	8	3	3	10	6
<b>Board</b>	91,463	78,891	109,969	121,569	120,421	114,089	102,825	92,461	85,721
<b>Total:</b>	<b>306,216</b>	<b>256,085</b>	<b>201,659</b>	<b>174,688</b>	<b>160,928</b>	<b>148,122</b>	<b>136,546</b>	<b>125,340</b>	<b>116,901</b>
*FY 2020 began with 347,975 legacy appeals pending department wide.									

Figure 1 outlines projected inventory levels at the Department and at the Board. Similar to last year, this plan was updated at the conclusion of the prior fiscal year and reflects the most recent projections through December 2023. The resolution plan released last year originally projected ~50,000 legacy appeals to be pending at the end of calendar year (CY) 2022; however, the updated plan now projects ~65,000 legacy appeals

pending in large part due to the effects of the COVID-19 pandemic. The Board will continue to build upon the recent success of reducing legacy inventory levels and projects additional departmental reductions of approximately 74% (92,340) by the end of CY 2023 from the 125,340 pending at the end of FY 2021.

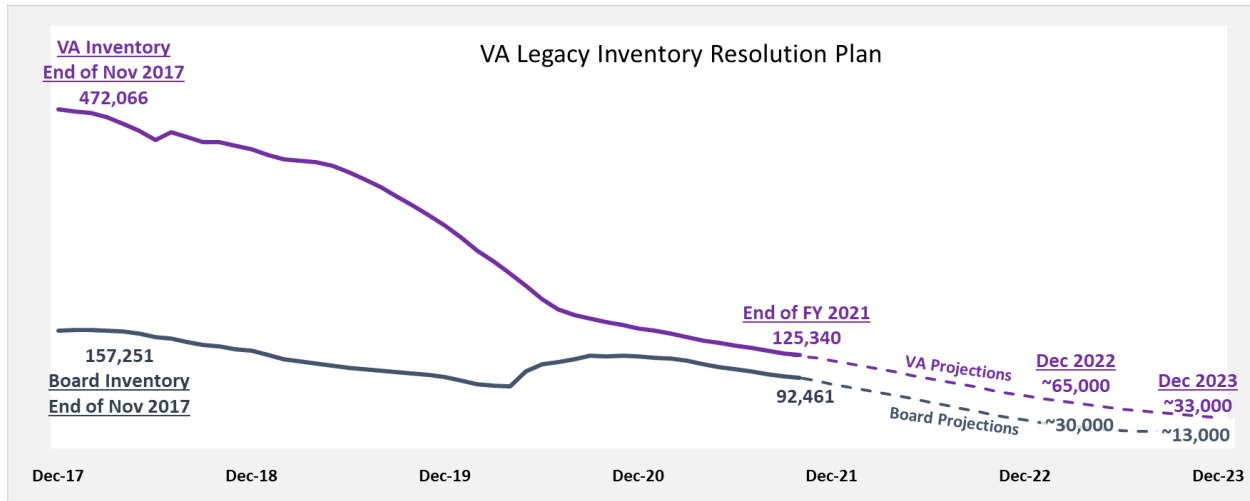


Figure 1. VA Legacy Inventory Resolution Plan.

As planned, the Board updated the legacy resolution forecasts so that it may include updates to actuals from the prior fiscal year, updated decisions projections from the Board and VBA and display the plan through the end of CY 2023. This updated plan reflects actual workload through September 2021 and updated production, including the impacts of the COVID-19 pandemic.

The Department’s goal was to resolve legacy appeals by the end of CY 2022 with the exception of returned remands. However, the COVID-19 pandemic continues to impact the ability to schedule and complete in-person examinations and obtain Federal records, which delays completion of the development necessary to adjudicate the legacy appeals. The goal also was impacted by longer-lasting effects of the COVID-19 pandemic such as the reduced capacity to conduct in-person hearings at some regional offices (ROs), as well as some continued reluctance to opt into virtual tele-hearings.

The Board continued to prioritize resources to address the pending legacy appeals inventory in FY 2021. Despite the unprecedented challenges presented by the COVID-19 pandemic that resulted in the Board successfully transitioning to a remote workforce, the Board dispatched 99,721 decisions in FY 2021, with 79,227 (approximately 79%) of those decisions occurring in the legacy system.

Through several initiatives, the Board has driven a steady increase in the number of hearings held per month, from 869 in October 2020 to 3,038 hearings held in October 2021. These initiatives include expanded virtual hearing capacity and enhanced

Caseflow hearing capabilities such as more flexible daily dockets and the ability to quickly convert any previously scheduled hearing type to a virtual hearing, restructuring the Board's hearing operations and increased coordination with VSOs and private representatives.

Additional initiatives include communications with Veterans about their hearing options, specifically virtual tele-hearings and how-to opt into them, through blogs, emails, and social media. Although VBA's ROs are now open for hearings, they have had decreased capacity for the number of hearings that can be scheduled. Despite that, the Board set a record of 23,777 hearings conducted in FY 2021. In addition, the number of pending legacy hearing requests dropped by 57% from 55,265 at the end of FY 2020 to 23,950 at the end of December 2021.

In addition, the Board's specialized case team (SCT) is comprised of 77 attorneys who efficiently work on unusual or difficult cases. Attorneys are competitively selected for details to the SCT. Regular, staggered turnover provides many attorneys with an opportunity to participate in the program while maintaining consistency in decision-making and ensuring that institutional knowledge remains intact. Between FY 2019 and FY 2021, SCT attorneys averaged nearly 0.5 to nearly 1 signed case more per pay period over non-SCT attorneys, with an increased volume of SCT cases corresponding to a higher efficiency rate.

VBA continues to use several strategies to resolve the remaining inventory of legacy compensation appeals. These strategies continue to include workload redistribution, increased oversight and accountability, leveraging technology for increased efficiencies and the opportunity for claimants to opt in from the legacy system to the modernized system. Between October 2016 and the end of December 2021, total VBA legacy appeals inventory has decreased by approximately 92%, as depicted in Figure 2.



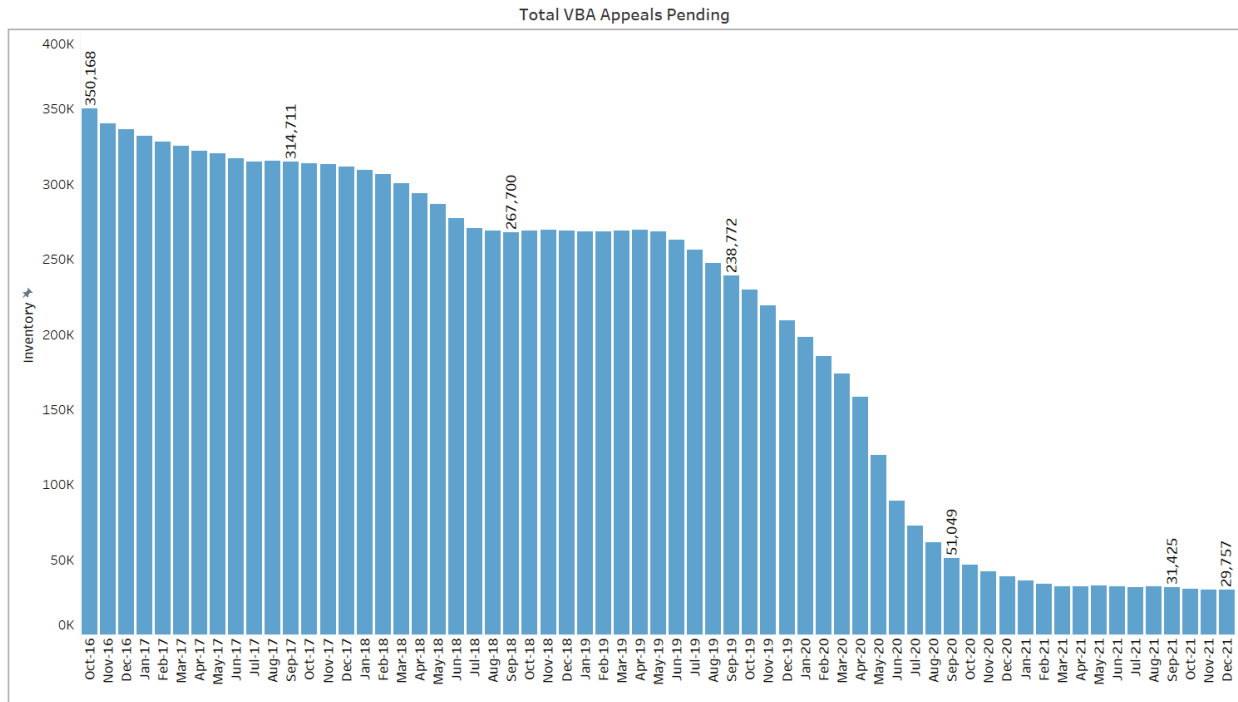


Figure 2. VBA Legacy Appeals Pending – October 2016 through December 2021.

To further reduce VBA's legacy appeals, VBA's Office of Administrative Review (OAR) transitioned the legacy workload (excluding selected special mission workload) to one location within OAR, the Decision Review Operation Center (DROC) in Washington, D.C. (DC DROC). The DC DROC is responsible for the majority of legacy appeals, excluding selected special mission workload, to ensure their timely completion.

As of December 31, 2021, OAR has reduced remand inventory by approximately 36% since the start of FY 2021 (see Figure 3). However, the COVID-19 pandemic is impacting the ability to schedule and complete examinations and obtain Federal records needed to adjudicate legacy appeal remands, which will result in extending the legacy appeals resolution through Q1 FY 2024.

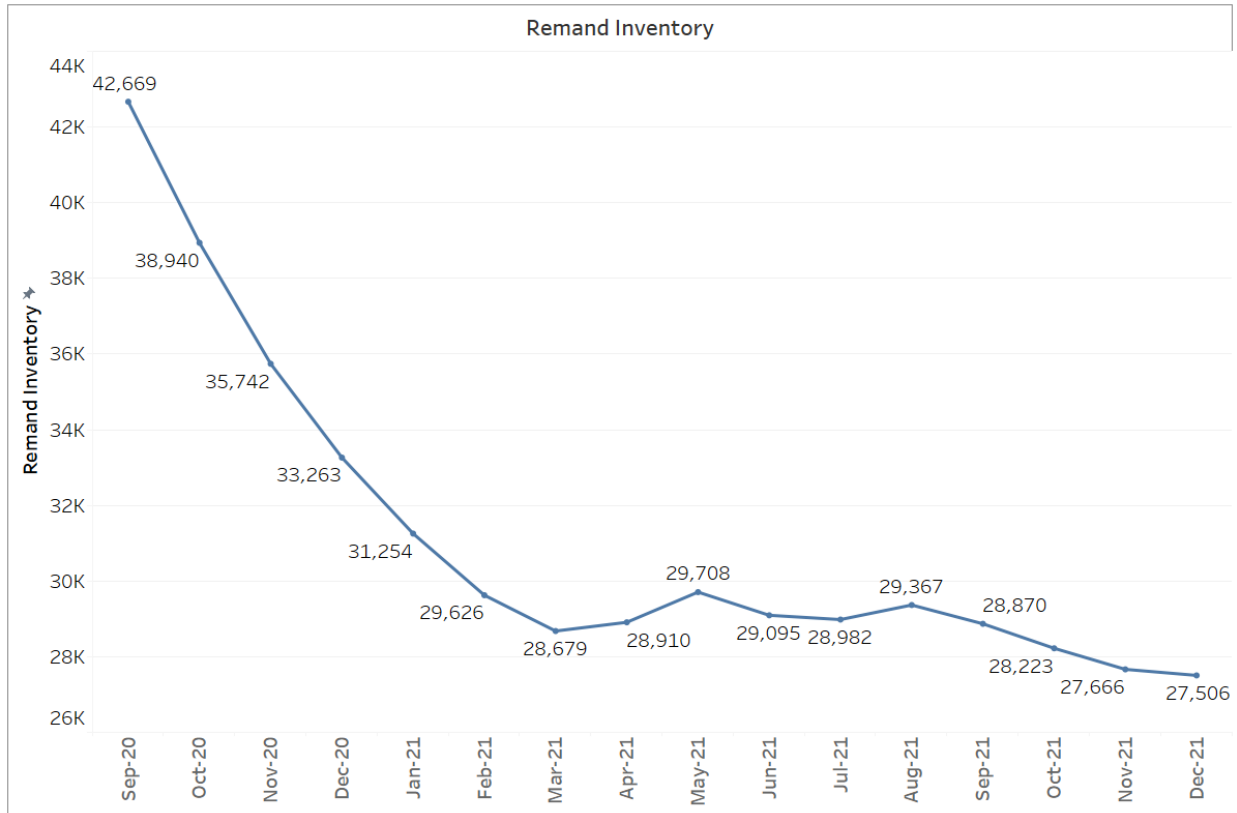


Figure 3. VBA Remand Inventory - September 2020 through December 2021.

In FY 2021, VBA continued to assess resources depending on workload. OAR currently has 828 full-time equivalents (FTEs) to manage and administer decisions in the new claims system—specifically higher-level reviews (HLRs) and duty-to-assist error corrections identified under the HLR and the Board lanes. The remaining appeals employees are allocated towards the processing of legacy appeals.

VBA eliminated the majority of its legacy inventory in the notice of disagreement (NOD) and substantive appeal (Form 9) stages. Due to appeals processing interruptions caused by the COVID-19 pandemic (e.g., inability to conduct in-person hearings at an RO, conduct in-person compensation examinations and request Federal records from external organizations), VBA has retained a small inventory in the NOD and Form 9 stages, which VBA continues to complete as operations resume.

During FY 2021, VBA continued to reduce its legacy remand inventory toward a working inventory. VBA defines this as an inventory of legacy appeals remands that are currently “in process.” Annual VBA legacy remand output should closely equal the number of remands received annually from the Board. As a result of limited remaining legacy appeals inventory, VBA began reallocating resources from appeals processing to other VBA priorities. Between April 2021 and June 2021, VBA realigned 944 FTEs from legacy appeals processing to other VBA priorities.

