



# U.S. Department of Veterans Affairs

## **Periodic Progress Report on Appeals**

**P.L. 115-55, § 3**

**August 2022 Update**

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## **Executive Summary**

This report is the seventh 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 modernized claims and appeals system after benefiting from feedback received from stakeholders, including Veterans Service Organizations (VSO) 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 both legacy and AMA appeals.

This report does not take into account any potential future impact of the Honoring our PACT Act of 2022 (PACT Act), as the bill is not enrolled.

## **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 GAO reports below. For more information on GAO findings, including the status of the recommendations they contain, please see the hyperlinked websites below.

### **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 made four recommendations, two of which remain open:

- Fully address all legally required elements in VA’s appeals plan (closed);
- Articulate how VA will monitor and assess the new appeals process compared to the legacy process (open);
- Augment the master schedule for implementation of VA’s appeals plan (closed); and
- Fully address risk associated with appeals reform (open).

The Board of Veterans’ Appeals (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. The Board analyzes the legacy appeals, AMA appeals, and pending inventory, along with new legal authority such as new statute or precedential decisions that may influence workforce capacity. The associated analyses support decision making, strategic goals and objectives in the evaluation and recommendation of long-term resource management strategies. Additionally, the Veterans Benefits Administration (VBA) and the Board are embarking on a new initiative aimed at using an analytical framework to understand and assess the impact of the new AMA process (supplemental claims, higher-level reviews and AMA appeals) relative to the legacy appeals process.

**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 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 (closed);
- Develop a more timely and detailed workforce plan (closed);
- Develop a robust plan for monitoring process reform (closed);
- Develop a strategy for assessing process reform (open); and
- Create a schedule for information technology (IT) improvements that takes into account plans for potential process reform (closed).

As noted in the February 2022 update, GAO previously 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). More recently, GAO closed as implemented GAO-17-234 Recommendation 2 (develop IT schedule for updates) and VA Disability Benefits: Improved Planning Practices Would Better Ensure Successful Appeals Reform (GAO-18-352) Recommendation 3 (augment master schedule for VA appeals plan).

As noted above, VBA and the Board are embarking on a new initiative to use an analytical framework to understand and assess the impact of the new AMA process (supplemental claims, higher-level reviews and AMA appeals) relative to the legacy appeals process. In compliance with the Foundations for Evidence-Based Policymaking Act of 2018, VBA and the Board drafted a learning agenda question; while the learning agenda question was not included in the final VA learning agenda, in December 2021, VBA and the Board began a collaborative working group to explore a holistic path toward assessing the efficacy of the AMA review systems compared to the legacy appeals process.

## 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 Early Applicability of Appeals Modernization, 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;
- 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; and
- The Board developed detailed plans that reflect an Agile project management method for developing, implementing and integrating functionality envisioned under Caseflow.

## 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 71.3%, from 347,975 pending at the beginning of FY 2020, to 99,859 pending at the end of Quarter 3 (Q3) FY 2022. See Table 1 on page 6. VA anticipates the downward trend will continue.

At the beginning of FY 2022, the Board set an ambitious goal to issue 111,500 decisions based on projected staff levels for recruiting, onboarding and ramping up new judges and decision-drafting attorneys. Initial assumptions predicted this large plus-up in personnel would increase monthly decision rates in the latter half of FY 2022. The lengthy Continuing Resolution resulted in delayed recruitments and hiring. As a result, in March 2022, the Board made a decision to revise to a stretch goal of approximately 102,500 appeals by the end of FY 2022.

Throughout Q3, the Board continued to monitor and assess changing dynamics, including COVID-19-related impacts as travel restrictions, mask mandates and related health measures eased and a surge in long-delayed leave plans by judges, attorneys and staff exceeded historical trends. The Board annual and sick leave usage by attorneys increased by approximately 20% in FY 2022. These impacts along with delayed recruiting and onboarding of new, less-experienced personnel in place of retiring judges and counsel with an average tenure of roughly 30 years at the Board, resulted in lower than expected Board output in Q3 and is projected to continue in Q4. Thus, the Board, in late June, in effort to provide full transparency, recalculated its projections and revised the annual goal of 95,373 decisions for Veterans. The Board exceeded the FY 2021 record number of hearings held (23,777) as of June 30, 2022, and expects to hold a record number of approximately 28,000 Veteran-requested hearings by end of FY 2022.

The Board values work life balance and recognizes the importance of necessary leave for the health and well-being of its employees and has incorporated recent trends into calculations for the new goal and will continue to do so.

In June 2022, the President approved 22 new Veterans Law Judges (VLJ), and the Board is working with VA's Human Resources Administration to onboard these individuals over the upcoming months. Unfortunately, none of these judges will be onboarded in time to positively impact the number of decisions the Board will complete toward its target FY 2022 goal. The same is true for attorney hiring. The Board set ambitious goals to recruit and onboard at least 200 new attorneys before the end of FY 2022, but training and ramp up time will mean the full impact of this plus-up will not be felt until mid FY 2023.

In short, the number of hearings held and decisions rendered by the Board's 107 judges in FY 2022 is shaping up to look very similar to the pre-pandemic organizational results achieved by the Board's 103 judges in FY 2019, when the Board held just under 24,000 hearings and issued just over 95,000 decisions.

Despite the revised goal for FY 2022, the Board continues to prioritize resources in the FY to address pending legacy appeals inventory. Through June 2022, the Board dispatched 70,067 decisions, with 53,965 (77%) 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 20% through the first three quarters of FY 2022, with the Board's legacy inventory reduced by approximately 26%. Approximately half of all

Board legacy decisions are remanded appeals that require additional development under the law and are returned to the agency of original jurisdiction.

Table 1. Pending Legacy Appeals by VA Office - FY 2020 through Q3 FY 2022

	FY 2020		FY 2021				FY 2022		
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
<b>VBA</b>									
<b>VHA</b>	2,372	2,037	1,888	1,768	1,675	1,444	1,417	1,552	1,668
<b>NCA</b>									
<b>Board</b>	109,969	121,569	120,421	114,089	102,825	92,461	85,721	74,974	68,421
<b>Total:</b>									

\*FY 2020 began with 347,975 legacy appeals pending Department-wide.

Figure 1 below 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 FY and reflects the most recent projections through December 2023 (calendar year (CY) 2023). The initial resolution plan released in FY 2021 originally projected approximately 50,000 legacy appeals to be pending at the end of CY 2022; however, the updated plan released in FY 2022 now projects approximately 65,000 legacy appeals pending at the end of CY 2022 in large part due to the effects of COVID-19. The Board continually monitors the 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.

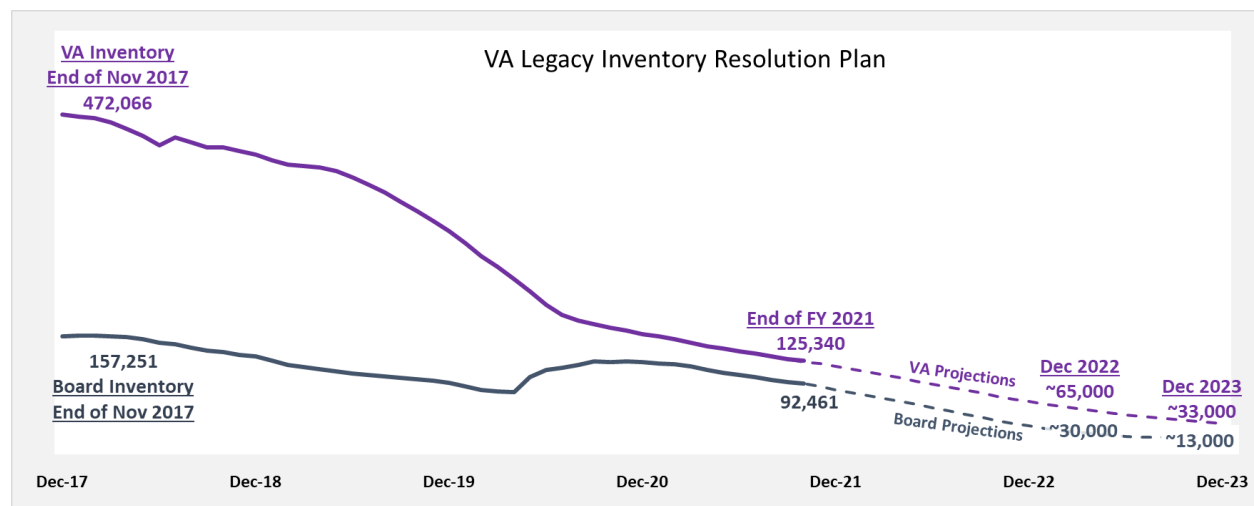


Figure 1. VA Legacy Inventory Resolution Plan

As planned, the Board updated the legacy resolution forecast to include updates to actual decisions from the prior FY, updated decision projections from the Board and



VBA and planning through the end of CY 2023. This updated plan reflects actual workload through June 2022 and updated production, including the impacts of COVID-19.

