



U.S. Department of Veterans Affairs

Periodic Progress Report on Appeals

Public Law 115-55, Section 3

VA's Mission

To fulfill President Lincoln's promise, "To care for him who shall have borne the battle, and for his widow, and his orphan."

August 2019 Update

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Executive Summary

This August 2019 report is the first post-implementation report that satisfies section 3 of the Veterans Appeals Improvement and Modernization Act of 2017 (Appeals Modernization Act (AMA)), *Comprehensive Plan for Processing of Legacy Appeals and Implementing the New Appeals System*, paragraph (d), *Periodic Progress Reports*. Prior to implementation, VA was required to submit reports every 90 days. After implementation (February 19, 2019), VA is required to submit reports every 180 days.

In addition to improving VA's current appeals process and providing Veterans, their families, and their survivors with increased choice in handling disagreements with VA's decisions, the AMA sets forth specific elements that VA's comprehensive plan had addressed. The main topic elements include the following: processing of appeals of decisions on legacy claims that the Secretary considers pending; implementing the new appeals system; timely processing under the new appeals system; and monitoring the implementation of the new appeals system, to include metrics and goals.

On February 19, 2019, VA successfully implemented the new claims and appeals system after benefiting from feedback received from stakeholders, to include Veterans Service Organizations (VSO) and representatives as well as the Government Accountability Office (GAO), which noted in GAO-19-272T that "VA took many steps to address our recommendation." The Final Rule and corresponding request forms became effective on February 19, 2019.

This report contains three major sections. Part I cites the legal requirement for the report itself. Part II discusses the open reports on appeals by GAO. Part III analyzes elements and results of VA's comprehensive plan to process both legacy and AMA appeals.

I. Requirement for Periodic Progress Reports

Public Law 115–55, 115th Congress

The “Veterans Appeals Improvement and Modernization Act of 2017”

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

.....

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

II. GAO Recommendations on Appeals

VA will address two outstanding GAO reports by way of this update. For more information on these reports, including the status of the recommendations they contain, please see the hyperlinked Web sites below.

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

[GAO-18-352](#): Published: Mar 22, 2018

GAO 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 GAO’s March 2018 report, which was based on VA’s November 2017 implementation plan, GAO raised several concerns, including the following:

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

VA has addressed all concerns discussed in the March 2018 report. Specifically:

- VA's test programs, the Rapid Appeals Modernization Program (RAMP) and the Board of Veterans' Appeals Early Applicability of Appeals Modernization (BEAAM), provide sensitivity analysis and information about Veteran preferences which will improve services to Veterans as well as 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 AMA ensure transparency in monitoring and assessing process reform; and
- VA has expanded current quality review and training programs to include AMA procedures.

VA successfully implemented AMA on February 19, 2019, as discussed in more detail in this report.

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

GAO-17-234: Published: Mar 23, 2017

GAO Findings:

VA is taking steps to improve the timeliness of appeals issued through the benefit compensation appeals process, in which Veterans who are dissatisfied with claims decisions made by the Veterans Benefits Administration (VBA) 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 develop a plan for recruiting, hiring, and training. These recommendations are addressed in part III, sections 3(b)(1) – (9), (11), and (12), below.

In the 2017 report, GAO recommended that VA develop a schedule for IT updates. This recommendation is also addressed in the 2018 GAO report, discussed above.

Regarding GAO's recommendation that VA conduct sensitivity analysis and develop projection models, VA developed a robust, scalable model, which was presented to GAO. The model will assist VA in projecting timeliness and appeals inventories.

The 2017 report also advised that VA should develop a more robust plan for appeals modernization implementation. As discussed above, VA addressed this concern in response to the 2018 GAO report, and successfully implemented AMA.

Finally, reporting requirements in sections 3 and 5 of AMA ensure transparency in assessing process reform.