VBA's other benefit offices provide the following status reports on legacy appeals processing as of December 31, 2021:

- Pension program had 228 legacy appeals pending with VBA. There were six in the NOD stage, four in the Form 9 stage and 218 in the remand stage.
- Fiduciary program had three legacy appeals pending with VBA. There was one in the NOD stage and two in the remand stage.
- Insurance Service had five legacy appeals pending within VBA, all in the remand stage.
- Education Service had 10 legacy appeals pending within VBA, all in the remand stage.
- Veteran Readiness and Employment Service (VR&E) had 36 legacy appeals pending within VBA, with 1 in the Form 9 stage and 35 in the remand stage.
- Loan Guaranty Service (LGY) had nine legacy appeals pending within VBA, all in the remand stage.

VHA continues to collaborate with the Board and the other Administrations to address legacy appeals inventory. VHA business lines realigned resources towards eliminating legacy appeals inventory while continuing to process claims in a timely manner. All legacy appeals are being tracked through the Veteran Appeals and Control Locator System (VACOLS) by stage and business line. VHA continued progress on drawing down legacy appeals inventory and reduced it to 1,417 cases by December 31, 2021. Progress on this front may be impacted by the ruling in *Beaudette v. McDonough*, 34 Vet. App. 95 (2021), which established the appealability of more than 400,000 previous Program of Comprehensive Assistance for Family Caregivers (PCAFC) decisions, some of which were issued under the legacy system.

As of December 31, 2021, NCA has six pending legacy appeals, all in the remand stage.

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

#### *(2) implementing the new appeals system;*

On February 19, 2019, VA successfully implemented the modernized system, as outlined in P.L. 115-55. To successfully implement the AMA, each VA Administration modified applicable policy and procedures; updated forms, letters and regulations; and trained all affected employees on the new process.

In January 2020, the Board established the Office of the Clerk of the Board (Clerk's Office), an internal Board resource team that ensures the proper docketing of AMA appeals and helps Board staff transition to working only on AMA appeals. Led by a Veterans Law Judge (VLJ) with the assistance of several counsel, the Clerk's Office provides training and guidance for administrative staff charged with docketing AMA appeals; answers complex legal questions from VLJs and counsel related to AMA docketing and procedural requirements; creates AMA letter templates for Board staff; and generally assists Board management with AMA execution. The Clerk's Office also

works to identify and correct AMA docketing errors, improve Board training around AMA issues and assists VA IT professionals in refining the technological tools used by Board staff to process AMA appeals.

To support modernization, the Board:

- Coordinated and led the Department's Legacy Appeals Resolution plan by providing progress updates with VA Administrations and staff offices to ensure appropriate alignment, synchronization and integration of efforts to resolve legacy and AMA appeals;
- Held training sessions with internal and external stakeholders, including VSOs and representatives, to provide information and guidance on appeals modernization;
- Implemented a social media strategy that included legacy and AMA appeals messaging and updates on virtual tele-hearings; and
- Distributed email communications highlighting important AMA updates, training, tips and activities to Board personnel.

As previously reported, the Board collaborates with the Veterans Experience Office (VEO) to administer Veterans Signals (VSignals), a customer experience survey to Veterans who have an active appeal at the Board. These surveys provide valuable insight into Veteran experiences at various stages of the appeals process in the legacy and the AMA systems. The Board uses the survey data to improve the hearing experience and revise its letters and decisions to provide better information and clarity to Veterans. In late 2020, the Board partnered with VEO to include more Board-specific questions in the survey to improve the accuracy of data and enhance service recovery.

Since implementation of AMA in February 2019, VBA continues to assess the new claims system and make process improvements to maintain the effectiveness and efficiency of the program.

VBA partnered with VEO to develop three VSignals customer experience surveys. VBA continues to administer VSignals surveys to measure satisfaction and understanding of its two AMA decision review processes: the HLR and the supplemental claim. VA deploys the initial survey when the Veteran requests to file a decision review and sends either an HLR or a supplemental claim survey at the completion of the selected decision review process. VBA uses the survey results to understand the overall Veteran experience with VBA's decision review processes. These service recovery efforts help VBA identify opportunities for improvements within the claims process.

VHA worked closely with VA's Office of General Counsel (OGC) and the Board to implement the AMA. VHA program offices created process models and developed the guidance necessary to implement the three review options available to claimants under the new law. During FY 2020, VHA stood up a Claims and Appeals Modernization Office (CAMO) inside VHA Central Office and an executive level Appeals Governance Council (AGC), comprised of VHA leaders whose areas are affected by appeals modernization.

VHA published its proposed Appeals Modernization regulation AQ44(P) in February 2020 and anticipates publication of the final rule.

VHA adapted VBA and Board explanatory and training materials to address the unique needs of each VHA workstream. VHA is working to update VHA Directive 1032, Health Benefits Appeals Processing, and published VHA Notice 2021-01, The Appeals Modernization Act in the Veterans Health Administration, on January 4, 2021, to provide interim guidance while Directive 1032 is updated. VHA also published Directive 1041, Appeal of VHA Clinical Decisions, on September 28, 2020.

VHA and the Board have partnered with VBA and the Office of Information and Technology (OIT) to improve the preparation and transfer of claim files for review on appeal. VHA is leveraging VA's Centralized Mail Portal to route documents. The Board, OIT and VHA have coordinated the creation of a Caseflow "Pre-Docket Queue" to manage VHA appeals and the required file production. The Board's Intake team places VHA appeals in the Caseflow pre-docket queue, which tasks VHA with transferring the claim file for that appeal to the Board. Work is continuing in this effort to further ensure timely communication and document transfer, including future enhancements to the Centralized Mail Portal and the Caseflow. VHA has taken initial steps toward implementation of centralized VHA appeals management, which is designed to improve the quality and timeliness of VHA decision reviews.

NCA dedicated personnel to triage and process supplemental claims and HLRs. NCA manages the workload with a SharePoint list for the software programs for three business lines: Time of Need (Burial Operations Support System (BOSS)), Memorial Products (Automated Monument Application System (AMAS)) and Pre-Need (Eligibility Office Automation System (EOAS)). The three systems will be integrated in the Memorial Benefits Management System by FY 2026. NCA uses Caseflow for cases where the appellant is recognized in the corporate record.

### **Section 3(a)(3) – Timely Processing Under the 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(t).*

The Board is concurrently managing appeals in the following six dockets:

- Legacy or AMA appeals that have been advanced on the Board’s docket (AOD), or were remanded to the Board by the United States Court of Appeals for Veterans Claims (CAVC);
- Legacy appeals where a hearing was not requested;
- Legacy appeals where a hearing was requested;
- AMA appeals on the Direct Review docket;
- AMA appeals on the Evidence Submission docket; and
- AMA appeals on the Hearing docket.

As explained in previous updates, the Board continues to prioritize AOD appeals (including COVID-19-related hardships or illnesses) and CAVC remands; legacy appeals; and AMA appeals on the Direct Review docket. Appeals from all six Board dockets are assigned to VLJs for adjudication using a case distribution algorithm, which ensures active appeals are assigned in priority order while ensuring that appeals are decided across all lanes.

AMA was intended to reduce the Board’s remand rate by closing the record. In FY 2021, approximately 43.1% of the Board’s legacy appeals issues were remanded compared to 32.3% of AMA appeals issues. In Q1 FY 2022, 46.4% of legacy appeals issues have been remanded versus 32.9% of AMA appeals issues.

Since the implementation of the AMA, the Board has met its 365-day average timeliness goal for processing Direct Review docket appeals for the percentage worked. The Board completed 13,282 Direct Review docket appeals in FY 2021, with an average days-to-complete (ADC) of 300 days (Table 2). In addition, in the FY 2022 President’s Budget, the Board shared strategic goals for the Evidence Submission (550 days) and Hearing (730 days) dockets for FY 2022 in response to GAO recommendations.

Table 2. Board of Veterans Appeals AMA Docket Timeliness – FY 2021.

	Direct Review	Evidence Submission	Hearing
<b>Average Days to Complete AMA Decision from NOD in FY 2021</b>	300	338	547

As of the end of December 2021, the average days pending (ADP) for an appeal in the AMA Direct Review docket was 296 days; the ADP for the Evidence Submission docket was 383 days; and the ADP for the AMA Hearing docket was 496 days. The ADP for Evidence Submission and Hearing docket appeals currently is affected by the prioritization of the 365-day average timeliness goal of Direct Review docket appeals and the Legacy Appeals Resolution Plan. The Board continues to inform the VSO community of current ADC for each Board docket and also provides the data for other stakeholders on its external website ([www.bva.va.gov](http://www.bva.va.gov)).

With implementation of the AMA and as previously reported in the August 2021 report, VBA has two distinct Compensation and Pension (C&P) workloads: legacy appeals (mostly remands) and AMA decision reviews. VBA's current goal is to reduce the C&P legacy remand inventory to a working inventory, as defined in section 3(a)(1) of the AMA.

VBA projects it will require a total of approximately 1,251 dedicated FTEs to reduce the pending VBA legacy remand inventory to a working inventory level while maintaining timeliness goals in its HLR and related AMA lanes under DROC control. As of December 31, 2021, the DROCs at St. Petersburg, Florida, and Seattle, Washington, are authorized a total of 828 FTEs to process compensation HLR claims, duty-to-assist error corrections (returned due to errors in assisting claimants with obtaining evidence needed to support their claims), Board AMA full grants and Board AMA remand decisions.

VBA's goal is to maintain processing timeliness of an average of 125 days to complete AMA workload (i.e., HLRs and supplemental claims). Overall average timeliness for completing AMA workload at VBA from AMA implementation on February 19, 2019, through December 31, 2021, was approximately 82.3 days, which measures below the 125-day goal for ADC.

For the same period, ADC for HLRs was approximately 75.5 days with 239,131 completions. ADP for HLRs was 26.8 days for a pending inventory of 8,085 claims. For supplemental claims, to include associated HLR returns, ADC was 84.7 days with 664,713 completions and ADP was 127.0 days for a pending inventory of 107,398. The "AMA Completions and ADC Month-to-Date" graph in Figure 4 provides the monthly breakdown for completions and ADC for HLRs and supplemental claims. The "AMA Pending Inventory and ADP" graph in Figure 4 provides the monthly breakdown for pending inventory levels and ADP for HLRs and supplemental claims.

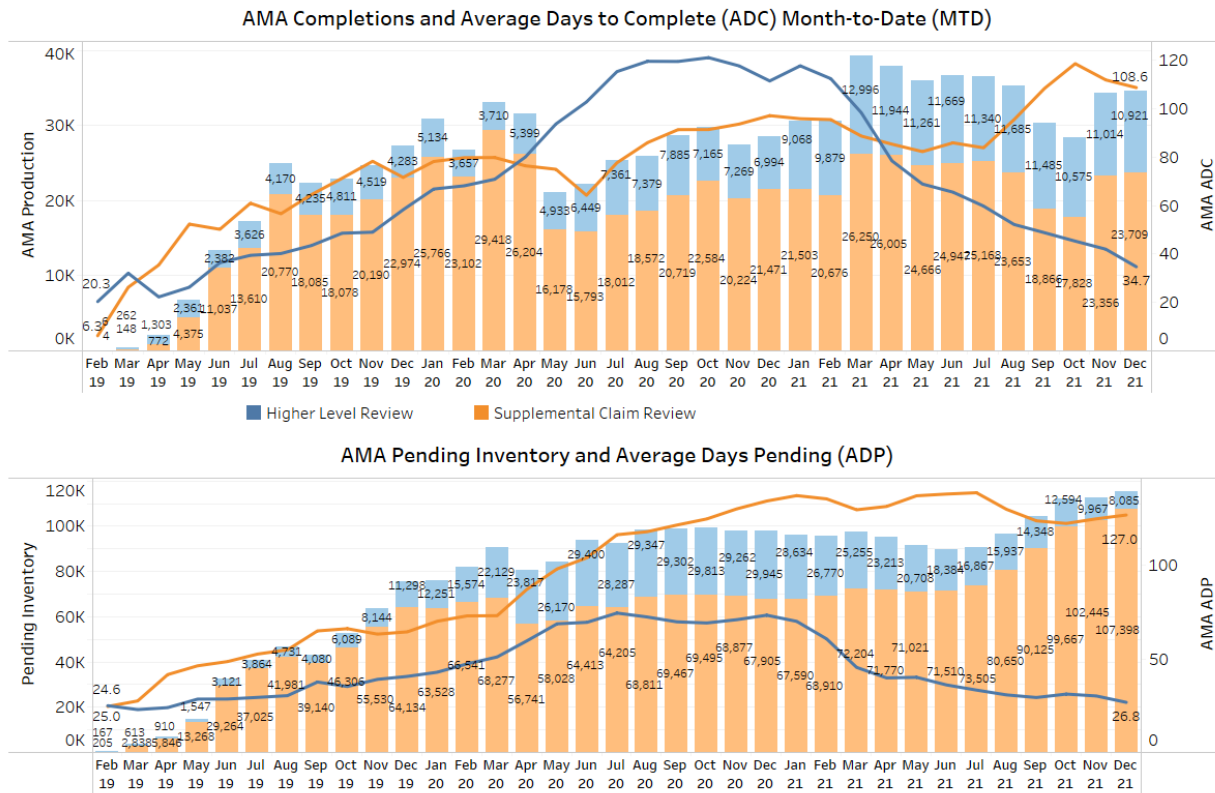


Figure 4. VBA Monthly AMA Completions and Inventory – February 2019 through December 2021.

During FY 2021, overall average timeliness for completed AMA work was 89.0 days. ADC for HLRs was approximately 83.7 days with 122,755 completions. For supplemental claims, to include HLR associated returns, ADC was 91.3 days with 276,013 completions.

VBA continues to review data, manage risks and model multiple scenarios to allocate resources to timely process claims under the modernized decision review process. In addition, VBA’s Compensation Service and Pension and Fiduciary (P&F) Service, along with OAR, collaborate to ensure claims processors have the necessary guidance, training materials and systems functionality to process claims in an efficient manner that aligns with the 125-day ADC timeliness goal.