The Department's goal was to resolve legacy appeals by the end of CY 2022. The COVID-19 pandemic significantly impacted the ability to schedule and complete in-person examinations and obtain Federal records, delaying the completion of the development necessary to adjudicate the pending legacy appeals remands by VBA. The goal was also impacted by longer-lasting effects of COVID-19, to include the reduced capacity to conduct in-person hearings at the regional offices (RO) as well as reluctance to opt into virtual tele-hearings.

The Board continues to prioritize resources to address the pending legacy appeals inventory in FY 2022. Despite the unprecedented challenges presented by the COVID-19 pandemic, the Board successfully transitioned to a remote workforce and dispatched 70,067 decisions in FY 2022 through June 2022, with 53,965 (approximately 77%) of those decisions occurring in the legacy system.

In coordination with the Board's legacy resolution plan, there is significant progress in reducing the number of pending legacy Veteran-requested hearings. Through several initiatives, the Board drove a steady increase in the number of hearings held per month, from 869 in October 2020 to an average of 2,650 hearings held per month in FY 2022 through June 2022. These initiatives include expanded virtual tele-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 tele-hearing; enabling hearing email reminders; restructuring the Board's hearing operations; and supporting increased coordination with VSOs and private representatives. These improvements allowed the Board to provide hearings to Veterans in the comfort of their own home or other chosen location despite the public health restrictions imposed by the COVID-19 pandemic.

Board leadership monitors and adjusts the Board's finite resources to balance the need to provide Veteran-requested hearings and issue decisions for Veterans and their families, keeping Veterans and their families at the center of our process. 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 decreased capacity for the number of hearings that can be scheduled. Despite that, the Board conducted 23,846 hearings in FY 2022 through June 2022, already surpassing the record number of 23,777 hearings held during the entire FY of 2021. This accomplishment is due in large part to the Board's innovative virtual tele-hearing capability. Additionally, the number of pending legacy Veteran-requested hearings decreased by approximately 81% from 55,265 at the end of FY 2020 to 10,570 at the end of June 2022.

In May 2022, VBA’s Office of Administrative Review (OAR) began processing 3,806 pending VA Forms 9 identified in response to a U.S. Court of Appeals for Veterans Claims order in *Freund v. McDonough*, No. 21-4168. Any such appeals that cannot be resolved by VBA will be certified and transferred to the Board, resulting in a corresponding increase in the legacy appeals inventory.

In addition, the Board’s Specialized Case Team (SCT) is comprised of 88 attorneys who efficiently work on unusual or difficult cases. Attorneys are competitively selected for details to the SCT. Regular, staggered turnover provides many attorneys 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 2022 (though June 2022), 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 utilize 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 June 2022, total VBA legacy appeals inventory has decreased by approximately 91.5%, as depicted in Figure 2 below.

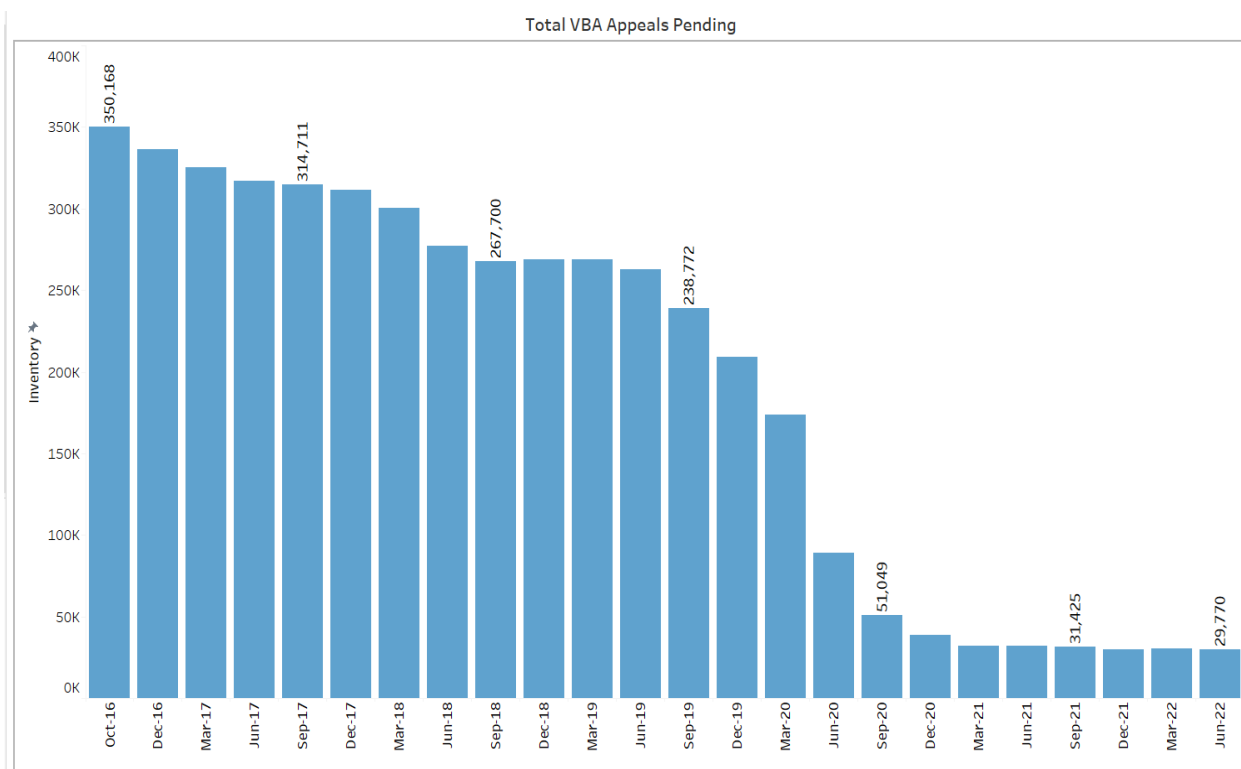


Figure 2. VBA Legacy Appeals Pending – October 2016 through June 2022

As of June 30, 2022, OAR reduced remand inventory by approximately 36% since the start of FY 2021. See Figure 3 below. The ability to complete legacy appeals was significantly slowed down between April 2020 and June 2022 due to the COVID-19 pandemic. The slowdown was the result of the reduced 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.