III. Comprehensive Plan

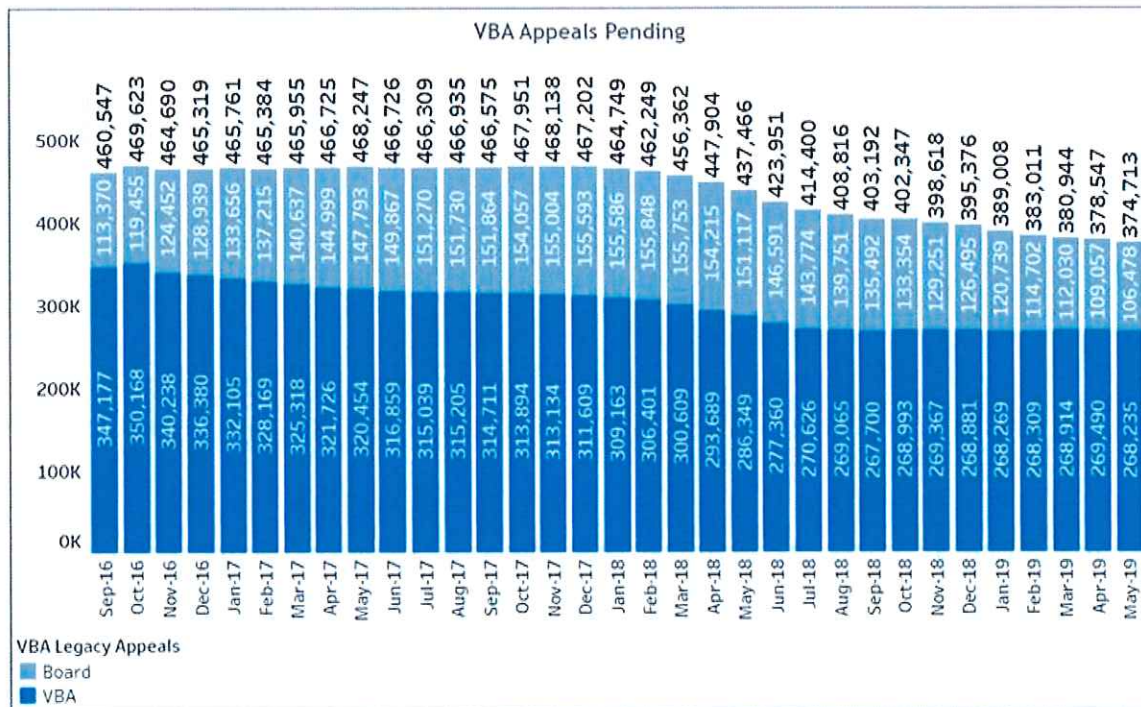
Implementation Plan Requirements

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;

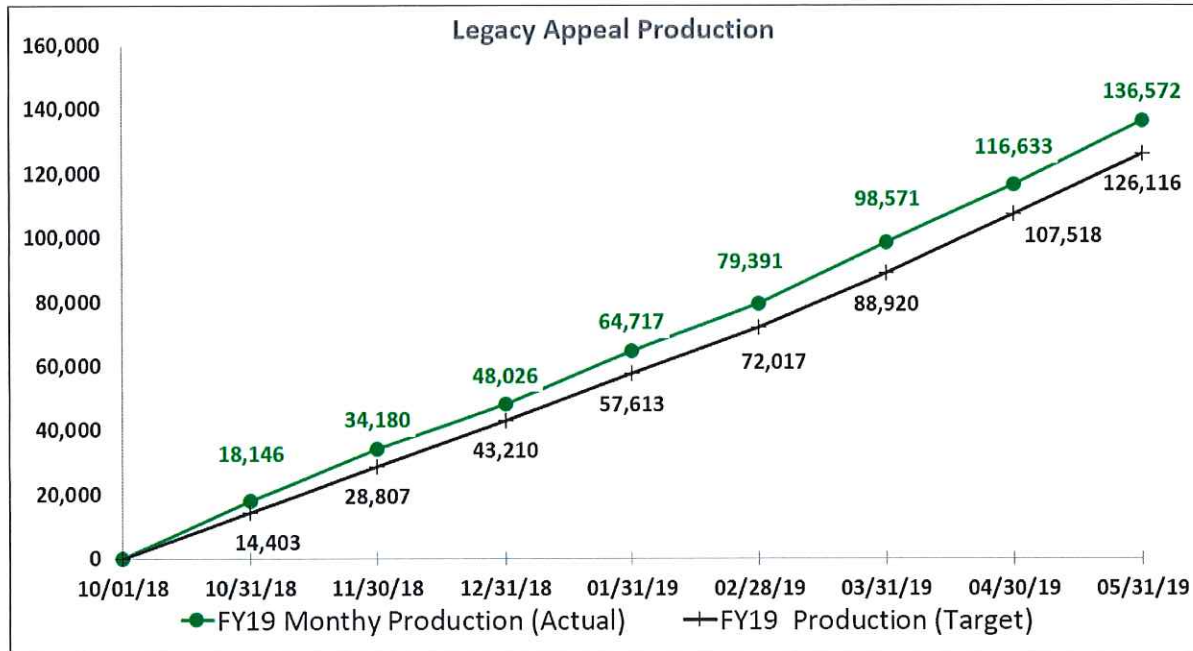
VBA is utilizing several strategies to reduce the pending inventory of legacy compensation appeals. These strategies include the following: workload redistribution, increased oversight and accountability, leveraging technology for increased efficiencies, and the option for claimants to opt-in from the legacy system to the modernized system. Between September 2016 and the end of May 2019, the total VBA legacy appeals inventory has decreased approximately 23 percent, as depicted in the chart below:



Additionally, VBA continues to leverage the National Work Queue to distribute legacy appeals across regional offices (RO). The Appeals Management Office's (AMO) brokering formula uses capacity and proficiency to determine which offices are most

appropriate to receive work. VBA distributes appeals by considering a station's inventory, the average days to process each stage of the appeal, and authorized full-time equivalents (FTE).

Aggressive workload management combined with increased oversight helped facilitate legacy appeal actions. National production currently exceeds Fiscal Year (FY) 2019 targets for appeals actions by approximately 8.3 percent, as depicted in the following chart:



VBA hired an additional 605 FTEs in FY 2019 to adjudicate appeals. Hiring activities increased available resources for processing compensation and pension appeals from 1,495 to 2,100 FTEs. VBA has designated all new FTE resources to maintain timeliness in the modernized system while dedicating existing FTEs to reduce the legacy appeals inventory.

Using the factors described above, VBA plans to reduce the legacy inventory to a steady state in FY 2020. VBA defines *steady state* as the elimination of all legacy inventory in the notice of disagreement (NOD) and substantive appeal (Form 9) stages, with an inventory of remands that equals the number of appeals resolved per year. VBA is dedicating 1,388 FTEs across all ROs and the Decision Review Operations Center (DROC) in Washington, DC, to help eliminate legacy appeals.