**Specific to the other VBA benefit programs**

Insurance Service has established internal goals to complete HLRs and supplemental claims in an average of 30 days or less. From July 1, 2021, through December 31, 2021, Insurance Service completed five HLRs within an average of 20.6 days and completed six supplemental claims with an average of 28.3 days.

Education Service has established internal goals to complete HLRs in an average of 45 days or less and supplemental claims in an average of 60 days or less. From July 1,



2021, through December 31, 2021, Education Service completed 392 HLRs with an average of 15.4 days and completed 4,340 reconsideration supplemental claims with an average of 10.1 days.

VR&E strives to complete HLRs within an average of 90 days and supplemental claims within an average of 125 days. From July 1, 2021, through December 31, 2021, VR&E completed 148 HLRs with an average of 119.0 days and completed 70 supplemental claims with an average of 158.7 days.

LGY's timeliness requirement is 7 days per VBA's Guaranteed Loan Processing Manual, M26-1, Chapter 8, Appeals. From July 1, 2021, through December 31, 2021, LGY completed 42 HLRs with an average of 26.4 days and 42 supplemental claims with an average of 23.6 days.

VHA continues to track appeals volume, inventory and timeliness. The data allow VHA managers to adjust staffing and priorities, as needed, to maintain timely processing of post-decision reviews in the new system. VHA now is using VA's Centralized Mail Portal to receive and route some HLRs, supplemental claims and other documents. VHA also is working internally and with VBA partners to examine the potential for directing all VHA HLRs and supplemental claims through the Centralized Mail Portal. This possibility would facilitate better tracking of the AMA review work. Recent technological enhancements have created a more efficient process for the Board to request files in AMA appeals of VHA decisions, which allowed the Board to request files in all pending VHA appeals by November 30, 2021. It is estimated that on average the Board receives 1,400 to 1,500 VHA appeals per month. VHA is examining staffing needed to work through the volume of work it receives on an ongoing basis, as well as the influx in file requests during Q4 FY 2021. VHA is reviewing each file request and determining how to efficiently coordinate activities and available systems in response to this surge of workload.

NCA tracks timeliness with a SharePoint list. NCA is adequately staffed to handle the new appeals system claims volume.

### **Section 3(a)(4) – Monitoring Metrics and Goals of the 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.*

The Board has no substantive updates since the August 2021 report.

VBA has no substantive updates since the February 2020 report. VBA's implementation of the AMA has concluded, and the program is successful; therefore, VBA has no further updates.

VHA established CAMO, a small, centralized office inside VHA Central Office, as well as an executive AGC, to oversee claims and appeals modernization. VHA CAMO is working with the AGC, affected program offices, other VHA stakeholders, the Board, VBA, OIT and OGC to create and enhance systems and processes to monitor quality and efficiency of modern appeal operations and VHA adherence to claim processing revisions made as a result of the AMA. Recent enhancements include adoption of VA's Centralized Mail Portal for receiving and routing some AMA mail, and creation of a pre-docket capability to better manage VHA appeals in Caseflow. VHA CAMO and AGC also are assessing the feasibility of developing and implementing enterprise-wide health care benefit appeal procedures, consistent with the AMA and other legal authorities.

Each respective program office in VHA continues to manage its own internal processes; oversight and accountability; and data. CAMO is working with VHA offices to aggregate VHA data to establish adequate metrics and revise current goals for the new system.

Prior to the enactment of the AMA, approximately 3% of NCA denial decisions required appeal activity. Post-AMA, the total number of requests for supplemental claims and HLRs is only 1% of total denials.

## **Plan Elements**

The following sections provide information on each element of the comprehensive plan as required in sections 3(b) through 4(a)(2) of the AMA.

### **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; and*

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

The Board continues to monitor resource and personnel requirements as it receives and adjudicates cases from the legacy and AMA review systems. The Board continues to attract high-caliber attorneys and administrative professionals to serve VA's mission. It developed an active workforce plan to facilitate the recruiting, hiring and retention of

new employees. The Board increased its cumulative FTEs by approximately 2%, from 1,157 FTEs in FY 2020 to 1,182 FTEs in FY 2021. FTE increases included the hiring of over 100 new personnel (new hires and backfills due to attrition) to fill mission-critical positions and the hiring of 15 new VLJs during FY 2021. As part of the human capital strategy, the Board plans to dedicate approximately 80% of personnel to the primary mission of issuing decisions and conducting hearings with the remaining staff in critical mission support functions.

As of the end of December 2021, the Board had 107 VLJs, 843 decision-writing attorneys and 249 appellate operational support and administrative staff. Five additional VLJs joined the Board in January 2022.

In addition, the Board received a \$1.0 million transfer from VHA in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for COVID-19-related costs and \$10.0 million in mandatory funds through the America Rescue Plan (ARP). These funds provide relief to the Board to respond to the ongoing operations effects of the COVID-19 pandemic. This funding directly impacts and improves scheduling of hearings and supports both short- and long-term efforts to improve mail processing and intake. Through judicious use of 2-year temporary hires, reimbursable detail agreements with VBA, overtime and investments in artificial intelligence technology, the Board will decrease the number of hearings pending and appeals pending intake.

The Board continues to evaluate the impact of the AMA workload and the resolution of legacy appeals on pending inventory levels, timeliness of appeals decisions and pending hearings requests to help drive the Board's gap analysis and inform future resourcing requirements. The FY 2022 President's Budget request, when enacted, along with ARP funds, would support a cumulative 1,356 FTEs at the Board. The Board's cumulative FTEs would increase by 174 during FY 2022, thus providing an additional 35 VLJs and nearly 100 attorneys to position the Board to increase appeals decisions and reduce the number of pending hearing requests.

As previously reported, due to VBA's significant reduction in its legacy appeals inventory in FY 2020 and FY 2021, VBA reduced its processing workforce from 2,100 FTEs to approximately 1,251 FTEs during FY 2021.

As previously reported, VHA has completed a comprehensive assessment of the resources currently used to process appeals and continues to assess the resources needed to manage and process legacy claims and transition to the new system. This assessment includes claims under former 38 U.S.C. §§ 1703 (authorized care), 1728 (unauthorized emergency treatment for service-connected conditions) and 1725 (unauthorized emergency treatment for nonservice-connected conditions). The recent influx of appeal file requests, in addition to the current estimate of 1,400 to 1,500 incoming VHA appeals monthly, as well as the recent decision by the CAVC in *Beaudette v. McDonough*, 34 Vet. App. 95 (2021) establishing the appealability of more than 400,000 previous PCAFC decisions, will require VHA to reassess resource needs

throughout the system, including dedicated staff, regulatory and procedural guidance and IT modifications.

VHA's Office of Payment Operations Management, which is responsible for most VHA appeals, consolidated appeals processing at select sites and dedicated staff to appeals processing. VHA will use current and future appeals data and execute time studies to better determine the number of FTEs needed to manage appeals under the legacy and the new systems.

VHA's CAMO partners with other VHA business lines to establish more streamlined appeals processes in their functional areas, as well as increased transparency and accountability. Following the *Beaudette v. McDonough*, 34 Vet. App. 95 (2021) ruling, VHA is working diligently to revise policies and processes and plan and implement other changes necessary to respond to and implement the decision.

NCA delineated personnel to address legacy appeals and AMA supplemental claims and HLRs. As the inventory of legacy appeals depletes, personnel will be assigned other workloads.

### **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.*

The Board and VBA have no substantive updates to prior reports. VBA and the Board will continue to monitor resource requirements and adjust plans as necessary pursuant to applicable legal authorities as originally provided.

VHA has no substantive updates to prior reports.

NCA has no substantive updates to prior reports.

### **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.*

VA has implemented the AMA, and the Board has no substantive updates regarding the hiring timelines needed for its implementation.

As previously noted, VBA reduced its workforce from 2,100 FTEs to 1,251 FTEs before the end of FY 2021, in conjunction with VBA's reduction in legacy appeals inventory, and the resulting reduced need for processing manpower. In furtherance of this effort, VBA has allocated resources from appeals processing to other VBA priorities.

VHA has no substantive updates to prior reports.

The NCA Appeals Team is properly sized.

### **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).*

VBA has no substantive updates to prior reports. VBA completed all required HLR adjudicator training development and has no further updates to this report.

VHA and NCA have no substantive updates to prior reports.

### **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.*

VBA has had no substantive updates since the November 2018 report. VBA's implementation of the AMA was successful.

VHA and NCA have no substantive updates to prior reports.

### **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.*

VBA, VHA and NCA have no substantive updates to prior reports.

### **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.*

Prior to October 2021, the Board's Office of Appellate Operations provided comprehensive training to all new decision-writing attorneys and law clerks during their first 12 weeks at the Board. Training for new decision-writing attorneys continued with interactive Round Table sessions with AMA-focused topics. The Board also provided comprehensive training to new VLJs during their first 3 weeks at the Board. Training for the new VLJs featured multiple AMA-focused sessions, including AMA hearing topics.

As of October 2021, all training of legal and administrative support staff was moved to the Board's Office of Chief Counsel under the new Professional Development Division (PDD).

In October 2021, in conjunction with the Clerk's Office, the PDD held a briefing for its Open Door Hours Program, a network of experienced attorneys who are available to field substantive and procedural questions in support of the VLJs and Board attorneys.

In November 2021, the PDD and the Clerk's Office held a panel session addressing emerging trends in caselaw and their impact on the AMA.

The Board will continue to provide training on the AMA to administrative support personnel. The PDD currently is developing a new plan for attorney training that will be implemented when attorney hiring resumes.

The Board closely monitors trends in the types of errors identified by its Office of Quality Review and uses the data to target focused training and guidance. The Board also is engaging with OGC to foster a dialogue between VLJs and OGC appellate litigation staff to better understand emerging litigation trends at the CAVC and the United States Court of Appeals for the Federal Circuit.

VBA's benefit offices assessed the training needs of employees assigned to process claims under the new decision review process and legacy appeals system. The necessary training has been incorporated into the National Training Curriculums for impacted business lines.

As previously reported, each of VHA's appeals processing program offices adapted and disseminated VBA's and the Board's explanatory and training materials to the unique needs of their workforce. As noted previously herein, VHA established CAMO inside VHA Central Office, as well as an executive AGC, to oversee claims and appeals

modernization. CAMO is working with the AGC and affected program offices to identify policy, process, training and other needs required to bring VHA claim and appeal processes in line with the AMA and other requirements. The Board has detailed a VLJ and an attorney to VHA to assist with implementation of the AMA for the various program offices within VHA. VHA also was able to secure the assistance of a LeadershipVA project team that worked with the field to better understand AMA knowledge gaps and design training targeting those gaps. VHA now is working internally and with VA to put that training into production.

NCA has no substantive updates to prior reports.

### **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.*

The Board has no substantive updates to this section and will no longer provide updates to this section of the report because it met the reporting requirements.

VBA has had no substantive updates since the May 2018 report. VBA will no longer provide updates to this section of the report since VBA met the reporting requirements.

VHA and NCA have no substantive updates to prior reports.

### **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.*

Development Security Operations Software Product Management (formerly the Enterprise Program Management Office) manages and maintains VA's core claims processing system, the Veterans Benefits Management System (VBMS). The VBMS team continues to be on track to meet all milestones and deliverables. The team provided numerous enhancements in support of the AMA and delivered increased functionality with various VBMS releases. The most recent release of increased functionality was in April 2021.

Caseflow is intended to be an end-to-end case management system for AMA appeals that would eventually replace VACOLS. Development activities for Caseflow have transitioned to OIT under the Benefits and Memorial Services portfolio. Technical teams for Caseflow and VBMS continue to work very closely together, in conjunction with

business teams from the Board, to develop a fully integrated, enterprise-wide solution to meet the needs of the AMA.

Caseflow development has continued with the successful release of new capabilities and functionality that directly support processing AMA appeals while allowing the Board to increasingly focus on drawing down the legacy appeals inventory. Important new AMA functionality was released while maintaining progress on the Board's Caseflow operational priorities. Such enhancements include providing the ability to intake and fully process CAVC remands; streamlining the death dismissal process; intaking appeals with appellants who are not in the VBA Corporate Database; editing the NOD information; switching dockets; notifying users of an appellant's death; and intaking VHA PCAFC appeals.

Additional enhancements to Caseflow include visually indicating contested claims; allowing the Veteran to switch from an in-person to a virtual hearing; scheduling and maintaining Travel Board hearings in Caseflow; updating the algorithms to distribute only AMA cases to certain identified VLJs; and releasing post-CAVC remand appeals to the VLJ who issued the original decision. These functionalities are vitally important to the Board's mission and increasingly allow for Veterans' appeals to be adjudicated more quickly. OIT continues to solicit enterprise-wide needs for functional capabilities and integration to support appeals processing and is developing operational functionalities to address these needs across the Department.

Following the lead and the vision of the Board, OIT collaborated with Board leadership and staff to deliver the Board's request to use existing tele-health technology to make virtual tele-hearings a reality. Virtual Hearing functionality was deployed in April 2020, allowing for nationwide access to virtual hearing technology in conjunction with the Caseflow Hearing scheduling product. The new functionality provides a one-click solution for recording virtual hearings, automated email notices, creation of a virtual hearing docket and a separate video conferencing domain for virtual tele-hearings.

A recent Caseflow release provides confirmation and reminder emails for a Veteran's virtual hearing to display in the Veteran's time zone instead of the Board's time zone. The Veteran no longer needs to calculate any time zone change, resulting in fewer missed appointments. The virtual tele-hearing technology provides greater access for Veterans who previously had to drive hours to attend a hearing, as well as those who are more comfortable having their hearing at a location of their choice.

Use of virtual hearing technology benefits VLJs by reducing travel time, which allows VLJs more time to focus on adjudicating and resolving appeals to benefit Veterans. Virtual hearings are unaffected by inclement weather; typically, 6 to 10 days' worth of nationwide dockets were cancelled annually due to inclement weather and closed facilities. In addition, virtual hearing transcripts have an inaudible rate typically under 0.5%, compared to other traditional hearings and recording methods that can average 1.5 to 3%.