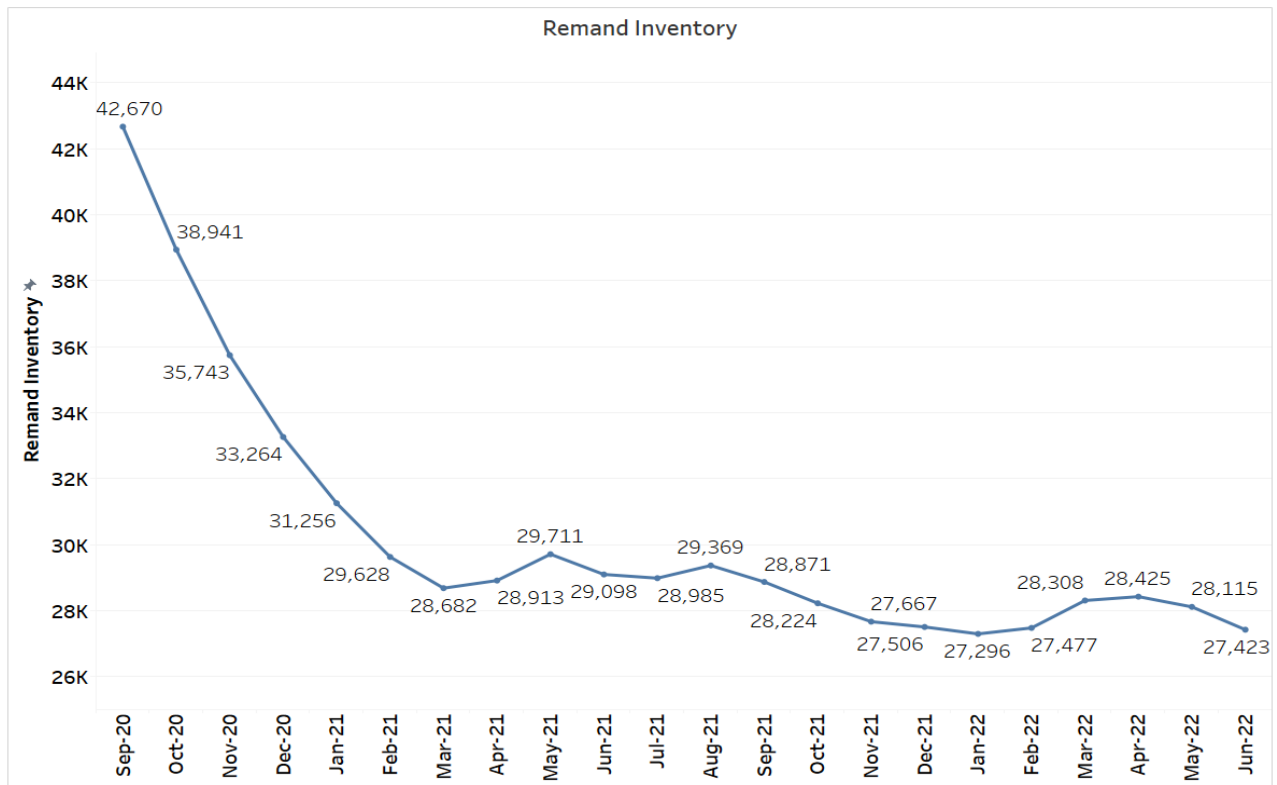


Figure 3. VBA Remand Inventory - September 2020 through June 2022

In FY 2022, VBA continues to assess resources depending on workload. OAR balances resources to manage and administer decisions in both systems—(i) AMA (higher-level reviews (HLR) and duty-to-assist error corrections identified under the HLR and the Board lanes) and (ii) 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 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.

During FY 2022, VBA continues to strive toward a working legacy remand inventory. VBA defines this as an inventory of legacy remands that are currently “in process.” Annual VBA legacy remand output should closely equal the number of remands received annually from the Board.

VBA's other benefit offices provide the following status reports on legacy appeals processing as of June 30, 2022:

- Pension program had 243 legacy appeals pending with VBA. There were six in the NOD stage, 11 in the Form 9 stage and 226 in the remand stage.
- Fiduciary program had one legacy appeal pending with VBA in the NOD stage.
- Insurance Service had four legacy appeals pending within VBA, all in the remand stage.
- Education Service had 17 legacy appeals pending within VBA, seven in the NOD stage and 10 in the remand stage.
- Veteran Readiness and Employment Service (VR&E) had 41 legacy appeals pending within VBA, with one in the Form 9 stage and 40 in the remand stage.
- Loan Guaranty Service (LGY) had six 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, reducing it to 1,668 cases as of June 30, 2022.

VHA's progress on this front has been impacted by the ruling in *Beaudette v. McDonough*, 34 Vet. App. 95 (2021), which held that Program of Comprehensive Assistance for Family Caregivers (PCAFC) decisions rendered by VHA's Caregiver Support Program (CSP) are appealable to the Board. Consequently, VA has worked to notify all individuals who had received a previous PCAFC decision dating back to May 2011 (over 400,000 individuals) of their right to appeal to the Board. Many of these decisions were issued prior to February 19, 2019, and would therefore be governed the legacy appeal process if an NOD appealing the decision is received. Prior to the *Beaudette* ruling, individuals who disagreed with a PCAFC decision could only utilize the VHA Clinical Appeal Process. Through close collaboration with VHA, VBA and Board partners, CSP worked diligently to garner the resources to develop and implement new workflows, processes and procedures required to support the right of Veterans and caregivers to pursue an appeal in the legacy review system. Since these are new processes for CSP, timelines for completion of NODs is not yet known. CSP will monitor timeliness as well as track the number of new NODs being received and develop strategies as needed to balance workload and resource availability. VHA remains committed to reducing the inventory of legacy appeals.

As of June 30, 2022, NCA has zero pending legacy appeals.

## **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 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. The Clerk's Office is supervised by a Board Senior Executive, led by a VLJ and has assistance of several counsel. It provides training and guidance for administrative staff charged with docketing AMA appeals, answers complex legal questions from VLJs, creates AMA letter templates for Board staff and assists Board management with general AMA execution. The Clerk's Office also works to identify and correct AMA docketing errors, improves 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 and respond to Veteran and stakeholder feedback, the Board:

- Creates, coordinates and leads 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 both legacy and AMA appeals;
- Develops and leads training sessions with internal and external stakeholders, including VSOs and representatives, to provide information and guidance on appeals modernization;
- Visualizes, implements and leads the virtual tele-hearing program;
- Implements a social media strategy that included legacy and AMA appeals messaging and updates on virtual tele-hearings; and
- Distributes email communications highlighting important AMA updates, training, tips and activities to both internal Board personnel and external stakeholders.

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 both the legacy and AMA systems. The Board uses the survey data to measure understanding and improve the hearing experience, as well as 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, enhance service recovery and improve communications.

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

VBA continues to administer VSignals surveys to measure satisfaction and understanding of the AMA decision review processes that occur within VBA, the HLR and the supplemental claim. VA deploys the initial survey to the Veteran upon receipt of a decision review request 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 modernized system. 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 published a revised notice, VHA Notice 2022-05, on April 27, 2022. 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 electronic claims 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 prompts VHA to transfer to the Board the records relevant to that appeal. Work is continuing in this effort to further ensure timely communication and document transfer, including future enhancements to both the Centralized Mail Portal and Caseflow. VHA has taken initial steps toward implementation of centralized VHA appeals management, designed to improve the quality and timeliness of VHA decision reviews.

In response to the holding in *Beaudette*, PCAFC decisions include notice of the right to seek further review, including Higher-Level Review, Supplemental Claim and Board appeal. VHA worked closely with the Board and OIT to establish the necessary functionality and processes to transfer PCAFC evidence files to the Board, enabling the Board to process and adjudicate appeals of PCAFC decisions. CSP has developed new workflows to support AMA review options and has provided training to field-based CSP staff, VHA patient advocates, and others on expanded PCAFC review and appeal options post-*Beaudette*.

NCA dedicated personnel to triage and process supplemental claims and HLRs. NCA manages the workload with a SharePoint list for three business lines' software programs, Time of Need (Burial Operations Support System), Memorial Products (Automated Monument Application System), and Pre-Need (Eligibility Office Automation System). 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.

This report does not take into account any potential future impact of the PACT Act, as the bill is not enrolled.

### **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).*

As a result of the implementation of the AMA and the pending legacy appeals workload, the Board is concurrently managing appeals in several dockets:

- Legacy appeals;
- AMA appeals on the Direct Review docket;
- AMA appeals on the Evidence Submission docket; and
- AMA appeals on the Hearing docket.

Note: Appeals that have been granted advanced on the docket (AOD) status or remanded to the Board by the United States Court of Appeals for Veterans Claims (CAVC) are prioritized for distribution to VLJs.

As explained in previous updates, the Board continues to prioritize AOD appeals and CAVC remands; legacy appeals; and AMA appeals on the Direct Review docket. Appeals from all 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 dockets. See 38 U.S.C. § 7107(a)(4);

38 C.F.R. §§ 20.800, 20.902 (As a general matter, each case before the Board will be decided in regular order according to its respective place on the docket to which it is assigned by the Board).

The AMA was intended to reduce the Board’s remand rate by closing the evidentiary record on appeal. In FY 2021, approximately 43.1% of the Board’s legacy appeals issues were remanded compared to 32.3% of AMA appeals issues. In FY 2022 through June 2022, 46.5% of legacy appeals issues have been remanded versus 32.5% 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. 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. Due to prioritization of legacy and AOD appeals, in FY 2022 through June 2022, approximately 11% of the Board’s decisions were for appeals on the Direct Review docket, which equated to 7,509 decisions. Therefore, the Board’s inventory of pending Direct Review docket cases has increased approximately 41%, from 26,849 pending at the start of FY 2022, to 37,742 pending as of June 30, 2022. Of the Direct Review docket appeals adjudicated by the Board in FY 2022 through June 2022, the Board has met its 365-day ADC goal in approximately 53% of those appeals.

ADC goals for all dockets in FY 2022 continue to be met in large part due to the significant proportion of dispatched appeals that have been granted AOD status, which allows for appeals to be heard more quickly and outside of docket order. Figure 4 below shows that through Q3 of FY 2022, 48% of Direct Review, 71% of Evidence Submission and 48% of Hearing docket decisions dispatched were AOD appeals.

	Direct Review	Evidence Submission	Hearing
<b>ADC AMA Decision from NOD in FY 2022 through Q3</b>	359	371	691

*Figure 4. Board AMA Docket Timeliness – FY 2022 through Q3*

As of the end of June 2022, the average days pending (ADP) for an appeal in the AMA Direct Review docket was 367 days; the ADP for the Evidence Submission docket was 479 days; and the ADP for the AMA Hearing docket was 568 days. The ADP for Evidence Submission and Hearing docket appeals is currently 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 February 2022 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).