VBA's benefits offices provide the following specific status reports:

As of June 2019, VA Insurance Service has approximately 85 pending legacy appeals in different stages, including 19 certified to the Board. A specialized work team is focusing on resolving these appeals.

Loan Guaranty (LGY) currently has three pending legacy appeals.

As of June 13, 2019, there are 40 legacy fiduciary appeals pending at the fiduciary hubs and 3,667 pension legacy appeals pending at the Pension Management Centers (PMC). Additionally, there are 2,491 pending appeals with one or more pension-related issues that are assigned to ROs and not PMCs; some of these are assigned to the RO because they have both pension and compensation issues claimed and some have an in-progress transfer request from a RO to a PMC. Pension and Fiduciary Service (P&F) will continue utilizing all current appeals resources in the PMCs and fiduciary hubs to process legacy appeals until all claims are completed.

As of June 1, 2019, Education Service (EDU) has 1,195 legacy appeals pending in various stages of the appeals process; of those, 361 are actionable. Legacy appeals with NODs that are not actionable are generally comprised of appeals in which the claimant has received a Statement of the Case (SOC), and EDU is awaiting a response from the claimant to certify the appeal to the Board. Three regional processing offices (RPO) work appeals based on original jurisdiction and capacity.

Vocational Rehabilitation and Employment Service (VR&E) currently has 188 actionable legacy appeals under its jurisdiction. VR&E continues reducing legacy appeals by working directly with field employees on focused reviews and processing. Following implementation of the modernized system, VR&E updated policy to ensure legacy appeals remain the focus along with the processing of AMA appeals.

VR&E has instructed field employees to prioritize Board remands and to expedite certification of appeals in Form 9 status awaiting transfer to the Board. These two actions will reduce actionable legacy appeals to 117. Of those remaining appeals, VR&E instructed employees to ensure eligible appellants know how to opt-in to the modernized process. If a Veteran chooses not to opt in, the employees will take action to move the appeal forward prior to the end of FY 2019.

The Board continues to prioritize pending legacy appeals in FY 2019. The Board has set a FY 2019 decision dispatch goal of 90,050 decisions—another unprecedented target following its historic production of 85,288 decisions in FY 2018. Through Week 43 (ending July 28, 2019) of FY 2019, the Board dispatched 76,489 decisions to Veterans.

In addition to increasing its productivity goal in FY 2019, the Board is maintaining and building upon its initiatives for more efficient adjudication of legacy appeals. The “One Touch” program, which was discussed in the November 2018 report, enables Veterans Law Judges to identify and quickly adjudicate hearing cases that are within docket range and have clear dispositions—delivering faster results for waiting Veterans. As of July 2019, Veterans Law Judges adjudicated over 1,535 hearing cases with an approximately 61 percent cumulative grant rate.

The Board's specialized case team (SCT) is comprised of attorneys who efficiently adjudicate unusual or difficult cases and assist on other special projects as needed. As of June 2019, 59 attorneys were competitively selected to be detailed to SCT, with regular turnover for efficiency purposes and to ensure that an adequate number of attorneys participate. SCT attorneys have consistently demonstrated high production, averaging nearly 1.25 signed cases more per pay period compared to other Board attorneys thus far in FY 2019. In addition, SCT attorneys account for approximately 7 percent of Board attorneys but produce about 9 percent of the Board's cases.

Prior to the end of FY 2018, the Board awarded a case review contract to support legal staff in reviewing case files. The contract provided a team of contractors who reviewed the record prior to an appeal being sent to a Board attorney for decision drafting. The goal was to make an attorney's review of the file more efficient by resolving any outstanding administrative and/or procedural issues with the appeal, flagging potentially relevant evidence, and preparing a memorandum for the attorney explaining the appellant's contentions. After monitoring performance on this contract, the Board determined that a better use of taxpayer dollars would be to support appeals modernization IT improvements. The Board chose not to pick up the first option year. The case review contract's base year ends September 27, 2019.

As noted in section 3(a)(3) of this report, the Board uses a case distribution algorithm to prioritize legacy appeals. The Board adjudicates legacy appeals that have been opted into the modernized system, as explained in section 3(b)(16) of this report.

The Veterans Health Administration (VHA) continues to collaborate with the Board and the other administrations to address legacy appeals. VHA business lines have realigned resources to eliminate the legacy appeals inventory while continuing to process claims in a timely manner. All legacy appeals are being tracked through the Veteran Appeals Locator System (VACOLS) by stage and business line. All AMA claims and appeals are being tracked through Caseflow. Between July 2018 and July 22, 2019, VHA reduced its inventory from 23,364 to 14,611 legacy appeals. VHA will continue to prioritize legacy appeals until it depletes the legacy inventory.

The National Cemetery Administration (NCA) continues to prioritize the processing of legacy appeals. NCA participates in enterprise-wide appeals reform implementation and collaborates with the Board to address legacy appeals.

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

(2) implementing the new appeals system;

VA successfully implemented the modernized system as outlined in Public Law 115-55 on February 19, 2019. To successfully implement the AMA, each administration had to train all affected employees on the new process, modify applicable policy and procedures, and update forms, letters, and regulations.

The six business lines of VBA that participated in this roll out include Compensation Service (COMP), P&F, Insurance Service, EDU, LGY, and VR&E.

Insurance Service created an integrated work team of subject matter experts (SME) comprised of staff members who oversee operations, write policy and procedures, and provide systems support. Members of this team also implemented a work plan for the processing of AMA appeals.