Veterans have participated from locations worldwide. These virtual hearing improvements allow the Board to increase flexibility for hearings and improve the Veteran's experience. This technology also allows the Board to hold more hearings annually, as the number of hearings the Board can hold is no longer limited by the capacity of hearing rooms at the Board or regional offices.

In November 2019, VEText functionality was added to Caseflow Hearing, enabling hearing reminders to be sent to appellants through text message. Due to the COVID-19 pandemic, VEText functionality to support hearing communications stopped in March 2020 and resumed in March 2021. Since then the Board has started using email to send reminders to appellants and their representatives for all hearing types, as VEText capability continues to be used specifically for hearings at ROs and the VA Central Office. Hearing reminders are sent at 60, 30, 7 and 2 days out from the hearing and confirmation emails are sent to the appellants and their representatives immediately upon scheduling a virtual hearing.

The Appeals Resource Management System (ARMS) was deployed to Production in February 2020 and transitioned into sustainment as of November 2020. ARMS is a relational database and associated web application that enables the Board to strategically manage resource data and assist in workforce planning efforts. ARMS received a 3-year Authority to Operate (ATO) in January 2020 and delivered all Help Desk requirements, including knowledge articles and ticketing for service issues.

The Board leveraged the ARMS environment to migrate the Tableau servers and database into it, which provides for production and development capabilities for enhanced configurations and Tableau capabilities that were not previously available. This new database will be the basis of the customized Extract, Transform, Load (ETL) repository for Board-managed database queries with the long-term goal of building automated queries to store all data required for population of production reporting on Board areas of interest from Caseflow, VACOLS and other VA databases. The Board uses Tableau software to derive actionable intelligence on aggregated case data to drive and support the Board's business process. Tableau reads the Caseflow database, aggregates pertinent data and when appropriate ties it to available human resource information. Tableau is used to track the volume of appeals being worked by attorneys and judges, and the metrics related to appeals. This actionable intelligence is relayed to users by an array of Tableau dashboards that include both raw case counts and graphical abstractions.

Caseflow has released the ability to intake VA Forms 10182 related to VHA decisions into a pre-docket queue and create a Caseflow task for VHA to assemble the record for appeal. Caseflow made significant progress to support VHA's ability to efficiently and effectively manage the VHA document review and appeals workflow process through the completion of pre-docket queue functionality. This process allows the Board to identify VHA appeals that need complete documentation before docketing and to use the Caseflow task and workflow process to assign, track and maintain correct inventory and status on VHA appeals. Caseflow is able to track all tasks assigned to VHA prior to

docketing, which ensures all required documentation is captured and the appeal is routed appropriately.

### **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.*

The Board's robust telework program allowed it to maintain its physical footprint despite almost doubling FTEs over the last 5 years. Prior to the COVID-19 pandemic, the Board adopted several space management efficiencies, including (1) sharing office space for Board personnel who work remotely 50% or more of the time, (2) converting underutilized space to workspace, (3) using memoranda of understanding (MOU) to secure additional space within the building and (4) implementing flexible telework and remote work programs.

In response to the COVID-19 pandemic, the Board successfully transitioned approximately 99% of its personnel to remote operations without a decrease in decisions issued to Veterans, although the Board's ability to conduct hearings was impacted by pandemic-related closures of ROs and other VA facilities. The Board's robust telework and remote programs enabled the Board to enhance operational efficiencies; recruit, onboard, train and retain attorneys; maintain morale; and position the Board as an employer of choice. The Board's success during the COVID-19 pandemic confirms that it has the resources, organizational structure and operational alignment to support telework and remote work long into the future. These programs helped the Board maintain the workforce levels necessary to focus on its mission. Further, the Board identified an opportunity to reduce its physical footprint by 48,278 rentable square feet in its leased office space, enabling greater financial stewardship and maintaining a culture of engaged employees by promoting work-life balance.

VBA has had no substantive updates related to office space since the November 2018 report.

VHA does not anticipate additional office space requirements. If necessary, VHA has a robust telework and virtual work program to meet any additional demands.

NCA has no substantive updates to prior reports.

### **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).*

The Board's goal for FY 2022 is to adjudicate 111,500 appeals for Veterans. FY 2022 will focus on (1) the continued resolution of legacy appeals, (2) holding a higher percentage of scheduled hearings, including virtual tele-hearing, (3) maintaining or improving the quality of legacy and AMA decisions, (4) establishing the right balance of virtual, traditional office and hybrid work environments that best meets operational goals and supports employees, (5) working all three dockets of AMA cases in a timely manner and (6) adjudication and tracking of PCAFC appeals. With continued emphasis and resources being applied to conducting hearings, the Board projects a slight decrease in the average number of decisions per FTE in FY 2022 (82.2), as shown in Figure 5.

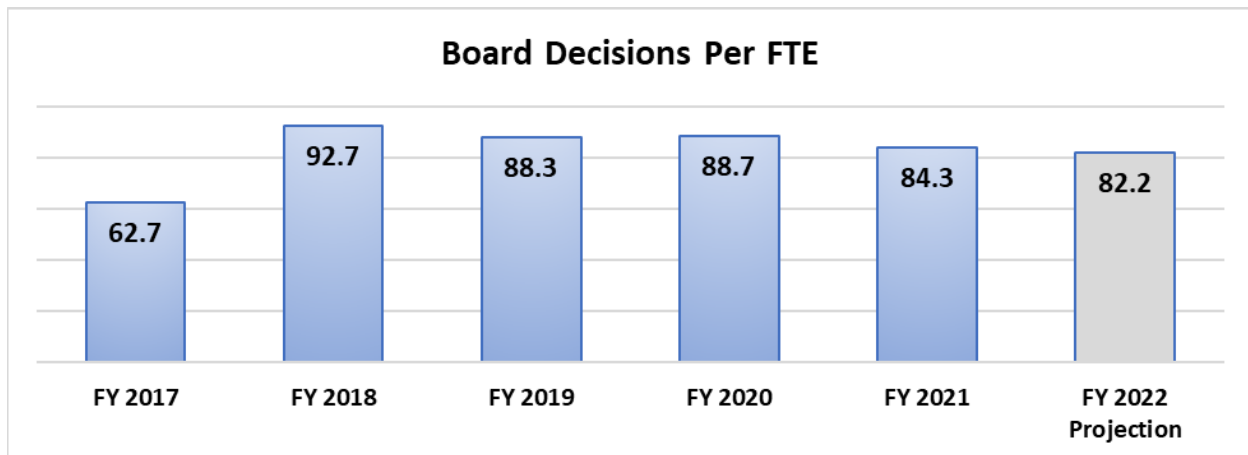


Figure 5. Board Decisions per FTE – FY 2017 through FY 2022 Target Projection.

With 99,721 decisions in FY 2021, the Board exceeded its fiscal goal of 93,600 by approximately 6.5%. The number of decisions per FTE in FY 2021 was 84, which was 7.7% over plan.

The Board's senior leadership continually monitors output goals and changes in environment to help make decisions about individual employee productivity goals. Individual output goals are related to the Board's overall organizational goals for cases and issues decided and are set to ensure organizational goals can be achieved. Congress, the public and Veterans expect the Board will use the resources it is given to efficiently and accurately adjudicate all appeals for as many appellants as possible. For

example, in FY 2021, the Board adjusted its attorney production standards from 3.25 decisions per week to 3 decisions per week to support the Board's organizational goals while improving employee engagement and morale. This adjustment also took into consideration results and feedback received following a record response rate of approximately 74% on the All Employee Survey (AES). After careful analysis of issue-per-case trends, the Board also adjusted the goal for the number of issues decided per year for attorneys. The production standards are further prorated for leave, training, travel, administrative requirements such as PIV card replacements, lost work time due to IT stoppages and other good cause as determined by management.

VBA projects output for C&P legacy claims using completions (FTEs per fiscal year). As previously reported in the August 2021 report, *completions* are actions that move claims to the next stage in the process and may include resolutions, which are actions that end the appeal.

Figure 6 depicts projected AMA review inventory from FY 2021 through FY 2024 (i.e., HLR and supplemental claim) and legacy appeals inventory from end of FY 2021 through Q1 FY 2024 based on current staffing and productivity. This model includes numerous factors that could alter forecasts, such as the opt-in rate, refile rate, Board remand rate and allocation of staffing, which is shown in the shift in projections from the August 2021 report. For example, projected increases in claim receipts due to the recent expansion of Agent Orange presumptions and particulate matter presumptions for Veterans with military service in Southwest Asia is one factor contributing to an increase in projected inventory for HLR and supplemental claims shown in Figure 6 compared to the August 2021 report.

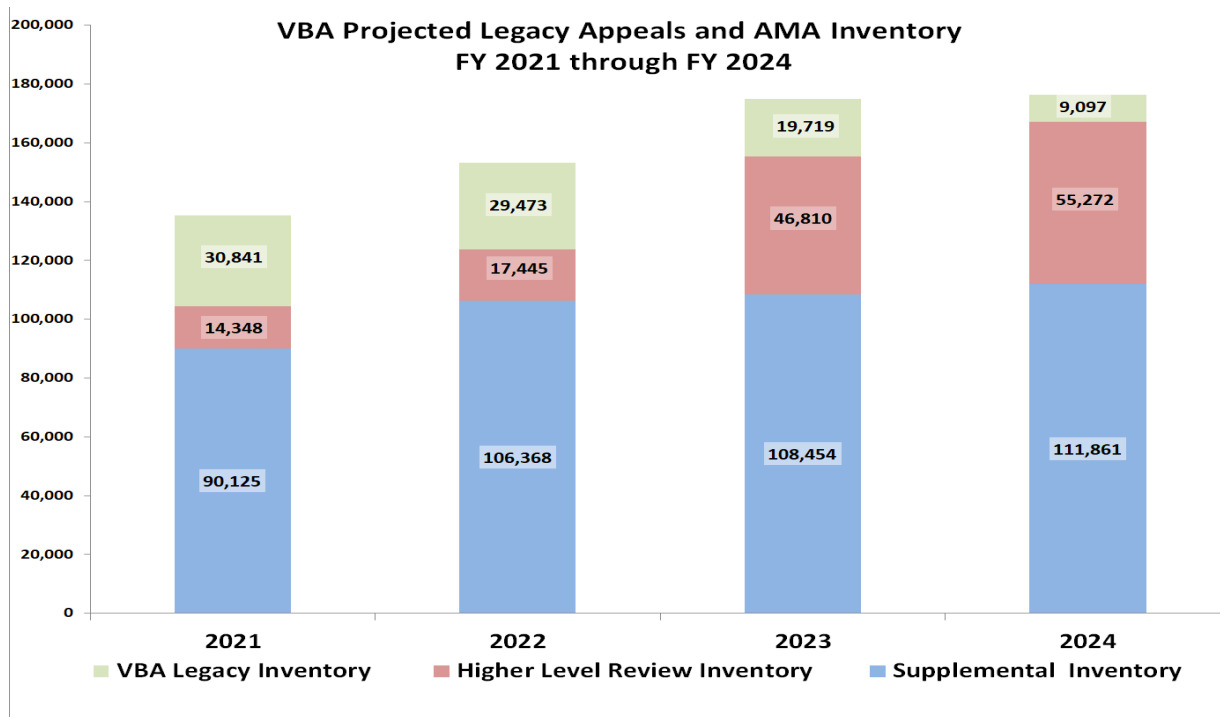


Figure 6. VBA Projected Legacy Appeals and AMA Inventory – FY 2021 through FY 2024.

Education Service, Insurance Service, VR&E and LGY Service did not have any substantive updates to report. Following is VBA’s other individual benefit offices reports on output updates.

In addition to the overall projections noted previously for C&P benefits, following are the other individual benefit offices reports on output updates.

VR&E field staff continue to ensure pending legacy claims are handled in a timely manner. For this reporting period, VR&E reduced actionable pending legacy claims under its jurisdiction from 37 to 36. VR&E field staff are actively working with claimants on the process to opt-in to the new decision review process, if applicable, to reduce the number of legacy appeals moving forward. As a result, one legacy appeal is in the pre-certification to Board phase of the legacy appeal process; the remaining 35 legacy appeals are remand decisions from the Board to the RO for processing. VR&E will continue to actively target remand decisions for completion until all legacy appeals are resolved.

All LGY legacy claims continue to be processed by experienced Loan Specialists in the Atlanta Regional Loan Center (RLC). Currently, LGY has nine pending legacy claims in the remand stage. The processing of HLRs and supplemental claims under the new system are completed by the appropriate section located within the RLCs.

VHA has not ascertained any change in individual employee productivity as a result of AMA rollout, but will continue to monitor the matter.

NCA updated employee performance standards with an emphasis on timeliness.

### **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.*

The Chairman of the Board (hereinafter Chairman) continues to promote, educate, train and inform Veterans and stakeholders about AMA. The chairwoman hired a Strategic Advisor/Liaison for VSOs/Stakeholders and a Director of Strategic Communications and Engagement to enhance outreach efforts. Prior to the COVID-19 pandemic, the Chairman regularly traveled across the country to engage with various VSOs and stakeholders; participated in speaking engagements; attended conferences and training events; and visited various VA sites. Since the COVID-19 pandemic, the chairwoman and members of the Board team continued to participate in outreach efforts virtually. Additional information regarding the chairwoman's outreach activities is available in Appendix A.

As previously noted, the Board uses the VSignals customer experience survey with Veterans who have an active appeal at the Board. A Board-customized survey dashboard allows the Board to track specific comments and observations about Board correspondence, decisions and hearings. The Board receives a monthly report on customer experience trends, as well as free text comments, and hired full-time staff to manage strategic engagement and customer experience and implement service recovery recommendations. From January 1, 2020, through December 31, 2021, there has been a 17% response rate (44,750 responses received from 266,166 surveys sent).

The chairwoman and VBA leadership regularly communicate and share information with Veterans, advocates and other stakeholders through LinkedIn, Twitter, Facebook and YouTube.