VBA projects it currently requires a total of approximately 1,250 dedicated full-time equivalent employees (FTE) 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 Decision Review Operation Center (DROC) control. As of June 30, 2022, the DROCs at St. Petersburg and Seattle are authorized a total of 807 FTE to process compensation HLR requests, 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 remands. The remaining appeals production employees in DC DROC (totaling approximately 354 FTE) are allocated towards the managing and processing of legacy appeals. All remaining FTE include staff support and management.

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 June 30, 2022, was approximately 86.0 days, which measures below the 125-day goal for ADC.

For the same period, ADC for HLRs was approximately 66.0 days with 301,000 completions. ADP for HLRs was 22.0 days for a pending inventory of 13,238 claims. For supplemental claims, to include associated HLR returns, ADC was 93.2 days with 835,951 completions and ADP was 112.6 days for a pending inventory of 111,868. The “AMA Completions and ADC Month-to-Date” graph in Figure 5 below provides the monthly breakdown for completions and ADC for HLRs and supplemental claims. The “AMA Pending Inventory and ADP” graph in Figure 5 provides the monthly breakdown for pending inventory levels and ADP for HLRs and supplemental claims.

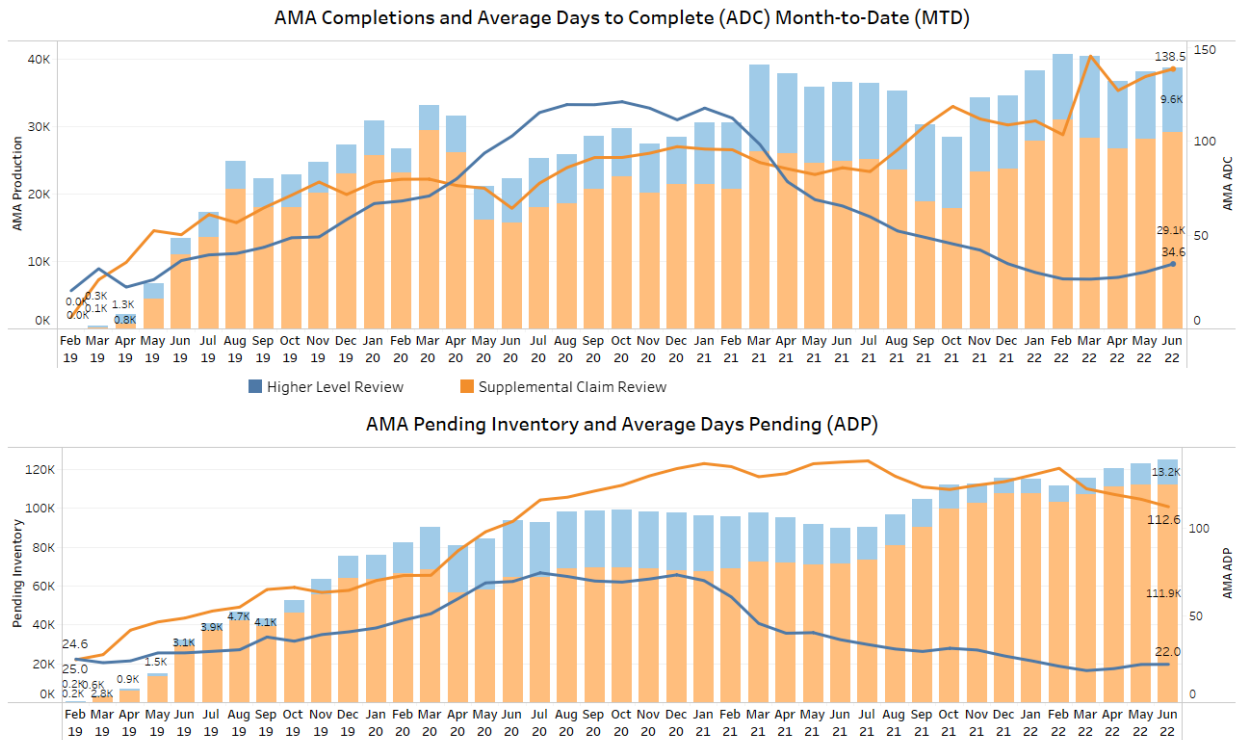


Figure 5. VBA Monthly AMA Completions and Inventory – February 2019 through June 2022

During FY 2022 through June 30, 2022, overall average timeliness for completed AMA work was 97.0 days. ADC for HLRs was approximately 33.1 days with 94,379 completions. For supplemental claims, to include HLR associated returns, ADC was 122.5 days with 236,131 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. Additionally, 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.

The following are specific to the other VBA benefit programs:

- Insurance Service established internal goals to complete HLRs and supplemental claims in an average of 30 days or less. Due to a system glitch, Insurance Service is unable to retrieve accurate average time for completion metrics at the time of writing this report.
- Education Service 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 January 1, 2022, through June 30, 2022, Education Service completed 413 HLRs

with an average of 12.5 days and completed 4,086 supplemental claims with an average of 8.6 days.

- VR&E strives to complete HLRs within an average of 90 days and supplemental claims within an average of 125 days. From January 1, 2022, through June 30, 2022, VR&E completed 146 HLRs with an average of 83.4 days and completed 62 supplemental claims with an average of 61.4 days.
- LGY's timeliness requirement is nine business days after receipt of the appeal in LGY, per VBA's Guaranteed Loan Processing Manual, M26-1, Chapter 8, Appeals. However, current system limitations measures timeliness by the date the Veteran submitted the appeal, and not by the date the appeal was received by LGY. From January 1, 2022, through June 30, 2022, LGY completed 29 HLRs with an average of 38.6 days and 32 supplemental claims with an average of 22.4 days from the date the claimant submitted the appeal.
- 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 modernized system. VHA is now utilizing VA's Centralized Mail Portal to receive and route some HLRs, supplemental claims and other documents. VHA is also working internally and with VBA partners to examine the potential for directing all VHA HLRs and supplemental claims through the Centralized Mail Portal. This is already the case for VHA's CSP who has established a dedicated mailing address and queues within the Centralized Mail Portal for routing of correspondence related to PCAFC decisions, including requests for HLRs and Supplemental Claims. Expanding this practice throughout VHA business lines would facilitate better tracking of the AMA review work. Additionally, recent technological enhancements have created a more efficient process for the Board to request files in AMA appeals of VHA decisions. VHA is examining staffing needed to work through the volume of work it receives on an ongoing basis, and is considering expanded use of creative staffing solutions, including use of detailees and contracted support.
- 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 to prior reports.

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 within 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.

Each respective program office in VHA continues to manage its own internal processes, oversight, 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 about 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 Act.

### **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 evaluate the impact of the AMA workload and the resolution of legacy appeals on pending inventory levels, timeliness of appeals decisions and

pending Veteran-requested hearings to help drive the Board's gap analysis and inform future resourcing requirements.

The FY 2023 President's Budget request of \$285 million supports 1,532 FTE (includes 32 ARP funded FTE) and will position the Board to recruit and train a diverse and widely experienced staff to include VLJs, decision-writing attorneys and administrative staff vital to achieving its mission. To address the growing number of appeals pending as well as mitigate against the growing number of VLJs retirement eligible, another 12 VLJs positions were requested for FY 2023. This would enable a full strength of 150 VLJs and will help maximize the Board's potential and propel it to significantly increase the number of decisions issued and hearings held in FY 2023.

As of the end of June 2022, the Board had 107 VLJs, 858 decision-writing attorneys and 243 appellate operational support and administrative staff. In June 2022, the President approved 22 new VLJs, whose selections had been previously forwarded by the Secretary to the White House; the Board is working with VA's HRA to onboard these individuals over the upcoming months.

As previously reported, due to VBA's significant reduction in its legacy appeals inventory in FYs 2020 and 2021, VBA reduced its processing workforce from 2,100 to approximately 1,250 FTE 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 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 number of incoming VHA appeals monthly will require VHA to reassess resource needs throughout the system, including dedicated staff, regulatory and procedural guidance and IT modifications. In Q2 FY 2022, CAMO began bringing on detailees to assist with the processing and routing of the current volume of appeals mail.

Additionally, as a result of *Beaudette v. McDonough*, 34 Vet. App. 95 (2021), VHA CSP updated its organizational model and established a dedicated PCAFC Review and Appeal Workstream to support AMA and legacy appeals, including quality management. When fully established, the workstream will be staffed by 32 FTE.

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 FTE needed to manage appeals under both the legacy and 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.

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. Both 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 implemented the AMA. With the additional funding from the FY 2021 and FY 2022 budgets, the Board is continuing to hire and onboard as quickly as possible. The Board has no other updates regarding the hiring timelines needed for AMA implementation.