Under the modernized system, Insurance Service Veterans Claims Examiners (VCE) process supplemental claims, and Unit Chiefs and Senior Veteran Claim Examiners (SVCE) perform higher-level reviews (HLR). These employees received training on the new claims and appeals process between May and December 2018. The training addressed process flow, responses to customer inquiries, relevant regulations, adjustments to notices, insurance manual changes, and the use of updated appeals tracking tools like Caseflow. Insurance Service also provided additional hands-on training for HLR SVCEs during the first quarter of 2019.

Insurance Service has completed all revisions to its procedural manual. In addition, the 14 appeals letters impacted by the law have been integrated into Veterans Insurance Claims Tracking and Response System (VICTARS) and now include appropriate opt-in invitation language. Insurance Service uses both VICTARS and Caseflow to document and track AMA appeals workload.

On February 19, 2019, COMP published substantive procedural guidance in the M21-1, Adjudication Procedures Manual that covers the AMA claims and appeals processing and adjudication for VBA. COMP updated training materials and collaborated with the Office of Field Operations (OFO) and AMO to provide multiple, live question-and-answer sessions for field offices prior to AMA implementation. COMP also updated its correspondences to Veterans and its Web pages to provide updated information regarding the modernized system, including a hyperlink on the supplemental claim forms for electronic notification of the statutory duty to assist.

LGY developed a revised certificate of eligibility (COE) policy for HLRs, which will be included in the revised chapter of the manual later in the 2019 calendar year. Specially Adapted Housing (SAH) revised 26 appeal notices and released them to the field on Sunday, July 28, 2019.

EDU finalized operating procedures, business line specific metrics, and Veteran-facing letters. EDU worked with Office of Information and Technology (OIT) to ensure Caseflow Intake captured business line specific needs.

Following AMA implementation, VR&E updated policy and procedural guidance consistent with the AMA appeals process. The updated guidance was provided to VR&E employees in May 2019.

The Board is executing its change management plan and has conducted the following key activities since February 2019:

- Held multiple trainings with internal and external VSOs and advocate partners to provide information and guidance on appeals modernization and to enhance the flow of appeals at the Board;
- Distributed weekly email communications highlighting important AMA updates, trainings, tips, and activities at the Board;
- Published monthly internal newsletters with sections dedicated to communicating ongoing changes, sharing AMA updates, and celebrating milestones;
- Launched an internal marketing plan to achieve the goals and objectives of Board 2.0;
- Collaborated with VHA National Center for Organizational Development to deliver supervisor training to prepare managers and leaders to coach Board staff through AMA changes;
- Held biweekly meetings with training chief to ensure the integration of change management concepts with the curriculum at the Board;
- Held multiple sessions with Board change champions to share and collect information about AMA implementation activities to encourage lasting adoption of changes;
- Hosted town halls to further inform Board employees of the value of the AMA and the procedural and organizational changes associated with its implementation;
- Shared progress updates with VA Administrations to ensure appropriate alignment, synchronization, and integration of appeals change management efforts;
- Developed and distributed an AMA white board video reviewing the basics of the AMA for Veterans, caregivers, family members, and the public;
- Drafted a blog post for external distribution, which appeared on YouTube, about the release of the AMA white board video:
<https://www.blogs.va.gov/VAntage/59396/appeals-modernization-simplifies-complex-process-veterans-can-choose-one-of-three-lanes/>;
- Developed a social media strategy for the Office of the Chairman within the Board with AMA messaging and updates;
- Continued to collaborate with SharePoint developers to improve the layout and framework of the Board's internal SharePoint site, which houses AMA materials in a central repository;
- Conducted Board-wide change readiness surveys to establish organizational strengths and areas for improvement moving forward around the AMA; and
- Published "4 Important Things You Need to Know" [about the AMA] blog with accompanying graphic: <https://www.blogs.va.gov/VAntage/62997/four-important-things-know-appeals-modernization/>.

In addition to the foregoing activities, the Board collaborates with the Veterans Experience Office, which uses the Medallia tool/database, to survey Veterans who have an active appeal at the Board. These surveys provide valuable insight into Veteran experiences at various stages of the appeals process, both in the legacy system and

the modernized system. Current surveys include interviews with legacy and AMA appellants, including Veterans who appealed their RAMP rating decisions to the Board. RAMP was a pre-implementation VBA test program that is discussed in section 4 of this report.

A survey dashboard, which allows the Board to view data through various filters such as age, gender, and geographic location, went live on October 1, 2018. The compiled survey results provide the Board with important comparative data regarding Veteran experiences in both the legacy and the modernized systems.

The survey process is ongoing. Survey results have revealed trends that provide important feedback to the Board. For example, Veterans have given very positive feedback on hearings and on decisions that grant claims. Board staff regularly review the dashboard and forward any concerns to appropriate internal teams. The data collected in the dashboard is reviewed in the aggregate and enables the Board to improve its policies and procedures as it moves to reduce the legacy appeals inventory and adjudicate cases under the modernized system.

VHA has partnered with the Office of General Counsel and the Board to implement the AMA. VHA program offices have created process models and developed the guidance necessary to implement the three options available to claimants under the AMA.

VHA Appeals Modernization regulations are currently under review within VA.

VHA has adapted VBA and Board explanatory and training materials to address the unique needs of each VHA workstream. VHA is also updating VHA Directive 1032, Health Benefits Appeals Processing, and VHA Directive 1041, Appeal of VHA Clinical Decisions, to accommodate the AMA requirements and cleanly bifurcate clinical and non-clinical processes, only the former of which incorporates review at the Board.