VBA began administering weekly surveys and implemented a real-time dashboard in July 2020. Through December 31, 2021, VBA experienced a 22.0% response rate (47,738 responses received from 216,620 surveys sent). The dashboard provides insights into several categories of survey data, providing a tool to analyze the survey responses by drilling down through filters to look at specific data. For example, VBA uses the dashboard to understand individual score responses and scores mapped over time; the types of assistance received and resources used during decision review; and the methods survey respondents used to file their decision review.

In July 2020, VBA began collecting supplemental data through service recovery and process improvement contacts to an identified number of survey respondents. Each week, a team of specially trained VBA employees call survey respondents to hear about their customer experience and ask follow-up questions when the experience was not a positive one. These calls provide VBA the opportunity to recover a negative service experience for the respondent while also allowing VBA to understand where the HLR or supplemental claim processes can be improved.

VBA analyzes the feedback quarterly to gain insight into areas where VBA can improve and enhance the customer experience throughout the AMA process. On June 22, 2021, VBA launched a free text survey pilot that allowed some HLR respondents to enter a free text compliment, concern or recommendation regarding VBA's HLR process, regardless of their survey score. The 90-day pilot concluded on September 20, 2021, which allowed OAR to obtain additional insight within the HLR process. During the pilot, VBA experienced an 8.8% response rate (407 responses received from 4,608 eligible surveys sent). The pilot successfully identified and routed 10 suicide alerts that VBA timely forwarded to, and were addressed by, the Veterans Crisis Line.

VBA continues to evaluate the pilot using several qualitative and quantitative criteria to determine viability as a permanent program; VBA is refining the addition of a free text comment for each survey question to solicit a greater number of actionable insights from Veterans.

VHA and NCA have no substantive update to prior reports.

### **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.*

As previously reported, the Board continues to develop new procedures to enhance the implementation of the AMA, including the Clerk of the Board operations. This development occurs in sync with technological updates, training and standard operating procedures. Improvements to the Board's external website, [www.bva.va.gov](http://www.bva.va.gov), are ongoing, focusing on transparency to ensure Veterans, family members and representatives have access to clear, concise and useful information. This information includes weekly metrics, the current docket date and information about appeals modernization. The website also includes a link to the appeals status tracker on VA.gov, which may be found at <https://www.va.gov/claim-or-appeal-status/>.

A new addition to the website was a video that explains what happens during a Board hearing. This video is a VSignals survey service recovery initiative that directly responds

to ongoing concerns from Veterans and their representatives that they were unsure what would happen during a hearing. This video can be found at: [https://www.youtube.com/watch?v=UDI3C\\_ytJt8&feature=youtu.be](https://www.youtube.com/watch?v=UDI3C_ytJt8&feature=youtu.be).

VBA confirms that all policy and procedural guidance on AMA decision reviews is current. VBA will continue to review policy and procedural guidance for process improvements through its regular maintenance protocols.

VHA's AGC and CAMO continue to work with affected VHA program offices, the Board and OGC to revise internal policies and directives, as needed. VHA continues to work on an updated version of VHA Directive 1032, Health Benefits Appeals Processing, and has published VHA Notice 2021-01, The Appeals Modernization Act in the Veterans Health Administration, to provide interim guidance while Directive 1032 is updated. VHA published Directive 1041, Appeal of VHA Clinical Decisions, on September 28, 2020. VHA's AGC and CAMO also are assessing the feasibility of developing and implementing Enterprise-wide health care benefit appeal procedures, consistent with AMA and other legal authorities.

NCA has no substantive updates to prior reports.

### **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.*

VBA previously communicated in the August 2019 report that the Final Rule was published on January 18, 2019, and the regulations became effective on February 19, 2019. VBA continues to review regulations for necessary updates for process improvements.

VHA published its proposed Appeals Modernization regulation AQ44(P) in February 2020 and is working to publish the final rule.

NCA has no substantive updates to prior reports.

### **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.*

The Board continues to process opt-in requests consistent with statutory and regulatory requirements. VBA, VHA and NCA have no substantive updates to prior reports.



Caseflow has an integration dependency on VHA implementing a case management system and platform for uploading and handling supporting documentation. VA is conducting research for intake to support the possible influx of VHA Appeals to the Board due to the CAVC decision pertaining to PCAFC appeals.

### **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.*

VA's Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals, informed by continuous stakeholder engagement as well as sound project management practices. The plan has continued to result in a marked reduction in the number of legacy appeals pending in VA before the Board and in all three VA Administrations: VBA, VHA and NCA. The plan demonstrated significant progress by reducing the number of pending legacy appeals by approximately 66%, from 347,975 pending at the start of FY 2020, to 116,901 pending at the end of December 2021.

VA's goal was to resolve legacy appeals by the end of CY 2022 with the exception of returned remands. However, the COVID-19 pandemic continues to impact the ability to schedule and complete in-person examinations and obtain Federal records, which delays completion of the development necessary to adjudicate the legacy appeals. The goal also was impacted by longer-lasting effects of the COVID-19 pandemic such as the reduced ability to conduct in-person hearings at some ROs, as well as some continued reluctance to opt into virtual tele-hearings (see Figure 7).

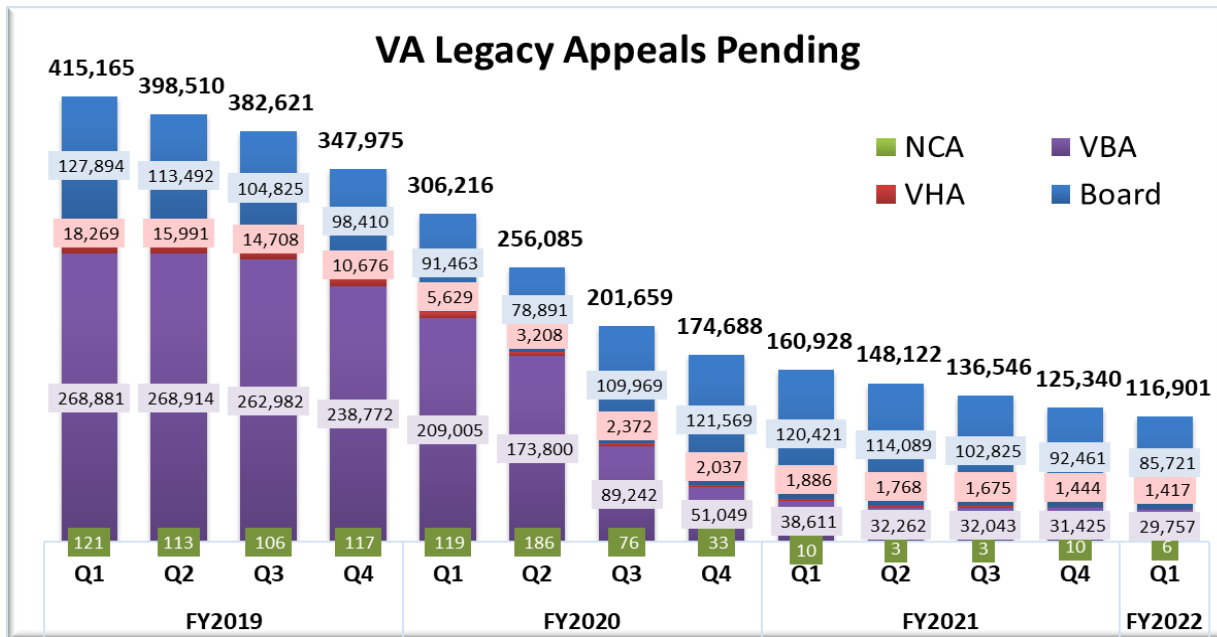


Figure 7. VA Legacy Appeals Pending by Quarter – FY 2019 through Q1 FY 2022.

The Board continues to make progress in reducing the number of legacy appeals. Legacy appeals pending peaked at 158,251 at the end of February 2018 and continued to decrease until May 2020. At that time, the Board began to see an increase in the number of legacy appeals, which continued until November 2020 as VBA increased its certification rate for Form 9 and remand cases to the Board, as evidenced in Figure 8. The number of legacy appeals at the Board once again has begun to level off and has decreased for 13 consecutive months and by 35,744 appeals, from 121,665 pending at the start of December 2020 to 85,721 pending at the end of December 2021.

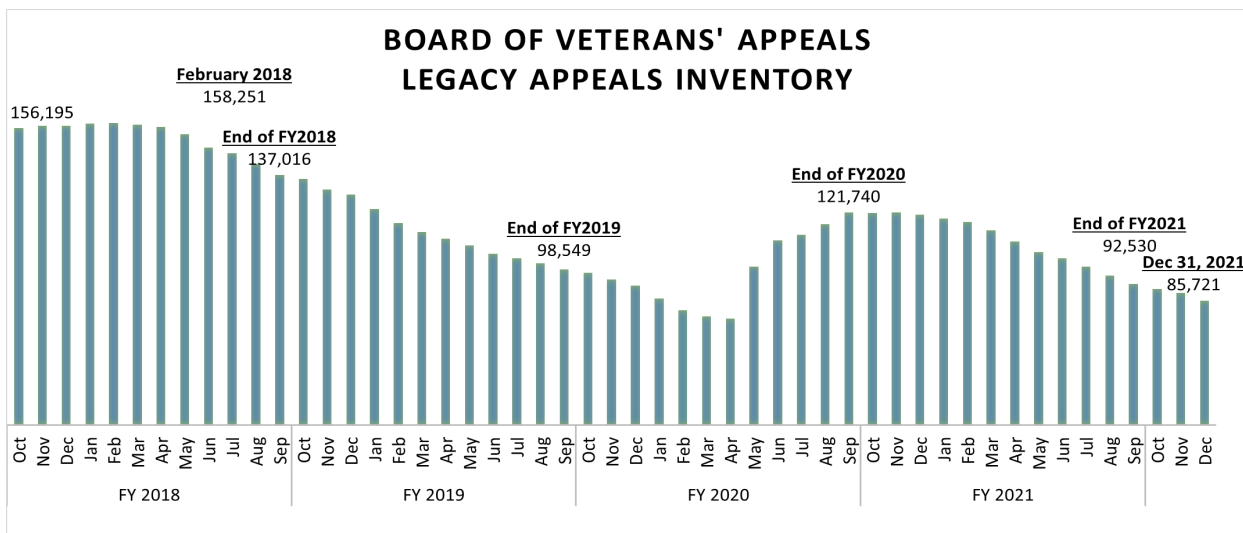


Figure 8. Board Legacy Appeals Inventory – October 2017 through December 2021.

In December 2021, VA updated its plan to resolve a majority of legacy appeals by the end of CY 2022. As previously stated, the COVID-19 pandemic continues to impact the ability to schedule and complete in-person examinations and obtain Federal records, which delays completion of the development necessary to adjudicate the legacy appeals. The goal also was impacted by longer-lasting effects of the COVID-19 pandemic such as the reduced capacity to conduct in-person hearings at some ROs, as well as some continued reluctance to opt into virtual tele-hearings. These projections include a variety of factors and assumptions, such as Veteran appeal rates; legacy appeal receipt rates from VBA, VHA and NCA; preference with respect to what type of appeal a Veteran selects; Veteran refile rates; Board remand rates; output; and FTE levels. Any trends identified in these assumptions that lead to changes in the model can affect what is currently forecasted (see Figure 1).

Under the law, the Board must adjudicate post-remand legacy appeals in addition to new appeals received in docket order, a first-in, first-out method that changes daily with case receipts. The Board’s remand rate for legacy appeals has ranged from anywhere from approximately 38.8% to 46.4% from FY 2015 to FY 2022 (through Q1), as reflected in Table 3. Since February 2020, 1 year after the last rating decision is issued under the legacy system, no new legacy appeals have been received by VBA.

Table 3. Board Legacy Dispositions – FY 2015 through FY 2022 (through Q1).

<b>Board Legacy Decisions*</b>					
<b>FY</b>	<b>Decisions</b>	<b>Allowed</b>	<b>Remanded</b>	<b>Denied</b>	<b>Other</b>
2015	55,713	31.0%	46.4%	19.1%	3.5%
2016	52,011	31.8%	46.0%	18.0%	4.2%
2017	52,661	29.9%	43.5%	21.6%	5.0%
2018	85,288	35.8%	38.8%	20.9%	4.6%
2019	93,571	35.8%	39.0%	20.8%	4.5%
2020	85,461	33.8%	40.6%	20.3%	5.3%
2021	79,227	32.0%	40.4%	21.5%	6.1%
2022 (through Q1)	16,280	33.0%	41.9%	18.0%	7.1%

\*The historical reporting system for Board decisions with multiple issues identifies the disposition of an appeal based on the following hierarchy: allowance, remand, denial or other (e.g., dismissals). When there is more than one disposition involved in a multiple issue appeal, the “reported disposition” for Board Statistical Reports will be categorized based on the disposition hierarchy noted herein.

The Board continues to reassess its forecasting model for the resolution of legacy appeals by gathering data regarding Veterans’ preferences in the modernized system and COVID-19 impacts to hearings. Such reassessment will enable the Board to ensure

the accuracy of the model's outputs and its use in VA's appeals modernization forecasting.

As stated in section 3(a)(1) of the AMA, VBA eliminated the majority of its legacy inventory in the NOD and Form 9 stages in FY 2020 and significantly reduced its remand inventory in FY 2020 and FY 2021. OAR currently has 828 FTEs who are authorized to manage and administer decisions in the AMA system—specifically HLRs and duty-to-assist error corrections identified under the HLR and the Board lanes. The remaining appeals production employees in DC DROC (totaling approximately 352 FTEs) are allocated towards the managing and processing of legacy appeals. All remaining FTEs include staff support and management.

As of February 19, 2019, upon receipt of a statement of the case (SOC) or supplemental statement of the case (SSOC), Veterans may elect to opt into an AMA Decision Review lane, rather than remain in the legacy appeals process. From implementation through December 31, 2021, appellants have opted 15,089 legacy appeals into AMA. Opt-ins from the legacy process continue at a rate of over 100 per month, with 118 received in December 2021.

### **Specific to other VBA benefit programs**

As previously stated, as of December 31, 2021, there are three legacy fiduciary appeals pending at fiduciary hubs and 228 legacy appeals with one or more pension-related issues. There were 218 in the remand stage, 4 in the Form 9 stage and 6 in the NOD stage.