As previously noted, VBA reduced its workforce from 2,100 to approximately 1,250 FTE 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 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's CSP has leveraged expertise of VHA and VBA subject matter experts to develop training and procedural guidance for HLRs, including guidance on how to conduct informal conferences.

NCA has 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 three weeks at the Board. Training for the new VLJs featured multiple AMA-focused sessions, including AMA hearing topics.

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

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

In February 2022, PDD assisted the Board's Office of Appellate Operations in providing a comprehensive training to new VLJs during their first 3 weeks at the Board. Training for new VLJs featured multiple AMA-focused sessions, including AMA hearing topics.

The Board developed a blended and continuous learning model for new attorney training, which addresses many of the identified competencies required for to perform proficiently and excel professionally at the Board. The new attorney training program is a highly interactive and intensive 20-week program with training in substantive and procedural law in both the legacy and modernized systems. The program includes multiple levels of feedback and support, including on AMA topics, such as large-group information sessions; cohort (small group) discussion sessions; and evidentiary review and decision drafting. During this program, new attorneys are paired with a training acting VLJ experienced in adjudicating appeals under both the legacy and modernized systems.

The Board closely monitors trends in the types of errors identified by its Office of Assessment and Improvement and uses the data to target focused training and guidance. The Board routinely engages with OGC to foster a dialogue between VLJs and OGC appellate litigation staff to better understand and address 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; VBA incorporated its internal necessary trainings into the National Training Curricula 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 above, 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. To assist and provide accessible knowledgeable resources to VHA, 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 secured the assistance of a LeadershipVA project team, who worked with the field to better understand AMA knowledge gaps and design training targeting those gaps. VHA is now working both internally and with VA to put that training into production.

VHA initiated a year-long AMA Awareness Campaign intended to provide targeted VHA staff with resources and information to assist in the efficient and accurate processing and adjudication of claims and modern reviews.

VHA's CSP initiated the following AMA-related training and education efforts:

- Development of a 101 PCAFC Review and Appeal training for VHA staff who may receive questions from Veterans and caregivers. This is a web-based training that is in its final stages of completion.
- CSP collaborated with VBA partners to share updates with VBA staff on PCAFC Review and Appeal Options, including information on how to route any requests for HLR of PCAFC decisions or Supplemental Claims to VHA CSP.
- Development and implementation of a training and orientation plan for all staff onboarded to the PCAFC Review and Appeal Team.
- Written guidance for VHA Patient Advocates and CSP field-based staff to educate on certain documentation requirements within systems used by these offices.
- A comprehensive PCAFC Review and Appeal Instructional Manual is in development.

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 the Department'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 will 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. Throughout FY 2022, OIT worked with the Board to continue to release important new AMA functionality 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 include visually indicating contested claims; allowing the Veteran to switch from an in-person to a virtual tele-hearing; scheduling and maintaining Travel Board hearings in Caseflow; updating the algorithms to distribute only AMA cases to certain identified VLJs; releasing post-CAVC remand appeals to the VLJ who issued the original decision; Caseflow Intake supporting the updated VA Form 10182 (AMA NOD); updated timing of decision dispatch notification to Power of Attorney; and extending pre-docket capability to Education Service (phase 1). 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 utilize existing tele-health technology to make virtual tele-hearings a reality. Virtual tele-hearing functionality was deployed in April

2020, allowing for nationwide access to virtual tele-hearing technology in conjunction with the Caseflow Hearing scheduling product. Hearing confirmation emails are sent to the appellants and their representatives immediately upon scheduling a virtual tele-hearing. This functionality provides a one-click solution for recording virtual tele-hearings, automated email notices, creation of a virtual tele-hearing queue and a separate video conferencing domain for virtual tele-hearings. Recent Caseflow releases allow a VSO user to convert hearing request types to virtual, create a hearing-link for each hearing day and provide confirmation and reminder emails for a Veteran's virtual tele-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 tele-hearing technology benefits VLJs by reducing travel time, which allows VLJs more time to focus on adjudicating and resolving appeals to benefit Veterans. Virtual tele-hearings are unaffected by inclement weather; previously the Board canceled 6 to 10 days' worth of nationwide dockets annually due to inclement weather and closed facilities. Additionally, virtual tele-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 participate from locations worldwide. These virtual tele-hearing improvements allow the Board to increase flexibility for hearings and improve the Veteran's experience. This technology also allows the Board to assess its annual capacity for Veteran-requested hearings on availability of VLJ and staff resources and representative capacity rather than the physical number 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 COVID-19, VEText functionality to support hearing communications stopped in March 2020 and resumed in March 2021. In March 2022, the Board reactivated VEText messages for all hearing types, which provides a reminder to appellants of the upcoming Board hearing seven days and three days prior to the scheduled hearing date. Additionally, the Board emails hearing reminders to appellants and their representatives for all hearing types at 60, 30, 7 and 2 days out from the 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 three-year Authority to Operate in January 2020 and delivered all Help Desk requirements, including knowledge articles and ticketing for service issues.

The Board's Production and Pre-Production instances of Tableau Server along with new reporting databases are fully operational in the ARMS virtual private cloud environment, 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 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 and VACOLS databases, 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 representations.

Caseflow 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 allows the Board to identify VHA appeals that need complete documentation before docketing and utilize 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.

The Board expanded its online presence through a redesign of its homepage and the launch of online appeals submissions in Q3 FY 2022. This means that Veterans can now file their requests for a Board appeal electronically through VA.gov, which walks the user through the appeal submission process, ensuring all required information is included and reducing the likelihood of the NOD being rejected as incomplete. The revamped website streamlines content for greater access to resources. Updates to the design and flow of the page align with other VA.gov websites for a consistent user experience.

### **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 FTE over the last 5 years. Prior to COVID-19, 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 to secure additional space within the building; and (4) implementing flexible telework and remote work programs.

In response to COVID-19, 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 Veteran-requested 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 VLJs, attorneys and other staff; 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 a hybrid work environment with the future of work. These programs helped the Board maintain the workforce levels necessary to focus on its mission. Further, the Board recently reduced its physical footprint by 48,278 rentable square feet of leased office space on the strength of its telework and remote work programs and plans additional changes to achieve a 45% reduction by the end of FY 2022. These significant reductions enable greater financial stewardship of taxpayer dollars and promote employee engagement through 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).*

During FY 2022, the Board continues to focus on: (1) resolving legacy appeals; (2) holding a higher percentage of scheduled Veteran-requested hearings, including virtual tele-hearings; (3) maintaining or improving the quality of both 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) adjudicating and tracking PCAFC appeals. With emphasis and resources being applied to conducting Veteran-

requested hearings, the Board projects a slight decrease in the average number of decisions per FTE in FY 2022 (80.4), as shown below in Figure 6.

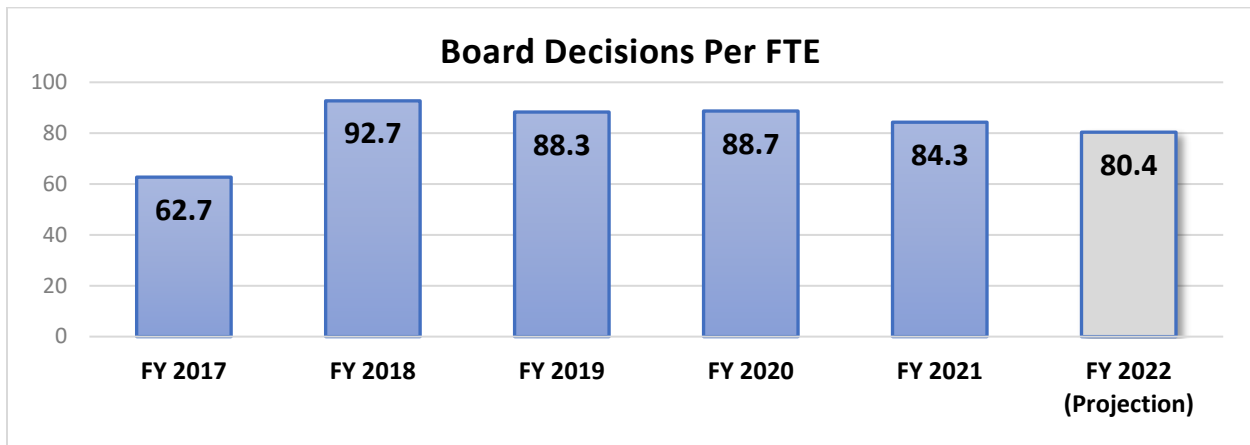


Figure 6. Board Decisions per FTE – FY 2017 through FY 2022 Target Projection

The Board’s leadership continually monitors output goals and changes in environment to make decisions about individual employee productivity goals. Individual output goals are related to the Board’s overall organizational goals for appeals and issues decided and are set to ensure organizational goals can be achieved. Congress, the public and Veterans expect that 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 also took into consideration results and feedback received following a record response rate of approximately 74% on the All Employee Survey. 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.