VHA is working with the Board to establish an efficient method of transferring files to replace the legacy process of mailing paper files.

NCA's quality assurance plan, internal procedures, and other systems' implementation have been developed and are being updated as needed. NCA continues to collaborate with VA enterprise-wide to develop and revise processes as needed to comply with the AMA.

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

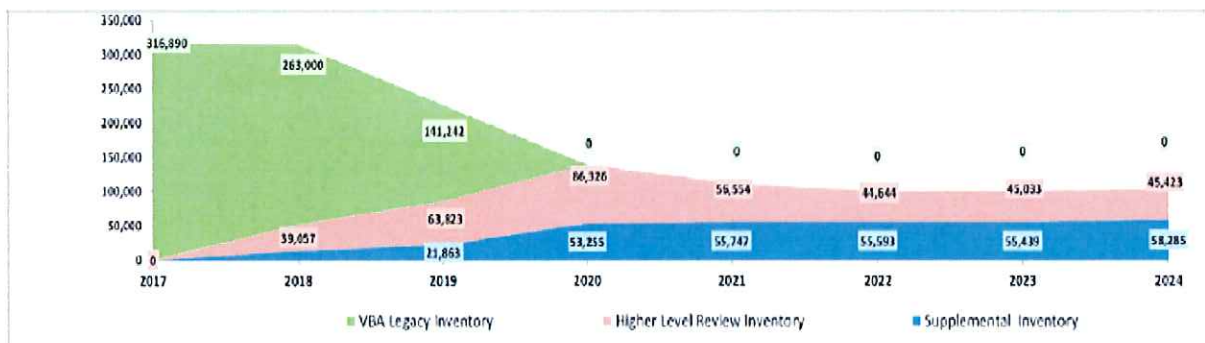
- (3) timely processing, under the new appeals system, of—*
- (A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i);*
 - (B) requests for higher-level review under section 5104B of such title, as added by section 2(g); and*
 - (C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(t).*

In FYs 2019 and 2020, VBA will have two distinct compensation and pension workloads for the 2,100 appeals FTEs to address legacy and AMA appeals. VBA's current target is to reduce the compensation legacy appeals inventory to a steady state, as defined in section 3(a)(1) above, in FY 2020.

At the end of FY 2020, VBA projects it will require approximately 400 dedicated FTEs to maintain the steady state of legacy work returned from the Board. The 712 FTEs currently assigned to the DROCs in St. Petersburg and Seattle will process the following compensation work mandated by the AMA: HLR claims, supplemental claims (returned under HLRs because of errors in assisting claimants to obtain evidence needed to support their claims), Board full grants, and Board remands.

VBA's goal is to maintain processing timeliness of an average of 125 days for both HLRs and supplemental claims. As the inventory of compensation legacy appeals decreases at ROs, VBA anticipates returning the appeals FTEs to the Veterans Service Centers (VSC) to complete compensation claims. VBA continues to review data, identify potential risks, and model multiple scenarios to allocate resources to timely process claims under the modernized system. The graph below forecasts the current inventory levels for HLRs and supplemental claims at or below an average of 125 days.

As of May 31, 2019, average days to complete (ADC) for HLRs was approximately 24.6 days. Average days pending (ADP) for HLRs was approximately 28.3 days. For supplemental claims, ADC was approximately 48.9 days, and ADP 47.2 days.



Specific to the individual benefit programs, Insurance Service is processing applications in under 12 days and disbursements in under 5 days. There has been no negative impact on processing times under the modernized system. Twenty-eight Insurance VCEs process supplemental claims. Thirteen SVCEs and seven Unit Chiefs are assigned to conduct HLRs. All employees who handle appeals cases have the specialized knowledge and ability to process insurance applications and claims under the modernized system.

The Procedures, Quality, Business Management, and Training staffs of COMP collaborate closely with AMO, OFO, and OIT program offices to ensure that guidance, training materials, standards for quality assurance (QA), and requirements for business

system functionality are revisited, as necessary, to support the projected 125-day processing time to complete HLRs and supplemental claims. Electronic self-service portals are being updated for timely processing of HLRs and supplemental claims. The electronic notification of the statutory duty to assist is now available on the supplemental claim form, which is anticipated to reduce development time spent manually sending these statutory letters and expediate processing of these claims.

LGY completed 23 pending COE cases well within VA's established timeliness requirement of an average of 125 days. SAH appeals are processed within 14 business days.

P&F has an average processing time goal of 125 days to complete both HLRs and supplemental claims.

VR&E has received 42 requests for HLRs. Of these, one was withdrawn by the claimant, four were completed in an average of 48.5 days, and the remaining 37 are pending an average of 23 days. VR&E has received 23 requests for supplemental claims. Of these, 5 were completed in an average of 26 days, and the remaining 18 are pending an average of 15 days.

EDU set additional internal goals of processing all HLRs in 45 days or less and supplemental claims in 60 days or less. For May 2019, the ADC for HLRs was approximately 18.2 days and the ADC for supplemental claims was 18.8 days.

The Board continues to prioritize legacy appeals, AMA appeals on the direct docket, appeals that are advanced on their docket due to the Veteran's age (75 or older), illness, financial hardship, or other reasons, and appeals remanded to the Board by the Court of Appeals for Veterans Claims (CAVC), as explained in the November 2018 report. Appeals from all four Board dockets are assigned to Veterans Law Judges for adjudication using a case distribution algorithm.