As of December 31, 2021, Insurance Service has five legacy remand appeals pending.

VR&E started a systematic review and action plan on legacy appeals in February 2018. VR&E regularly issued instructions for processing targeted legacy appeals quarterly to ensure VR&E's role in the legacy appeals system is completed in a timely manner. As a result, the number of actionable legacy appeals under VR&E's jurisdiction has reduced from 37 as noted in the August 2021 report to 36 as of December 31, 2021. Of these, 35 are remand decisions to the RO from the Board for action.

LGY processed all remaining legacy appeals in the NOD and Form 9 stages under the legacy system. As of December 31, 2021, nine remand decisions from the Board remain pending.

VHA has made progress drawing down legacy appeal inventory, reducing it to 1,417 by December 31, 2021. VHA continues to reassess resource requirements and streamline processes with the goal of eliminating legacy appeals inventory in FY 2022.

As of December 31, 2021, NCA has six pending legacy appeals, all in the remand stage.

## **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.*

Updates are provided to risks as necessary; however, where there are none, no updates are provided. VA has identified the following risks and mitigation strategies:

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

Risk: As previously reported, a modernized IT solution for VHA claims processing and management is currently not available. VHA adjudication records are maintained in different repositories; in different formats; are not always accessible to authorized individuals who may have a business need; are not easily accessed by Veterans and other claimants; and add barriers to the intake of VHA appeals. If a modernized IT solution for VHA claims processing and management remains unfunded and undeveloped, there will be a negative impact to the timely resolution for Veterans and other claimants.

Mitigation: VHA will continue to use current IT capabilities until necessary processes and modifications are complete. VHA will work with OIT to develop new IT capabilities to enable the intake and management of appeals through the use of Caseflow, the Centralized Mail Portal and eventual integration with a new VHA Case Management System.

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

Risk: The Board may not have sufficient personnel to administer the legacy and modernized processes.

Mitigation: The Board continues to allocate resources in an efficient manner to administer both systems, with a focus on completing AMA direct docket appeals worked within an average of 365 days and resolving the majority of legacy appeals by the end of CY 2023. Resource reallocation, including targeted overtime, detail assignments and acting VLJ positions, can be deployed to mitigate this risk. In addition, the Board appreciates the funds Congress provided through the CARES and ARP Acts to respond to the pandemic impact on appeals process operations.

Risk: The Board may experience a decline in its workforce through attrition.

Mitigation: The Board will continue enhanced recruitment activity. The Board's robust telework and remote programs are expected to positively impact the recruitment of a diverse workforce, retention of employees and position as an employer of choice as demonstrated by the most recent AES results.

The Board also is committed to continuously improving its organizational culture and work climate. This past year, the Board strengthened employee engagement through weekly informational emails; mentor/mentee programs; monthly newsletters; virtual and in-person suggestion boxes; implementation of employee-driven suggestions; virtual roundtables; and town halls with Board and VA leadership. Due to these initiatives, the Board attrition rate has decreased in the past 2 years.

Risk: Current statutes may constrain VBA's ability to scale its workforce to address reduced workload once the inventory of legacy appeals, including approximately 28,000 pending legacy appeal remand decisions, has been exhausted.

Mitigation: VBA will use any appropriate, applicable legal authority to remove employees only as a last resort. VA anticipates using more routine workforce management methods, such as employee attrition or reassignment, to address staffing changes resulting from the elimination of legacy appeals. The residual risk is low.

Risk: VHA may not be able to provide timely responses to requests for claims files from the Board at its current staffing levels.

Mitigation: VHA will continue to monitor claim and appeal volume and staffing and adjust staffing and other resources as needed.

Risk: Staffing changes at NCA may be required to address claimant demand and post-AMA process changes.

Mitigation: NCA will continue to assess if personnel changes are necessary.

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

Risk: The Board's hiring actions may be delayed due to human resources support levels.

Mitigation: As of December 31, 2021, the Board has 1,199 FTE employees on board and projects to increase this level during FY 2022. The Board must rely on VA human resources support and strives to maximize the available support to complete any hiring actions.

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

Risk: HLR caseload may exceed VHA anticipation.

Mitigation: VHA will continue to monitor incoming claims and reviews under the new system and will either expand the universe of HLR adjudicators beyond team leads and first-level supervisors or hire additional staff, if necessary.

Risk: At NCA, HLR adjudicators may be specialized in other areas.

Mitigation: NCA will cross-train, as necessary.

## **6. Estimated Percentage of Higher-level Adjudicators who were Decision Review Officers (Section 3(b)(6))**

VBA has no updates to prior reports.

## **7. Decision Review Officer Functions in new System (Section 3(b)(7))**

VBA has no updates to prior reports.

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

Risk: At the Board, formal training may not be available to some administrative staff in their workplace.

Mitigation: The Board's PDD continues to develop targeted training modules for the Board's administrative units to ensure that all employees receive necessary AMA training.

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

Risk: At the Board, there may be insufficient training materials and supplies for delivering necessary training or an instructor may not be available.

Mitigation: The Board provides course and guidance materials electronically, which are updated and accessible to ensure that Board attorneys have access to the most up-to-date version of training materials. Team members collaborate when designing training so that, if a specific instructor is unavailable, another instructor can deliver the training. In addition, the Board can reschedule a training if the original instructor is unavailable and use virtual training opportunities and resources.

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

Risk: Ongoing resource constraints may impact Department-wide Caseflow development.

Mitigation: Although the Board has a separate budget, OIT resources fall under the Department budget. VA works in close collaboration within the Department to ensure optimum resource allocation and prioritization of Caseflow requirements.

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

Risk: A significant decline in the use of the Board's telework and remote programs would result in the Board's inability to provide enough workstations for its staff in its current location.

Mitigation: Before the COVID-19 pandemic, a significant number of Board employees teleworked or worked remotely. There is no indication that this trend will reverse at the Board. Due to the COVID-19 pandemic, approximately 99% of the Board's employees have been working remotely and it is expected that telework and remote numbers will continue at higher levels for the foreseeable future.

Risk: VHA may require more office space than can be made available.

Mitigation: VHA will rely on telework and virtual workspace.

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

Risk: There could be an unanticipated decrease in Board output leading to a risk of not meeting performance goals and decreased service to Veterans.

Mitigation: The Board closely monitors and assesses decision output and hearing scheduling and adjusts to reallocate resources where needed to meet performance goals while using best practices for efficiency. The Board will continue to work with bargaining unit representatives for employees to ensure it is meeting the output expectations and managing employee performance for success. Use of targeted overtime to offset any reductions in decision output also could be applied to mitigate the risk. The Board continues to offer experienced attorneys the opportunity to perform acting VLJ work, which helps ensure that drafted decisions are being signed in a timely manner.

Risk: Prolonged closures at ROs and subsequent postponement of Veteran's hearings due to the COVID-19 pandemic could impact the Board's inventory of workable cases, which could eventually impact overall productivity.

Mitigation: The Board is closely monitoring COVID-19 impacts and has implemented a robust plan to increase hearing output through several courses of action, including expanded virtual tele-hearing capacity and other IT solutions, restructuring the Board's hearing operations and increased coordination with VSO partners. These efforts were designed to reduce the number of pending hearing requests by expanding remote access for rural Veterans; broadening Veteran options and accessibility; and improving the overall Veteran experience. With the implementation of email reminders for hearings, the Board also expects fewer hearing cancellations and no-shows.

With the President's April 10, 2020, signing of the VA Tele-Hearing Modernization Act, the Board fully implemented a virtual tele-hearing option, thus allowing Veterans and



their representatives to participate in hearings before the Board via voice and video transmission over the internet using non-VA cell phones, tablets and computers. This technology also provides greater access and flexibility to Veterans in rural locations.

Risk: VHA may underestimate or overestimate employee output in terms of processing benefits in the modernized system.

Mitigation: VHA will adjust staffing as needed.

Risk: NCA software systems severely impact adjudication speed.

Mitigation: OIT is working to implement new software.

Risk: VHA adjudication records are currently maintained in many VHA-centric systems that are currently not architected to integrate with the Caseflow system. This situation is currently adding barriers to the intaking of VHA appeals. If a modernized IT solution for VHA claims processing and management remains unfunded and undeveloped, then VHA appeals will be handled through work arounds that will negatively impact a timely resolution for Veterans and other claimants.

Mitigation: VHA will continue to work with OIT to develop new IT capabilities to enable the intake and management of modernized appeals through the use of Caseflow, the Centralized Mail Portal and eventual integration with a new VHA Case Management System.

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

Risk: Veterans may not receive enough information about the AMA, or they may be confused by the information they do receive.

Mitigation: The Chairman participated in several media engagements and interviews as well as multiple stakeholder events and conferences to provide training and information to stakeholders and Veterans about the AMA process. The Board also used social media, including Twitter, LinkedIn and Facebook, as well as press releases and blogs to provide information regarding the AMA. Similarly, VBA leadership has given numerous media interviews and conducted online events to build interest in, and support for, the new system. The Chairman is continuing to reorganize the Board's website to provide clear and understandable information on the appeals processes. In addition, the Board's Strategic Advisor/Liaison on VSO/Stakeholder Affairs coordinates and assists VSOs and various stakeholders with the AMA. Continuing education and partnership with VSOs and advocates to assist Veterans in reviewing their options and submitting their decision review requests will further aid in a better understanding of the AMA system. Nationwide outreach efforts by the Board and VBA explained and clarified the AMA system so that representatives and other stakeholders would better understand the new law and related implications.

Risk: New VHA capabilities, enhancements and procedures need to be socialized with external and internal VHA stakeholders.

Mitigation: VHA is engaging with internal and external stakeholders, as necessary.

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

Risk: Revising existing AMA policies and/or procedures after full implementation of the law would affect business systems, forms and possibly notification letters.

Mitigation: VA will provide advance notice and strategic coordination with partners, all business lines, and program offices on any revisions to procedures and policies to ensure successful implementation of any future changes.

Risk: Updated VHA policies are not currently published.

Mitigation: VHA program offices have provided the affected workforce interim guidance.

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

Risk: VHA does not have final AMA regulations.

Mitigation: VHA published its proposed Appeals Modernization regulation AQ44(P) in February 2020 and anticipates publication of the final rule. VHA will continue to process health benefits claims and appeals in accordance with AMA statutory authorities.

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

VA has no updates from prior reports.

#### **17. Key Goals and Milestones for Reducing Legacy Inventory (Section 3(b)(17))**

Risk: The Board may receive a large number of legacy appeals in a short time with a corresponding increase in AMA appeals that could result in a delay in reducing the number of pending legacy appeals and impact the processing of AMA appeals.

Mitigation: The Board significantly increased the number of personnel over the past 3 years and continues to identify and request resources necessary to adjudicate legacy and AMA appeals timely and accurately. In addition, the Chairman reorganized the Board structure to put more personnel in Veteran-facing positions that directly deliver results to Veterans and their families. The Board monitors the legacy workload (case receipts, pending remand inventory, etc.) in each VA Administration and closely collaborates with VBA, VHA and NCA to adjust workload and workforce processes, as needed. The Board also uses an algorithm to prioritize AOD, legacy and AMA Direct Review docket appeals. Between May 2020 and September 2020, the Board received an increased number of legacy appeals from VBA. However, the increase did not

impact the Board's output. The Board exceeded its decision output goals for FY 2020 and FY 2021 and set a goal of 111,500 for FY 2022.

Risk: VBA may not be able to eliminate the non-remand legacy appeals inventory by the end of FY 2022 due to appeals processing interruptions caused by the COVID-19 pandemic (e.g., inability to conduct in-person conferences at an RO, conduct in-person compensation examinations and request Federal records from external organizations).

Mitigation: VBA continues to identify and implement measures to assist Veterans and other claimants in the processing of benefit claims and legacy appeals during the pandemic, including the use of telehealth and acceptable clinical evidence examinations, where appropriate, and providing virtual conferences.

Risk: VHA may be unable to resolve the legacy appeals inventory in a timely manner.

Mitigation: VHA is actively monitoring legacy appeal inventory and will realign resources, as necessary. In FY 2021, CAMO established an 'office hours' policy that enabled program office staff to work directly with CAMO staff to more quickly resolve VHA's oldest legacy appeals.

Risk: CAVC decisions adversely impact VHA's ability to resolve the legacy appeals workload in a timely manner. Particularly, the ruling in *Beaudette v. McDonough*, 34 Vet. App. 95 (2021) may add thousands of PCAFC appeals to VHA's legacy inventory, and the ruling in *Wolfe v. Wilkie*, 32 Vet. App. 1 (2019) may delay final adjudication of certain community care reimbursement claims.

Mitigation: VHA is working to establish CSP legacy appeals processes and capabilities and expedite resolution of *Wolfe*-class cases.

#### **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: Rapid Appeals Modernization Program (RAMP)**

VA launched RAMP in November 2017 to allow eligible Veterans with pending appeals early opportunities to use the new review processes the AMA established. On February 15, 2019, VA discontinued accepting new RAMP elections postmarked after that date in advance of AMA becoming fully effective on February 19, 2019. As of December 31, 2021, over 73,000 Veterans with 88,574 appeals elected to participate in RAMP. These Veterans received decisions significantly faster than in the legacy appeals system. VA completed HLRs in an average of 125 days and supplemental claims in an average of 177 days. Under RAMP, VA paid out over \$515 million in retroactive benefits. As of December 2021, there are 17 RAMP claims left to process; VBA expects to resolve these claims in FY 2022.

The Board adjudicated appeals arising from RAMP as early AMA appeals in a phased-in approach that allowed the Board to identify and address potential issues and risks related to AMA implementation. Since AMA implementation on February 19, 2019, appeals that arise from RAMP decisions are treated as AMA appeals.