In the post-COVID-19 environment, VBA is actively working on revising projections to better align with current operational environment, policy and procedures. VBA anticipates providing updated projections in the February 2023 report.

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

- VR&E field staff continue to ensure pending legacy claims are handled in a timely manner. For this reporting period, VR&E actionable pending legacy claims under its jurisdiction increased from 36 to 41. 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 40 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 are processed by an experienced Program Analyst. Currently, LGY has six 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. As noted in earlier sections of this report, each respective program office within VHA manages its own internal processes, oversight and accountability. Processing of appeals on PCAFC decisions under the legacy process as well as AMA are new workflows for VHA and will be managed by a new workstream within the VHA CSP. Additional time will be needed before timelines for issuance of decisions under these processes will be known, to inform productivity projections.

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 continues to promote, educate, train and inform Veterans and stakeholders about the AMA, which is focused on choice, control and clarity for the Veteran. The Chairman hired a Strategic Advisor/Liaison for VSOs/Stakeholders and a Director of Strategic Communications and Engagement to enhance outreach efforts. Prior to COVID-19, 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 onset of the COVID-19 pandemic, the Chairman and members of the Board team continued to participate in outreach efforts virtually. More recently, the Chairman began attending and speaking in person at conferences in FY 2022. Additional information regarding the Chairman'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 June 30, 2022, there was an approximate 18% response rate (57,852 responses received from 329,281 surveys sent).

The Chairman and VBA leadership regularly communicate and share information with Veterans, advocates and other stakeholders through social media platforms such as LinkedIn, Twitter, Facebook (Meta) and YouTube.

VBA began administering weekly surveys and implemented a real-time dashboard in July 2020. Through June 30, 2022, VBA experienced a 22% response rate (64,180 responses received from 291,265 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 experiences are not reported as positive. 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 this feedback quarterly to gain insight into areas where VBA can improve and enhance the customer experience throughout the AMA process. On September 20, 2021, VBA concluded a 90-day free-text survey pilot that allowed some HLR respondents to enter a free-text compliment, concern, or recommendation regarding VBA's HLR process. The survey resulted in an 8.8% response rate (407 responses received from 4,608 eligible surveys sent).

On May 24, 2022, VBA launched a second pilot with refined survey questions to solicit a greater number of actionable insights from Veterans. Assessment of the prior pilot found an opportunity to enhance the survey by asking HLR-specific questions, rather than leaving a comment on any VA experience. These new questions are intended to guide a Veteran's discussion about their experience with the HLR process. As of June 30, 2022, the survey has resulted in a 14.6% free-text response rate (328 responses received from 2,253 eligible surveys sent).

VHA partnered with the Board to solicit VSOs' views regarding VHA implementation of AMA and is considering that input as VHA continues to assess the claims system and



make process improvements to maintain the effectiveness and efficiency under the modernized system.

VHA CSP engaged in robust outreach to inform Veterans, caregivers, VSOs and others of changes VHA CSP was making to options available for further review and appeal of PCAFC decisions, including the following efforts:

- Notification to individuals who received a PCAFC decision issues May 2011 through September 27, 2021, of the right to appeal PCAFC decisions to the Board.
- VA Form 10-305 is included in every PCAFC decision letter, as of September 28, 2021, providing notice of the right to request further review of PCAFC decisions.
- A blog was published in Vantage Point to announce expanded PCAFC review and appeal options.
- A toolkit was distributed to VSOs, including VA Forms, a frequently asked question document and social media messaging.
- Modifications to VHA's Caregiver Support Program website, with a dedicated landing page about PCAFC review and appeal options.
- CSP engages in routine briefings with VSOs to provide updates across CSP operations, including matters germane to PCAFC review and appeal options.

NCA has 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 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 monthly metrics 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 is 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.

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 a revised notice, VHA Notice 2022-05, on April 27, 2022. VHA published Directive 1041, Appeal of VHA Clinical Decisions, on September 28, 2020.

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 Veteran and stakeholder engagement as well as sound project management practices. The plan continues to result in a marked reduction in the number of legacy appeals pending in the Department before the Board and in all three Administrations: VBA, VHA and NCA. The plan demonstrated significant progress by reducing the number of pending legacy appeals by approximately 71.3%, from 347,975 pending at the start of FY 2020, to 99,859 pending at the end of June 2022.

The Department's goal was to resolve legacy appeals by the end of CY 2022. However, the COVID-19 pandemic significantly impacted the ability to schedule and complete in-person examinations and obtain Federal records, delaying the completion of the development necessary to adjudicate the legacy appeal remands. The goal was also impacted by longer-lasting effects of COVID-19 such as the reduced ability to conduct in-person hearings at the ROs, as well as hiring delays and reluctance to opt into virtual tele-hearings. See Figure 7 below.

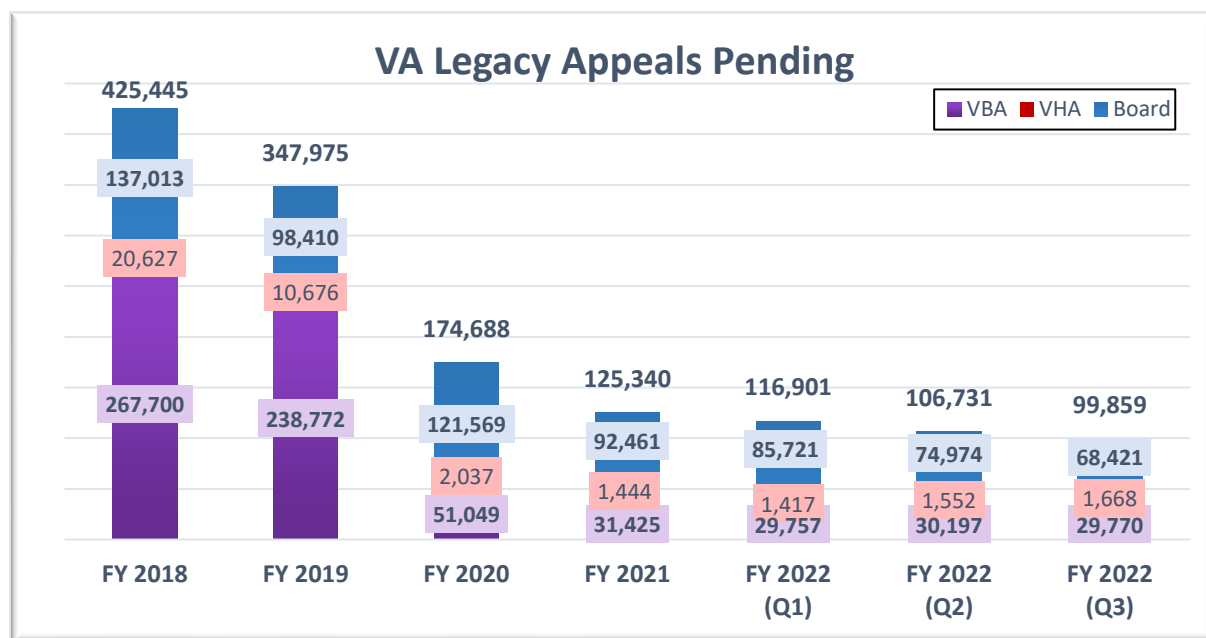


Figure 7. VA Legacy Appeals Pending by Quarter – FY 2019 through Q3 FY 2022

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, as VBA increased its certification rate for Form 9 and remand cases from May 2020 to November 2020, the Board saw a corresponding increase in the number of legacy appeals, as evidenced in Figure 8 below. Starting in December 2020, the number of legacy appeals at the Board began to level off and has decreased for 19 consecutive months and by 35,744 appeals, from 121,465 pending at the start of December 2020 to 68,421 pending at the end of June 2022.