VHA continues to track appeals volume, inventory, and timeliness in the system of record. The data allows VHA managers to adjust staffing and priorities as needed to maintain timely processing of post-decision reviews in the modernized system.

NCA has adopted VA timeliness goals for both HLRs and supplemental claims of an average of 125 processing days. This time-frame may be shortened based on performance results and will be partly dependent on national response to the modernized system from Veterans, their families, VSOs, and attorneys.

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

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

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

As of May 31, 2019, the AMA claim grant rate for VBA was approximately 28.5 percent. Issues were granted at a rate of approximately 22.9 percent. Total AMA retroactive payments for the period of February through the end of May 2019 were over \$18.5 million. Overall timeliness for completing the AMA workload at VBA was approximately 39.0 days.

Beyond the use of an Integrated Master Schedule (IMS), in an effort to improve its monitoring and systems reporting, VA continues to incorporate relevant recommendations from GAO to ensure full and timely implementation of the statute while prudently using public resources. These recommendations include developing a balanced set of goals and measures, such as timeliness goals for all VBA appeals options (see section 3(a)(3) above), with measures of accuracy, Veteran satisfaction, and cost. VBA continues to maintain a 96 percent national accuracy rate for disability compensation decision reviews under the HLR and supplemental claim lanes. VBA maintains the same 96 percent accuracy rate for the standard claims process.

AMO is working to establish a new quality management system to assess claims accuracy at the national level for HLR decisions processed at the Seattle and St. Petersburg DROCs. To improve the capturing of quality metrics and provide quality reviews and feedback to DROC employees, AMO is building an Enterprise Quality Management System - Appeals Management Office (EQMS-A). EQMS-A reviews will be conducted across all employee types on a national basis. As this system will not be viable until FY 2020, AMO continues to use the current quality systems in Automated Standardized Performance Elements Nationwide and the Quality Management System to successfully conduct quality reviews on legacy appeals, HLRs, and supplemental claims.

VBA's benefit offices have established performance goals and are monitoring metrics. Insurance Service uses an integrated work team comprised of SMEs for all phases of appeals modernization. This team meets as needed to track metrics, address identified issues, and make organizational changes to ensure successful implementation of the modernized system. Caseload is being used to track appeals inventory, and legacy appeals are being managed in the Insurance Appeals Tracking System. Current appeals inventory consists of 85 legacy appeals. Of these, 19 are cases with the Board, two are HLRs, and three are supplemental review claims.

LGY has made updates to the QA process in order to comply with AMA reporting requirements and has updated the existing site visit protocol. Since the implementation of the modernized system, QA staff have successfully incorporated AMA review into the standard protocol. The QA team conducted two site visits to observe the effectiveness of this program; at the time of the audit, one Regional Loan Center (RLC) had one COE appeal that was found to be properly handled. The other RLC did not have any applications for appeal. The LGY QA unit is in the process of conducting further reviews during upcoming site visits with the various RLCs and plans to provide additional guidance if non-compliance is identified.

The Board continues to use its Office of Quality Review (QR) to review cases for its test programs. As the AMA did not change the substantive law regarding entitlement to Veterans' benefits, the Board does not anticipate altering the standard of review as to outcome determinative or customer service errors. However, because the AMA has distinct due process requirements, the standard for due process errors is different between legacy and AMA appeals. The Board originally expected to separate review of the types of appeals—legacy appeals, AMA appeals, and (for a short period) RAMP appeals—into three pools, due to the differences in error standards, quantity of Board decisions for each group, and population variations that exist among those appeal types. Due to the similarity of AMA and RAMP appeals, the Board combined the RAMP and AMA appeal pools for FY 2019.

The VHA IPT provides oversight and collaboration among the business lines to ensure adherence to VA enterprise-wide IMS project plan and timelines. Each respective program office manages matters regarding decentralized processes, oversight and accountability, data management, and business line specific processes. VHA is currently collecting data to establish adequate metrics and revise current goals for the modernized system.

NCA is continuing to track and adhere to the project plan and the timelines set forth in the VA enterprise-wide IMS. Potential issues relating to implementation have been identified as internal procedures are continuously developed and reviewed for revisions.

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;

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

Regarding resources, VBA has no substantive update to prior reports. VBA will continue to monitor resource requirements and adjust plans as necessary pursuant to applicable legal authorities as originally provided.

As previously stated, thanks to support from Congress and approval of additional funds for the processing of appeals, VBA completed the hiring of 605 FTEs in January 2019. These employees are dedicated to processing AMA appeals and are primarily located at the DROCs in St. Petersburg, Seattle, and Washington, DC. The maximum FTEs for the St. Petersburg and Seattle DROCs are 485 and 227, respectively. The maximum authorized FTEs for the Washington, DC DROC is 179. VBA will adjust resources at these facilities based on the reduction of legacy appeals inventory and the increase in AMA inventory. The appeals teams at the ROs will continue to work on the legacy inventory as needed. Once the legacy appeals inventory is reduced below existing staffing levels, VBA will consolidate the inventories and repurpose RO legacy appeals staff as needs dictate.