## Appendix A – Board of Veterans’ Appeals Outreach

FY- Quarter	Outreach Date	Outreach/Communication Activities
FY 2019- Quarter 4	July 27, 2019 <i>VSO</i>	VA participated in DAV (?) Chapter #10 Information Seminar.
FY 2019- Quarter 4	Aug 12, 2019 <i>Stakeholder</i>	The Chairman provided remarks at the National Association of State Directors of Veterans Affairs Conference in Omaha, Nebraska.
FY 2019- Quarter 4	Aug 14, 2019 <i>Stakeholder</i>	VA hosted a teleconference with Four Corners staff regarding virtual tele-hearings.
FY 2019- Quarter 4	Aug 20, 2019 <i>VSO</i>	The Chairman provided remarks at the National Association of State Women Veterans Coordinators Conference.
FY 2019- Quarter 4	Aug 22, 2019 <i>VSO</i>	The Chairman provided remarks on Appeals Modernization at the Idaho Division of Veterans Services.
FY 2019- Quarter 4	Aug 24, 2019 <i>VSO</i>	VA leadership participated in The American Legion’s 101st Annual National Convention.
FY 2019- Quarter 4	Sept 11, 2019 <i>Media</i>	VA issued a press release: VA Achieves Historic Goal Delivering More Than 90,000 Appeals Decisions to Veterans in FY 2019, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5312">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5312</a> .
FY 2019- Quarter 4	Sept 13, 2019 <i>Stakeholder</i>	VA leadership participated in the National Organization of Veterans Advocates Fall Conference. The Chairman spoke on a panel and discussed Appeals Modernization.
FY 2019- Quarter 4	Sept 25, 2019 <i>VSO</i>	The Chairman participated in a television interview with Government Matters where she discussed Appeals Modernization.
FY 2020- Quarter 1	Oct 3, 2019 <i>VSO</i>	The Chairman’s representative attended the PA Department of Military & Veterans Affairs training session and spoke about Appeals Modernization.
FY 2020- Quarter 1	Oct 6, 2019 <i>VSO</i>	The Chairman provided remarks at the Florida Department of Veterans’ Affairs training.
FY 2020- Quarter 1	Oct 9, 2019 <i>Media</i>	VA issued a press release: VA Board of Veterans’ Appeals Makes History with Record Breaking Year in 2019, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5332">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5332</a> .
FY 2020- Quarter 1	Oct 15-18, 2019 <i>VSO</i>	The Chairman’s representative spoke at the Oregon Department of Veterans Affairs about Appeals Modernization.
FY 2020- Quarter 1	Oct 25, 2019 <i>VSO</i>	The Chairman’s representative provided remarks at the New Jersey Association of Veterans Service Officers training.
FY 2020- Quarter 1	Oct 29-30, 2019 <i>VSO</i>	The Chairman spoke about Appeals Modernization at the Arizona Department of Veterans Services Conference.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2020-Quarter 1	Oct 29, 2019 <i>Media</i>	VA issued a press release: VA Finalizes Plan to Resolve Legacy Appeals by the End of 2022, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5345">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5345</a> .
FY 2020-Quarter 1	Nov 19, 2019 <i>Stakeholder</i>	VA provided Four Corners staff a briefing on the Legacy Appeals Resolution Plan.
FY 2020-Quarter 1	Nov 19, 2019 <i>Stakeholder</i>	The Chairman met with U.S. Senator Michael Bennett (CO) to discuss Virtual Hearings, and how Veterans in Colorado could benefit from this emerging technology.
FY 2020-Quarter 1	Dec 3, 2019 <i>Media</i>	The Board released a Blog on Vantage Point regarding Virtual Hearings, available at <a href="https://www.blogs.va.gov/VAntage/68964/veterans-see-virtual-hearings-board-veterans-appeals-early-2020/">https://www.blogs.va.gov/VAntage/68964/veterans-see-virtual-hearings-board-veterans-appeals-early-2020/</a> .
FY 2020-Quarter 1	Dec 4, 2019 <i>VSO</i>	The Chairman's representatives provided remarks at the Texas Veterans Commission training.
FY 2020-Quarter 1	Dec 9, 2019 <i>Media</i>	VA issued a press release: VA Board of Veterans' Appeals Plans Virtual Hearings in 2020, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5372">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5372</a> .
FY 2020-Quarter 2	Jan 14, 2020 <i>VSO</i>	The Board hosted a quarterly VSO meeting for co-located VSOs. Representatives from VBA also presented.
FY 2020-Quarter 2	Jan 21, 2020 <i>Media</i>	VA issued a press release regarding resolution of legacy appeals, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5385">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5385</a> .
FY 2020-Quarter 2	Jan 22, 2020 <i>Stakeholder</i>	The Chairman and VBA provided an introductory brief on appeals to new Senate Veterans' Affairs Committee staff.
FY 2020-Quarter 2	Jan 28, 2020 <i>Stakeholder, VSO</i>	While in Arizona, the Chairman met with Senator McSally's staff, as well as local state VSOs (AZ Dept. of Veterans Services, American Legion, United AZ Veterans). The Chairman gave an update on appeals and the Board.
FY 2020-Quarter 2	Feb 10, 2020 <i>VSO</i>	VSO Briefing on FY 2021 Budget - hosted by VACO.
FY 2020-Quarter 2	Feb 24, 2020 <i>VSO</i>	The Chairman spoke about the Board of Veterans' Appeals and Appeals Modernization at the NACVSO Leadership and Legislative Summit.
FY 2020-Quarter 2	Feb 26, 2020 <i>VSO</i>	The Chairman spoke to NASDVA about the Board of Veterans' Appeals and Appeals Modernization, including virtual tele-hearings.
FY 2020-Quarter 2	March 2, 2020 <i>Media</i>	VA issued a press release regarding VLJ employment, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5396">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5396</a> .
FY 2020-Quarter 2	March 9, 2020 <i>VSO</i>	The Chairman spoke at the American Legion's 2020 Conference about the Board of Veterans' Appeals and Appeals Modernization.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2020-Quarter 2	March 25, 2020 <i>VSO</i>	The Chairman participated with other VA Senior Officials and the Secretary of Veterans Affairs in an Intergovernmental Affairs Conference call for a COVID-19 briefing update surrounding core service delivery functions as the Department continues preparation/response to the pandemic.
FY 2020-Quarter 2	March 31, 2020 <i>VSO</i>	The Board hosted a VSO update call where the Board gave COVID-19 updates and did a deep dive into the Board's virtual tele-hearing plan.
FY 2020-Quarter 3	April 2, 2020 <i>Stakeholder</i>	The Chairman presented to VHA's Federal Recovery Consultants and gave a brief overview of the Board, appeals and Appeals Modernization.
FY 2020-Quarter 3	April 3, 2020 <i>Media</i>	VA issued a press release regarding extending financial, benefits and claims relief to Veterans, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5412">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5412</a> .
FY 2020-Quarter 3	April 8, 2020 <i>Media</i>	VA issued a press release regarding appeals production, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5414">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5414</a> .
FY 2020-Quarter 3	April 30, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Florida Dept. of Veterans Affairs (FDVA) via the virtual hearing room. She discussed Board updates related to COVID-19 and demonstrated how easy/accessible virtual tele-hearings are. The Board received feedback from FDVA.
FY 2020-Quarter 3	May 1, 2020 <i>Media</i>	VA issued a press release regarding expanded access to virtual tele-hearings, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5436">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5436</a> .
FY 2020-Quarter 3	May 6, 2020 <i>Stakeholder</i>	The Chairman and VBA's Under Secretary for Benefits participated in a briefing with Rep. Steube regarding appeals processing times and how appeals modernization is helping Veterans.
FY 2020-Quarter 3	May 7, 2020 <i>Media</i>	VA issued a press release regarding the Department's plan on returning to pre-COVID-19 operations, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5443">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5443</a> .
FY 2020-Quarter 3	May 7, 2020 <i>VSO</i>	The Chairman presented to the New York State Division of Veterans' Services and gave an update on appeals. The Chairman also discussed virtual tele-hearings and encouraged representatives to choose this option.
FY 2020-Quarter 3	May 7, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Texas Veterans Commission (TVC) through the virtual hearing room, discussed Board updates related to COVID-19 and demonstrated how easy/accessible virtual tele-hearings are. The Board received feedback from TVC.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2020-Quarter 3	May 15, 2020 <i>Stakeholder</i>	The Chairman presented to the Judge Advocate General LLM (Master of Law) group (in conjunction with CAVC). She gave a brief Board overview and discussed legacy appeals and AMA appeals.
FY 2020-Quarter 3	May 21, 2020 <i>Media</i>	The Chairman participated in an interview with Government Matters, where she discussed the Board's response to COVID-19 and Appeals Modernization.
FY 2020-Quarter 3	June 9, 2020 <i>Media</i>	The Chairman participated in an interview with the Partnership for Public Service where she discussed the Board, Appeals Modernization and the Board's response to COVID-19.
FY 2020-Quarter 3	June 17, 2020 <i>Stakeholder</i>	The Chairman presented to the Federal Circuit Bar Association where she discussed the Board's relationship with CAVC, to include Appeals Modernization updates.
FY 2020-Quarter 3	June 19, 2020 <i>Stakeholder</i>	The Chairman hosted a VSO briefing for the Minnesota Department of Veterans Affairs through the virtual hearing room, discussed Board updates related to COVID-19 and demonstrated the ease of accessibility of virtual tele-hearings.
FY 2020-Quarter 3	June 23, 2020 <i>Stakeholder</i>	The Chairman participated in a Women Veterans Initiative event with the Acting Deputy Secretary where she discussed the Board, Appeals Modernization and Board updates related to COVID-19.
FY 2020-Quarter 4	July 8, 2020 <i>Stakeholder Engagement</i>	The Chairman presented to the Center for Women Veterans Virtual Partners Meeting. She gave a brief overview of the Board, appeals and Appeals Modernization.
FY 2020-Quarter 4	July 14, 2020 <i>Media</i>	VA released a new Quick Start Guide for Modernized Veteran Appeals Decision Reviews, available at <a href="https://www.blogs.va.gov/VAntage/76497/quick-start-guide-modernized-veteran-appeals-process-now-available/">https://www.blogs.va.gov/VAntage/76497/quick-start-guide-modernized-veteran-appeals-process-now-available/</a>
FY 2020, Quarter 4	July 21, 2020 <i>Stakeholder</i>	The Board hosted a virtual tele-hearing briefing for 4-Corners staff. The 4-Corners were briefed in the Virtual tele-hearing room, and were given Board updates, including any Appeals Modernization updates.
FY 2020, Quarter 4	Aug 4, 2020 <i>Stakeholder</i>	The Chairman presented to LTC Margaret Berryman, U.S. Army from the Army War College Fellowship Brief. She provided a brief overview on the Board, its history and the appeals process.
FY 2020, Quarter 4	Aug 4, 2020 <i>VSO</i>	The Chairman presented at the NACVSO Accreditation Training. She gave a brief overview of Board updates as well as updates on virtual tele-hearings and Appeals Modernization.
FY 2020, Quarter 4	Aug 12, 2020 <i>VSO</i>	The Chairman presented to MOAA on the Board and Appeals Modernization updates.