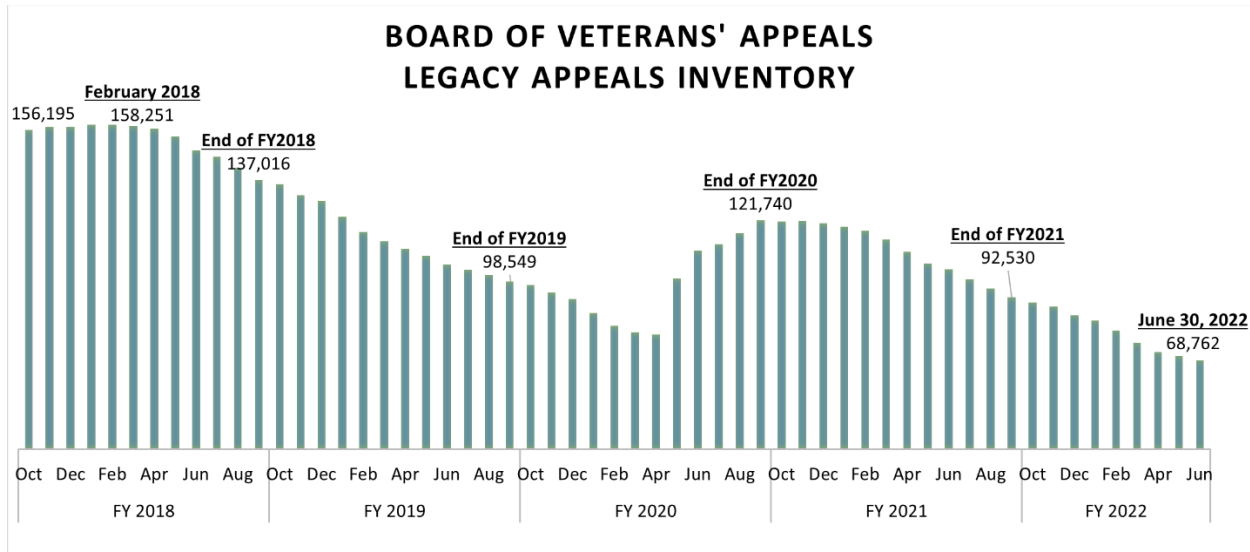


Figure 8. Board Legacy Appeals Inventory – October 2017 through June 2022

In December 2021, VA updated its plan to resolve a majority of legacy appeals by the end of CY 2023. As previously stated, COVID-19 significantly impacted 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 was also impacted by longer-lasting effects of COVID-19 such as the reduced capacity to conduct in-person hearings at some ROs, as well as 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 review a Veteran chooses; 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, VA Legacy Inventory Resolution Plan (page 6).

Under the law, the Board generally must adjudicate post-remand legacy appeals (e.g., legacy remands that are returned to the Board following necessary development), in addition to new appeals received, both legacy and AMA, relative to their respective place on the docket to which they are assigned. Aside from appeals remanded by the Veterans Court and those advanced on the docket for good cause, by statute, the Board generally considers such appeals, within each respective docket, under a first-in, first-

out method that frequently adjusts relative order as cases are received, due to factors such as new appeals advanced on the Board’s docket, post remand legacy appeals returned to the Board by VBA and cases that are returned to the Board by the Veteran’s Court. The Board’s remand rate for legacy appeals has ranged from approximately 38.8% to 46.4% from FY 2015 to FY 2022 (through Q3), as reflected in Table 2 below. Since February 2020, 1 year after the last initial rating decision was issued under the legacy system, no new legacy appeals have been received by VBA.

*Table 2. Board Legacy Dispositions – FY 2015 through FY 2022 (through Q3)*

<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 Q3)	53,965	34.4%	42.0%	17.2%	6.4%

\*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 above.

The Board continues to reassess its forecasting model for the resolution of legacy appeals by gathering data regarding Veterans’ preferences in the modernized system, reviewing the use of leave and through taking the operational impact of COVID-19 into consideration. Such reassessment will enable the Board to ensure the accuracy of the model’s outputs and its utility in VA’s appeals modernization forecasting.

As stated in section 3(a)(1), VBA eliminated much of its legacy inventory in the NOD and Form 9 stages in FY 2020 and significantly reduced its remand inventory in FYs 2020 and 2021. As of June 30, 2022, OAR has 807 FTE that 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 354 FTE) are allocated towards the managing and processing of legacy appeals. All remaining FTE include staff support and management.

As of February 19, 2019, upon receipt of a statement of the case or supplemental statement of the case, Veterans may elect to opt into an AMA Decision Review lane, rather than remain in the legacy appeals process. From implementation through June 30, 2022, appellants have opted 15,702 legacy appeals into AMA through this avenue. Opt-ins from the legacy process continue at a rate of over 80 per month, with 104 received in June 2022.

Specific to other VBA benefit programs:

As previously stated, as of June 30, 2022, there is one legacy fiduciary appeal pending at fiduciary hubs and 243 legacy appeals with one or more pension-related issues. There are 226 remands, 11 in the Form 9 stage and six in the NOD stage.

As of June 30, 2022, Insurance Service has four 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. VR&E has 41 legacy appeals pending as of June 30, 2022. Of these, 40 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 June 30, 2022, six remand decisions from the Board remain pending.

VHA has made progress drawing down legacy appeal inventory, reducing it to 1,668 by June 30, 2022. VHA continues to reassess resource requirements and streamline processes with the goal of eliminating legacy appeals inventory as quickly as possible. As noted above, this plan may be impacted by the holding in Beaudette, which held that PCAFC decisions are appealable to the Board, including those issued prior to February 19, 2019.

As of June 30, 2022, NCA has zero pending legacy appeals.

### **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. The Department 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 resources to administer the legacy and modernized processes. VLJs are a finite resource and are responsible for holding Veteran-requested hearings and signing appellate decisions for Veterans.

Mitigation: At the Chairman's request, the Secretary increased the authorized number of VLJs for FY 2022 to 138. As VLJs are appointed and approved, the Board continues to allocate resources in an efficient manner to administer both systems, with a focus on resolving much of legacy appeals by the end of CY 2023 and completing AMA Direct Review docket appeals worked within an average of 365 days. Resource reallocation, including targeted overtime and detail assignments, can be deployed to mitigate this risk. Additionally, the Board appreciates funds the 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 to include recruitment, retention and promotion of Veterans and military spouses. The Board's robust telework and remote programs positively impacted the recruitment of a diverse workforce, retention of employees and positioned the Board as an employer of choice as we continue to use the voice of our employees and VA policies in support of workplace flexibility.

The Board is also 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, coffees and town halls with Board and VA leadership. In FY 2022, the

Board hired an Ombudsman to serve as the lead principal advisor and designated neutral party for promoting a healthy workplace climate and culture at the Board. The Ombudsman established the Employee Engagement Executive Committee, supported by the Employee Engagement Advisory Committee, to solicit, assess and implement employee ideas for change and innovation within the Board. The Board also implemented a program to reimburse attorneys and VLJs up to \$300 in bar dues for one jurisdiction. 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. VHA brought on detailees to address the increased volume of AMA decision review requests.

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 June 30, 2022, the Board has 1,216 FTE employees on board. The Board must rely on Department human resources support and strives to maximize the available support to complete any hiring actions. The Board increased staffing in its internal HR Liaisons office to support hiring and onboarding; therefore, this is no longer considered a risk and will not be included in future updates to this report.

#### **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 modernized 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. The Board is also increasing availability of training opportunities and details.

## **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: Based on the current virtual training model, there is no longer a potential risk at the Board that there may be insufficient training materials and supplies for delivering necessary training or an instructor may not be available. This risk will not be included in future updates to this report.

## **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 utilization 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 COVID-19, a significant number of Board employees teleworked or worked remotely. This trend did not decrease at the Board throughout the pandemic and is not expected to decrease in an endemic planning environment. Due to the pandemic, approximately 99% of the Board's employees have been working remotely. Based upon a recently negotiated memorandum between the Department and American Federation of Government Employees Local 17 for VA Central Office Reentry, workplace flexibilities available to employees and continued Board employee elections into a primarily remote posture, this one-time risk has been overcome by more recent events. As such, the Board has reduced its physical footprint. This risk, therefore, will not be included in future updates to this report.

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 Veteran-requested hearing scheduling and adjusts to reallocate resources where needed to meet performance goals while utilizing best practices for efficiency. The Board works closely with bargaining unit representatives for employees to ensure that it is meeting the output expectations and managing employee performance for success. The Board can reduce hearings to focus on increased decision output as well as utilize tiger team strategies to manage continued service to Veterans as well as maintain successful decision output at appropriate levels for employee workload.

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, eventually impacting overall productivity.

Mitigation: The Board is closely monitoring COVID-19 impacts and 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 Veteran-requested hearings by expanding remote access for rural Veterans, broadening Veteran options and accessibility and improving the overall Veteran experience. With the full 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, 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 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 of the Board regularly participates 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 utilizes 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 update and revise 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 both the Board and VBA explained and clarified the AMA system so that representatives and other stakeholders 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, including meeting with VSOs and engaging in a year-long “AMA Awareness Campaign.”

#### **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. VHA published VHA Notice 2022-05, The Appeals Modernization Act in the Veterans Health Administration, as interim policy 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 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. Additionally, 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 Administration and closely collaborates with VBA, VHA and NCA to adjust workload and workforce processes, as needed. The Board also utilizes 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 FYs 2020 and 2021, expects to continue to decrease legacy inventory in both hearings and decisions, and deliver results for Veterans and their families in 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 utilizing telehealth and acceptable clinical evidence examinations, where appropriate and providing virtual informal 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, enabling 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.