At the end of May 2019, approximately 84 percent of the Board's staff were dedicated to its mission of deciding appeals. Assuming 1,200 FTEs on board by September 2019, the Board anticipates that a minimum of 10 percent of resources associated with attorney and Veterans Law Judge (VLJ) workflow will initially be required to implement and administer the modernized system. The remainder of the Board's resources will be dedicated to processing legacy appeals. That said, individual personnel will not work the legacy or modernized docket exclusively. AMA is a process change rather than a change in substantive law; consequently, because VLJs and attorneys are subject matter experts in Veterans law, the Board will not require VLJs and attorneys to specialize in one type of appeal. Rather, the Board will report decision output per FTE in both legacy and AMA systems. If, for example, 80 percent of decisions issued by the Board in FY 2019 were for legacy appeals, the Board would report that 962 FTE (out of 1,200 total FTE) were allocated to the processing and adjudication of legacy appeals. The delineation of personnel resources may change as additional data is obtained.

As explained in prior reports, IT modernization was already in process prior to passage of the AMA and would have proceeded in the absence of the AMA.

Moreover, the Board does not delineate resources for training attorneys and administrative staff between the modernized and legacy systems. The Board has a robust training program, which includes a 6-month training period for newly-hired attorneys. Additionally, the Knowledge Management (KM) team develops and presents regular trainings for all Board personnel, including refresher courses aimed at improving quality and consistency, specialized training for complex areas of law, and new training based on changes in law. Trainings that address changes in the law are mostly driven by decisions by CAVC and the Federal Circuit and are frequent. In this respect, the Board is accustomed to quickly updating policies and decision-drafting guidance to accommodate changes in the law. Training on AMA, new technology, and administrative procedures is ongoing to address IT modernization and does not impose an additional burden on the Board.

As detailed in prior reports, VA has provided a model to assist in the projection of resources required to address legacy appeals inventories and simultaneously implement and process appeals in the modernized system. Since February 2019, the Board has worked closely with the Veterans Experience Office (VEO) to generate surveys and analyze data to obtain feedback on the AMA appeals process. The Board continues to partner with VEO to assess Veterans' choices, survey results, and other feedback to adjust and improve the AMA appeals process.

VHA completed a comprehensive assessment of the resources currently processing appeals and continues to assess resources needed to manage and process legacy claims and transition to the modernized system. This includes care under former 38 United States Code (U.S.C.) §§ 1703 (authorized care), 1728 (unauthorized emergency treatment for service-connected conditions), and 1725 (unauthorized emergency treatment for nonservice-connected conditions). VHA has identified and is addressing multiple resource needs, to include dedicated staff, regulatory and procedural guidance, and IT modifications.

Regarding IT resources, VHA is collaborating with OIT to identify IT requirements for a long-term goal of creating a unified desktop that can be used to access the information and evidence necessary to process benefit claims and appeals. VHA will continue to leverage its current systems to process both legacy and AMA appeals until a fully integrated system is developed.

VHA's business lines, to include Office of Community Care/Payment Operations Management (OCC/POM), Prosthetics, and Member Services, have dedicated staff to appeals processing.

Additionally, OCC/POM is in the process of instituting consolidated appeals processing units with dedicated staff. VHA will leverage current and future appeals data and execute time studies to better determine the volume of FTEs needed to manage appeals under both the legacy and modernized systems.

Both legacy and AMA appeals will be handled by allocated NCA appeals office personnel. NCA future personnel needs would be assessed dependent on national response to the modernized system from Veterans, their families, VSOs, and attorneys.

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.*

There is no substantive update to provide since the prior reports were submitted. VA will continue to monitor resource requirements and adjust plans as necessary pursuant to applicable legal authorities as originally provided. Additionally, in the March 2018 report, GAO did not disagree with VA's assessment of the relevant legal authorities for hiring and removing employees.

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.

VBA has no substantive update to prior reports. VBA has hired 605 FTE to process compensation AMA appeals, as approved through the budget process.

The Board is continuing to onboard new personnel to meet the hiring goal of 1,200 FTE by the end of FY 2019. As of the third quarter of FY 2019, the Board has onboarded an additional 100 Attorney Advisors, 14 Law Clerks, and 34 administrative personnel.

VHA has no additional updates to provide since the last report.

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).

Decision Review Officers (DRO), VBA's most experienced adjudicators, conduct HLRs for compensation benefit claims. These individuals have previously completed VBA's Challenge training requirements for deciding compensation claims. DROs also complete the national training curricula for Rating Veteran Service Representatives, as well as all required AMA training, which includes information on HLRs and informal conferences. VBA trained on the AMA from January to February 2019, before the effective date of the new law.

VHA has no additional updates to provide since the last report.

NCA has reviewed and completed training and utilizes VA enterprise-wide resources for NCA-specific cases. NCA will continue to work with VA agencies to identify shared functional training resources for effective training management.

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 no substantive updates to the last report.

VHA has no substantial additional updates to the last report.

Current NCA personnel handling appeals have work experience comparable to that of DROs, including the following: completing de novo reviews; holding informal telephonic conferences; making a decision (including reversals of prior denials); making direct contact with appellants and their representatives; employee training and development; jurisdiction over appellant issues; and certification and transfer of appeals. As that personnel will handle HLRs in the modernized system, the estimated percentage of crossover to the HLR adjudicator position is 100 percent.

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 has no substantive updates to the last report.

VHA has no substantial additional updates to the last report.

NCA confirms that current personnel, who have experience comparable to that of DROs, are involved in conducting HLRs, holding telephonic conferences, contacting Veterans, training and developing employees, and ensuring quality.

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.