<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2020, Quarter 4	Aug 14, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing through the virtual hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated how easy/accessible virtual hearings are.
FY 2020, Quarter 4	Aug 27, 2020 <i>Media</i>	The Board issued a press release on reaching the number of decisions goal early available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5509">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5509</a> .
FY 2020, Quarter 4	Sept 2, 2020 <i>Media</i>	The Board issued a blog about virtual tele-hearings available at: <a href="https://www.blogs.va.gov/VAntage/78459/board-bringing-hearings-veterans-virtually/">https://www.blogs.va.gov/VAntage/78459/board-bringing-hearings-veterans-virtually/</a> .
FY 2020, Quarter 4	Sept 8, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Michigan Department of Veterans Affairs through the virtual tele-hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated how easy/accessible virtual tele-hearings are.
FY 2020, Quarter 4	Sept 10, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Michigan Veterans Affairs Agency through the virtual tele-hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated how easy/accessible virtual tele-hearings are.
FY 2020, Quarter 4	Sept 21, 2020 <i>Stakeholder</i>	The Chairman participated in the ADEPSECVA (spelling of this the Chairman participated in) Women's Veterans Forum where she discussed appeals, Appeals Modernization, the Board and the Board's response to COVID-19.
FY 2020, Quarter 4	Sept 23, 2020 <i>Media</i>	The Board issued a press release on reaching a historic number of appeals, available at <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5525">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5525</a> .
FY 2020, Quarter 4	Sept 29, 2020 <i>Stakeholder</i>	The Chairman participated in the CapCon HillVets Annual event where she discussed Board updates, including COVID-19 operations, virtual tele-hearings and Appeals Modernization.
FY 2021, Quarter 1	Oct 1, 2020 <i>Media</i>	An article on appeals modernization, the Board and virtual tele-hearings which was published in the Nebraska Lawyer magazine, available at <a href="https://cdn.ymaws.com/www.nebar.com/resource/resmgr/nebraskalawyer_2017plus/2020/octobernovember/TNL-0920b.pdf">https://cdn.ymaws.com/www.nebar.com/resource/resmgr/nebraskalawyer_2017plus/2020/octobernovember/TNL-0920b.pdf</a> .
FY 2021, Quarter 1	Oct 7, 2020 <i>VSO</i>	The Chairman hosted a Board Town Hall, where she discussed the Board's current state, Appeals Modernization, numbers for FY 2020 and what is to come in FY 2021.
FY 2021, Quarter 1	Oct 14, 2020 <i>VSO</i>	The Chairman provided remarks at the CACVSO fall training conference where she discussed the Board, Appeals Modernization, virtual tele-hearings and other updates.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2021, Quarter 1	Oct 22, 2020 <i>Stakeholder</i>	The Chairman presented at the CAVC Bar Conference where she discussed Appeals Modernization, virtual tele-hearings and the state of the Board during the pandemic.
FY 2021, Quarter 1	Oct 23, 2020 VSO	Chairman Mason presented at the National Organization of Veterans' Advocates Fall Virtual Conference where she discussed Appeals Modernization, virtual tele-hearings and the state of the Board during the pandemic.
FY 2021, Quarter 1	October 27, 2020 Media	The Chairman participated in the "Behind the Service" podcast, where she discussed her career and life as a military spouse as well as Board operations and goals available at <a href="https://www.behindtheservicepodcast.com/podcast/episode/c03b6ee1/va-board-of-appeals-with-chairman-cheryl-mason">https://www.behindtheservicepodcast.com/podcast/episode/c03b6ee1/va-board-of-appeals-with-chairman-cheryl-mason</a> .
FY 2021, Quarter 1	Nov 19, 2020 <i>Stakeholder</i>	The Chairman presented at the American Bar Association panel on Adjudication during the pandemic. She discussed the Board's response to COVID-19 as well as Appeals Modernization and virtual tele-hearings.
FY 2021, Quarter 1	Dec 4, 2020 <i>Media</i>	The Chairman recorded a podcast for the Racing for Heroes podcast, where she discussed Board operations and goals as well as AMA and virtual tele-hearings.
FY 2021, Quarter 1	Dec 4, 2020 <i>Stakeholder</i>	The Board participated in the VA Health Care Live event where the Chairman briefed on Appeals Modernization, virtual tele-hearings and COVID-19 operations. Board staff answered questions.
FY 2021, Quarter 1	Dec 9, 2020 VSO	The Chairman provided remarks at the NACVSO Conference.
FY 2021, Quarter 2	Dec 9, 2020 VSO	Three Veterans Law Judges provided virtual appeals training to NACVSO with 300 VSOs in attendance.
FY 2021, Quarter 2	Jan 5, 2021 <i>Media</i>	The Chairman released a YouTube video and blog about what Veterans can expect during their hearings: available at <a href="https://www.blogs.va.gov/VAntage/83159/expect-board-veterans-appeals-hearing/">https://www.blogs.va.gov/VAntage/83159/expect-board-veterans-appeals-hearing/</a>
FY 2021, Quarter 2	Jan 6, 2021 VSO	The Board hosted a quarterly VSO meeting for co-located VSOs. Representatives from VBA also presented.
FY 2021, Quarter 2	Jan 14, 2021 <i>Media</i>	VA issued a blog about how family members and caregivers can assist Veterans in the appeals process, available at <a href="https://www.blogs.va.gov/VAntage/83553/family-members-caregivers-can-help-veterans-appeal/">https://www.blogs.va.gov/VAntage/83553/family-members-caregivers-can-help-veterans-appeal/</a>
FY 2021, Quarter 2	Jan 21, 2021 VSO	The Board hosted a VSO update call where the Board gave an update on the status of appeals at the Board, Appeals Modernization and virtual tele-hearings.
FY 2021, Quarter 2	Jan 28, 2021 <i>Stakeholder</i>	The Chairman participated in discussion of virtual hearings with the Council on Federal Agency Adjudication.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2021, Quarter 2	Feb 2, 2021 <i>Stakeholder</i>	The Chairman gave an interview with Legionnaire Magazine discussing the of the Department and Board in the Legacy appeals resolution plan, an update of Appeals Modernization, the Board's response to COVID-19, virtual tele-hearings, the Chairman's work as a military spouse employment champion in the Federal Government and partner space and her work as a REACH ambassador.
FY 2021, Quarter 2	Feb 9, 2021 <i>Stakeholder</i>	The Chairman met with the Joint Base San Antonio Workforce and Transition Alliance to discuss the success of the Department and Board in the Legacy appeals resolution plan, an update of Appeals Modernization, the Board's response to COVID-19, virtual tele-hearings, the Chairman's work as a military spouse employment champion in the Federal Government and partner space, and her work as a REACH ambassador.
FY 2021, Quarter 2	Feb 10, 2021 VSO	The Chairman met with the Assistant Director of the Veterans Health Council of Vietnam Veterans of America.
FY 2021, Quarter 2	Feb 18, 2021 VSO	The Board hosted a VSO update call on the status of appeals at the Board, Appeals Modernization, and virtual tele-hearings.
FY 2021, Quarter 2	Feb 23, 2021 <i>Stakeholder</i>	The Chairman gave an interview to CASY/MSCCN Founders Friday program to discuss the success of the Department and Board in the Legacy Appeals Resolution plan, implementation of Appeals Modernization appeals, the Board's response to COVID-19 and virtual tele-hearings, the Chairman's work as a military spouse employment champion in the Federal Government and partner space, how spouses and family members can assist with a Veteran's appeal, and the Chairman's work as a national ambassador for REACH.
FY 2021, Quarter 2	Feb 24, 2021 VSO	The Chairman spoke to the California County Veterans Service Officers at their annual training to discuss how VSOs can encourage Veterans to opt-into virtual tele-hearings.
FY 2021, Quarter 2	March 4, 2021 <i>Stakeholder</i>	The Chairman spoke to RO Directors during the Deputy Under Secretary of Benefits call with the Office of Field Operations. She discussed the different types of Board hearings, the timeline for scheduling hearings, the Legacy appeals drawdown and the Board's FY 2021 goals.
FY 2021, Quarter 2	March 9, 2021 VSO	The Chairman spoke to the National County Veterans Service Officers at their annual training and discussed how VSOs can encourage Veterans to opt-into virtual tele-hearings.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2021, Quarter 2	March 12, 2021 <i>VSO</i>	The Chairman Mason presented at the National Organization of Veterans' Advocates Spring Conference where she discussed the Legacy appeals resolution plan, virtual tele-hearings, mail processing and intake innovations, and hearing branch improvements.
FY 2021, Quarter 2	March 15, 2021 <i>Stakeholder</i>	The Chairman briefed members of the HVAC Technology Modernization Subcommittee on the use and requirements of Caseflow and VACOLS.
FY 2021, Quarter 2	March 23, 2021 <i>Stakeholder</i>	The Chairman was a guest speaker at Yale Law School. She spoke to the Veterans benefits law class. She provided an overview of the Board, explained the procedural posture of appeals, and discuss the significance of remands from the United States Court of Appeals for Veterans Claims.
FY 2021, Quarter 2	March 23, 2021 <i>Stakeholder</i>	Chairman Mason briefed Senator Booker's staff on how appeals modernization impacts the Board's appeals and hearings workload
FY 2021, Quarter 2	March 31, 2021 <i>Stakeholder</i>	Chairman Mason provided an overview of the Board to staff members of Congresswoman Luria, Chairwoman of the House Committee on Veterans' Affairs, Disability Assistance and Memorial Affairs Subcommittee
FY 2021, Quarter 3	April 5, 2021 <i>Media</i>	VA issued a blog about how Veterans can schedule a virtual tele-hearing, available at <a href="https://blogs.va.gov/VAntage/85732/how-to-get-a-virtual-hearing-at-the-bva/">https://blogs.va.gov/VAntage/85732/how-to-get-a-virtual-hearing-at-the-bva/</a>
FY 2021, Quarter 3	April 6, 2021 <i>Media</i>	Chairman Mason participated in a Mettle of Honor podcast, where she discussed the Board, Appeals Modernization and appeals in general.
FY 2021, Quarter 3	April 6, 2021 <i>VSO</i>	The Chairman participated in a quarterly meeting with VSOs to discuss hearings, direct upload capability, and IT priorities.
FY 2021, Quarter 3	April 7, 2021 <i>Stakeholder</i>	The virtual tele-hearing blog was sent to Congressional Member offices through GovDelivery.
FY 2021, Quarter 3	April 7, 2021 <i>Stakeholder</i>	The Chairman and three Veterans Law Judges spoke with students from the University of Baltimore Law School's Veterans Clinic who were virtually visiting the Board for an overview of advocacy before the Board. They were also provided with the opportunity to see the Board's virtual tele-hearing capabilities.
FY 2021, Quarter 3	April 12, 2021 <i>Stakeholder</i>	The Chairman was interviewed by the Administrative Conference of the United States Virtual Hearing Project, which is exploring the use of virtual hearings in agency adjudications where participants attend remotely. The Board is an innovative leader across the Federal agencies in virtual tele-hearings.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2021, Quarter 3	April 13, 2021 VSO	The Chairman participated in a monthly call with co-located VSOs where she shared information on Board operations and the future of work to include space at the Board.
FY 2021, Quarter 3	April 13, 2021 VSO	The Chairman provided an update on Board operations at the Iowa County Veterans Service Officers annual training. A Veterans Law Judge also provided appeals training at the event.
FY 2021, Quarter 3	April 14, 2021 VSO	The Chairman provided remarks at the National Association of County Veteran Service Officers annual training. Three Veterans Law Judges also provided appeals training with over 200 people in attendance.
FY 2021, Quarter 3	May 6, 2021 <i>Stakeholder</i>	Chairman Mason spoke at a Military Spouse Appreciation Day event hosted by the U.S. Department of Labor Women's Bureau and Joining Forces regarding employment opportunities and benefit resources for military spouses and military families.
FY 2021, Quarter 3	May 11, 2021 VSO	The Chairman participated in a monthly call with co-located VSOs where she shared information on Board operations.
FY 2021, Quarter 3	May 20, 2021 <i>Stakeholder</i>	The Chairman traveled to Nashville to give the keynote at an Operation Resiliency retreat with The Independence Fund. She addressed a Marine Regiment that sustained heavy casualties during Operation Iraqi Freedom and whose Marines and Sailors received numerous medals (many posthumously).
FY 2021, Quarter 3	May 25, 2021 <i>Stakeholder</i>	The Chairman gave a presentation at VA's Institute for Defense and Government Advancement's Spring 2021 Healthcare Conference. She discussed modernizing the appeals process, to include cross-agency partnership initiatives and efforts to improve access for Veterans and their families, caregivers and survivors.
FY 2021, Quarter 3	May 27, 2021 <i>Stakeholder</i>	The Chairman attended the Spring 2021 meeting of the Administrative Conference of the US Council on Federal Agency Adjudication.
FY 2021, Quarter 3	June 3, 2021 <i>Stakeholder</i>	The Chairman met with the Administrative Conference of the US Council on Federal Agency Adjudication.
FY 2021, Quarter 3	June 8, 2021 VSO	The Chairman provided a Board update to the Wisconsin County Veterans Service Organization at their annual training.
FY 2021, Quarter 3	June 16, 2021 VSO	The Chairman presented Board updates to the California Association of County Veteran Service Officers.
FY 2021, Quarter 3	June 21, 2021 VSO	The Chairman hosted a meet and greet with The American Legion senior staff.
FY 2021, Quarter 3	June 21, 2021 VSO	The Chairman hosted a meet and greet with the Disabled American Veterans new junior leadership.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2021, Quarter 3	June 30, 2021 <i>VSO</i>	The Board's VSO Liaison participated in panel discussions with the California Association of County Veterans Service Officers.
FY 2021, Quarter 3	July 13, 2021 <i>Stakeholder</i>	The Chairman testified in front of the House Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs on an oversight hearing titled, "VA Appeals Program: Examining the State of Modernization Efforts."
FY 2021 Quarter 4	July 13, 2021 <i>VSO</i>	The Chairman was a keynote speaker at National Association of County Service Offices
FY 2021 Quarter 4	September 13, 2021 <i>VSO</i>	The Chairman attended and spoke at the Annual National Association of State Directors of Veterans Affairs Conference in Reno, Nevada.
FY 2021 Quarter 4	September 20, 2021 <i>Public Engagement</i>	The Chairman attended a meeting of the Administrative Conference of the United States Council on BVA Quality Assurance Systems.
FY 2021 Quarter 4	September 28, 2021 <i>VSO</i>	The Chairman was a keynote speaker at New York Department of Veterans Services Conference.
FY 2021 Quarter 4	September 29, 2021 <i>Media</i>	The Chairman was a guest on the Vets2Industry podcast.
FY 2022 Quarter 1	October 1, 2021 <i>VSO</i>	The Chairman was a keynote speaker at the National Organization of Veterans' Advocates conference.
FY 2022 Quarter 1	October 6, 2021 <i>VSO</i>	The Chairman was a keynote speaker at the South Carolina County Veterans Service Officer conference.
FY 2022 Quarter 1	October 19, 2021 <i>Media</i>	The Chairman was interviewed on the Keep It Brief Podcast.
FY 2022 Quarter 1	October 20, 2021 <i>Public Engagement</i>	The Chairman was a panel member on the Military Spouse Employment Partnership meeting.
FY 2022 Quarter 1	October 26, 2021 <i>Public Engagement</i>	The Chairman was a guest speaker at the Military Spouse Employment Partnership Induction ceremony.
FY 2022 Quarter 1	October 27, 2021	The Chairman was a panel member on the Military Spouse Employment Partnership/DOD meeting discussing military spouse employment in the Federal Government.

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
	<i>Public Engagement</i>	
FY 2022 Quarter 1	November 3, 2021 VSO	The Chairman presented a Board of Veterans' Appeals update to the Mississippi Assoc. of County Veteran Service Officers.
FY 2022 Quarter 1	November 15, 2021 <i>Public Engagement</i>	The Chairman attended the Public and Social Sector Women in the Workplace Event.
FY 2022 Quarter 1	November 15, 2021 <i>Public Engagement</i>	The Chairman was a panelist for a Military spouse Employment Working Group discussion.
FY 2022 Quarter 1	November 15, 2021 <i>Public Engagement</i>	The Chairman serves as a co-chair with OPM personnel for the Joining Forces sub IPC on Federal Government Military Spouse Employment panel for government agencies. This is a recurring monthly meeting.
FY 2022 Quarter 1	November 16, 2021 VSO	The Chairman presented a Board of Veterans' Appeals update to the Veterans of Foreign Wars advanced appeals training.
FY 2022 Quarter 1	November 17, 2021 <i>Public Engagement</i>	The Chairman attended the Hiring Our Hero Gala, that will recognize former VA Secretary Bob McDonald with the HOH Lifetime Achievement Award.
FY 2022 Quarter 1	December 1, 2021 <i>Public Engagement</i>	The Chairman was a panelist for Joint Forces and Hiring Our Heroes on military spouse employment in the Federal Government.
FY 2022 Quarter 1	December 14, 2021 VSO	The Chairman was a keynote speaker at the Baltimore Regional Office 1st Quarter Congressional Roundtable Meeting.
FY 2022 Quarter 1	December 15, 2021 VSO	The Chairman hosted the Board's Quarterly VSO/Representative meeting.

**Department of Veterans Affairs  
February 2022**