Mitigation: VHA is working to establish PCAFC legacy appeals processes and capabilities.

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

*(a) AUTHORIZATION.—*

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

*(2) REPORTING REQUIRED.—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals*

*system are necessary, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination.*

### **VBA's Test Program: RAMP**

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 June 30, 2022, over 73,000 Veterans with 88,594 appeals elected to participate in RAMP. These Veterans received VBA decisions significantly faster than in the legacy appeals system. VBA completed HLRs in an average of 125 days and supplemental claims in an average of 177 days. Under RAMP, VA paid out over \$516 million in retroactive benefits. As of June 30, 2022, there are 16 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/Type	Outreach/Communication Activities
FY 2019-Quarter 4	July 27, 2019 VSO	VA participated in Disabled American Veterans 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 4-Corners staff regarding virtual tele-hearings.
FY 2019-Quarter 4	Aug 20, 2019 VSO	The Chairman provided remarks at the National Association of State Women Veterans Coordinators Conference.
FY 2019-Quarter 4	Aug 22, 2019 VSO	The Chairman provided remarks on Appeals Modernization at the Idaho Division of Veterans Services.
FY 2019-Quarter 4	Aug 24, 2019 VSO	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 VSO	The Chairman participated in a television interview with Government Matters where she discussed Appeals Modernization.
FY 2020-Quarter 1	Oct 3, 2019 VSO	The Chairman’s representative attended the Pennsylvania Department of Military & Veterans Affairs training session and spoke about Appeals Modernization.
FY 2020-Quarter 1	Oct 6, 2019 VSO	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 VSO	The Chairman’s representative spoke at the Oregon Department of Veterans Affairs about Appeals Modernization.
FY 2020-Quarter 1	Oct 25, 2019 VSO	The Chairman’s representative provided remarks at the New Jersey Association of Veterans Service Officers training.
FY 2020-Quarter 1	Oct 29-30, 2019 VSO	The Chairman spoke about Appeals Modernization at the Arizona Department of Veterans Services Conference.

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 4-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 tele-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 tele-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 (Arizona Dept. of Veterans Services, American Legion, United Arizona 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 VA Central Office.
FY 2020-Quarter 2	Feb 24, 2020 <i>VSO</i>	The Chairman spoke about the Board and Appeals Modernization at the National Association of County Veterans Service Officers Leadership and Legislative Summit.
FY 2020-Quarter 2	Feb 26, 2020 <i>VSO</i>	The Chairman spoke to National Association of State Directors of Veterans Affairs (NASDVA) about the Board 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 and Appeals Modernization.
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 Department. 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.
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 U.S. Army Margaret Berryman 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 the Military Officers Association (MOAA) on the Board and Appeals Modernization updates.
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 tele-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 VSO	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 VSO	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 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 VSO	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 VSO	The Chairman provided remarks at the California Association of County Veterans Service Officers fall training conference where she discussed the Board, Appeals Modernization, virtual tele-hearings and other updates.
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 <i>Media</i>	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..
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 <i>VSO</i>	The Chairman provided remarks at the NACVSO Conference.
FY 2021, Quarter 2	Dec 9, 2020 <i>VSO</i>	Three VLJs 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 <i>VSO</i>	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 <i>VSO</i>	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 tele-hearings with the Council on Federal Agency Adjudication.
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 Corporate America Supports You/Military Spouse Corporate Career Network 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, legacy appeals resolution 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.
FY 2021, Quarter 2	March 12, 2021 VSO	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 House Committee on Veterans' Affairs 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 discussed 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 VLJs 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 tele-hearings in agency adjudications where participants attend remotely. The Board is an innovative leader across the Federal agencies in virtual tele-hearings.
FY 2021, Quarter 3	April 13, 2021 <i>VSO</i>	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 <i>VSO</i>	The Chairman provided an update on Board operations at the Iowa County VSOs annual training. A VLJ also provided appeals training at the event.
FY 2021, Quarter 3	April 14, 2021 <i>VSO</i>	The Chairman provided remarks at the National Association of County VSOs annual training. Three VLJs 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 U.S. 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 VSOs.
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.
FY 2021, Quarter 3	June 30, 2021 VSO	The Board's VSO Liaison participated in panel discussions with the California Association of County VSOs.
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 VSO	The Chairman was a keynote speaker at National Association of County Service Offices.
FY 2021 Quarter 4	September 13, 2021 VSO	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 Board Quality Assurance Systems.
FY 2021 Quarter 4	September 28, 2021 VSO	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 VSO	The Chairman was a keynote speaker at the National Organization of Veterans' Advocates conference.
FY 2022 Quarter 1	October 6, 2021 VSO	The Chairman was a keynote speaker at the South Carolina County VSO 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 <i>Public Engagement</i>	The Chairman was a panel member on the Military Spouse Employment Partnership/Department of Defense meeting discussing military spouse employment in the Federal Government.
FY 2022 Quarter 1	November 3, 2021 VSO	The Chairman presented a Board update to the Mississippi Assoc. of County VSOs.
FY 2022 Quarter 1	November 15, 2021 <i>Public Engagement</i>	The Chairman attended the Public & 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 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 Hiring Our Heroes (HOH) Lifetime Achievement Award.
FY 2022 Quarter 1	December 1, 2021 <i>Public Engagement</i>	The Chairman was a panelist for Joint Forces and HOH 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.
FY 2022 Quarter 2	January 11, 2022 VSO	The Chairman hosted a monthly call with co-located VSOs to discuss internal operations with co-located VSOs.
FY 2022 Quarter 2	January 27, 2022 <i>Stakeholder</i>	The Chairman presented to the 5th annual CAVC Bar Association.
FY 2022 Quarter 2	February 8, 2022 VSO	The Chairman hosted a monthly call with co-located VSOs to discuss internal operations with co-located VSOs.
FY 2022 Quarter 2	February 22, 2022 VSO	The Chairman presented a Board update to NACVSO.
FY 2022 Quarter 2	February 23, 2022 VSO	The Chairman presented a Board update to NASDVA.
FY 2022 Quarter 2	February 22, 2022 VSO	The Chairman presented a Board update to National Association of County VSOs.
FY 2022 Quarter 2	March 13-19, 2022 <i>Stakeholder</i>	The Chairman's Stakeholder Liaison attended and briefed leaders of National Organization of Veterans Advocates.
FY 2022 Quarter 3	April 6, 2022 VSO	The Chairman presented a Board update to California Association of County Veteran Service Officers.
FY 2022 Quarter 3	April 7, 2022 <i>Public Engagement</i>	The Chairman participated in a panel discussion at the CAVC Judicial Conference.

FY 2022 Quarter 3	April 13, 2022 VSO	A VLJ on behalf of the Chairman trained the Iowa Association of County Veteran Service Officers.
FY 2022 Quarter 3	April 21, 2022 <i>Public Engagement</i>	Chairman Mason visited and volunteered at Warrior Canine Connection as part of Volunteer awareness.
FY 2022 Quarter 3	April 21, 2022 VSO	Board of Veterans' Appeals quarterly VSO update meeting.
FY 2022 Quarter 3	April 28, 2022 VSO	The Chairman presented a Board update to the Utah Department of Veteran Affairs.
FY 2022 Quarter 3	May 2, 2022 VSO	The Chairman presented a Board update to the Florida Department of Veteran Affairs.
FY 2022 Quarter 3	May 5, 2022 VSO & <i>Stakeholder</i>	The Chairman hosted a virtual briefing to discuss Board updates including the launch of VA.gov e-10182.
FY 2022 Quarter 3	May 12, 2022 VSO	The Chairman presented a Board update to the Michigan Department of Veteran Affairs 1st annual leadership summit.
FY 2022 Quarter 3	May 18, 2022 VSO	The Vice Chairman on behalf of the Chairman presented a Board update and training to the Illinois Department of Veteran Affairs.
FY 2022 Quarter 3	June 7, 2022 <i>Stakeholder</i>	Chairman Mason visited Endeavors in San Antonio, Texas. Provided an overview of the Board of Veterans' Appeals.
FY 2022 Quarter 3	June 8, 2022 <i>Stakeholder</i>	Chairman Mason visited Joint Base San Antonio and the United Services Automobile Association to provide an overview for the Board.
FY 2022 Quarter 3	June 8, 2022 VSO	Chairman Mason presented the Board of Veterans' Appeals FY 2022 Year-To-Date update to the National Association of County Veteran Service Officers.
FY 2022 Quarter 3	June 22, 2022 VSO	Chairman Mason authorized the travel of VLJ Cory Picton to present on her behalf to the California Association of VSOs to train on AMA process and provide an overview of the Board.

**Department of Veterans Affairs  
August 2022**