In January and February 2019, prior to full AMA implementation, VBA offered nine training classes for compensation claims processors. SMEs delivered four courses in train-the-trainer format. The courses included the following: Favorable Findings

Veterans Benefits Management System - Ratings (VBMS-R); Favorable Findings for Dependency; Appeals Modernization Mail Routing; and VA Appeals Modernization Act Supplemental Claims. VBA delivered the fifth course, Appeals Modernization Act 201, online.

SMEs also delivered the following four additional train-the-trainer courses at designated RAMP sites, special mission stations, and DROCs: AMA Improved Decision Notices – Rating Decisions; AMA Improved Decision Notices – Non-Rating Decisions; RAMP-AMA Higher-Level Review Procedures; and AMA Informal Conferences.

In response to field feedback, VBA recorded the original four training courses and made them available to claims processors. VBA also conducted twelve 1-hour question-and-answer sessions. Additionally, VBA provided briefings on the AMA, the changes to the claims process, and consolidated answers to frequently asked questions (FAQ) during the January 2019, March 2019, and April 2019 National Quality Calls. Finally, VBA added AMA FAQs to the Compensation and Pension Knowledge Management Portal, accessible by all claim processors.

In March and May 2019, following the implementation of the AMA, VBA provided the following specialized training:

- Claims Assistant Intake Refresher: an instructor-led refresher on mail routing requirements and procedures for AMA decision review documentation;
- Caseflow Intake C&P: a self-study course that provided an overview of the Caseflow Intake system, a Web-based application designed to support AMA claims intake; and
- AMA Board Decisions, Remands, and Grants: an instructor-led course on how VBA should process Board actions (for example, remands and grants) under the AMA.

The AMO continues to monitor AMA training completion data and feedback received from field personnel to identify additional training opportunities.

During the period between May and December 2018, Insurance Service trained all employees in the modernized system. A series of sessions allowed discussion on the requirements of each employee's role. Intensive training in November and December of 2018 addressed process flow, responding to Veteran and beneficiary inquiries, relevant regulations, adjustments to decision notices, manual changes, use of updated appeals tracking tools, and casework. The instructor-led training consisted of four 1-hour sessions for employees who process appeals under both the legacy and AMA systems. Employees completed hands-on training using live cases and practiced using Caseflow in early FY 2019.

COMP plans to train new employees hired to work in the legacy and modernized systems. Challenge training will be used to instruct the new employees. COMP offers Challenge multiple times per year and has incorporated estimates of additional appeals

hiring in student population projections for FY 2020 and FY 2021. Additionally, that service will collaborate with the AMO and DROCs to assess retraining needs.

The LGY SAH staff updated its appeals training to include work functionality, notices, and adjudication functionality. The SAH staff provided bi-weekly appeals training with identified RLC staff responsible for appeals. The SAH staff will also schedule appeals training for all its agents no later than August 30, 2019. Once LGY completes additional policy changes and manual updates, that service will retrain employees as necessary. LGY provided the RLCs with video and written guidance to address any AMA-specific questions.

EDU thoroughly trained its staff before implementation of the AMA and has not scheduled additional training. However, EDU will schedule refresher training as needed.

Following AMA implementation, VR&E provided two additional updates to field staff on procedures and the new notice requirements of the AMA. Both sessions were instructor-led, allowing for questions and answers, and were recorded for future reference.

The Board provided large-scale trainings on AMA, to include all staff hired since January 2017. These trainings reinforce the differences between the legacy and modernized systems, specifically when additional evidence may be submitted, how docketing of appeals is handled, how remands are handled, and how and when medical opinions may be developed.

The Board and VBA are working together to provide joint trainings on substantive law. The trainings thus far have been in the form of podcasts with accompanying materials. The Board and VBA plan to use this vehicle to provide trainings as we progress with AMA.

Prior to implementation, Board staff had been actively handling RAMP appeals, or NODs arising from RAMP decisions. To this end, KM and the Policy and Research Team (P&R) provided multiple in-depth trainings on policy determinations that impacted adjudication of RAMP appeals for the Board's legal and administrative staff. KM and P&R partnered with OIT to create AMA Small Group Training Sessions. These trainings were divided among twenty supervisory groups and focused on how to concurrently handle appeals in the legacy system and the upcoming modernized system using Caseflow functionality. KM and P&R also held brown bag question-and-answer sessions that were open to all Board staff with a focus on RAMP at the Board.

Since implementation, KM has developed trainings that address the AMA and its impact on the Board, focusing on AMA procedures under the new regulations. Training materials, such as weekly emails discussing an AMA Tip of the Week, which outline final regulation changes, were made available to Board staff. KM/Caseflow/P&R refresher trainings were divided among different legal and administrative branches at

the Board and provided an opportunity to gather feedback about working AMA appeals with a focus on AMA functionality in Caseflow.

In addition, recent Board-wide trainings, which address substantive legal issues and are provided to all Board legal staff by KM and QR, have also included guidance on how to address the AMA in the context of specific areas of Veterans law. These trainings, which inform Board legal staff of best practices for a given area of law, have addressed not only recent changes to Veterans law but also the impact of the AMA.

Each of VHA's business lines has adapted and disseminated VBA and the Board's explanatory and training materials to the unique needs of their workforce.

NCA completed training prior to the effective date of the AMA and continues to assess for VA cross-functional training resources as needed.

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.

VBA has no updates to prior reports relating to the costs of training its existing employees. Training has been conducted on site, using in-house training staff, and the cost has been absorbed into the VBA training schedule.

As discussed in previous Comprehensive Plan updates, the Board does not anticipate any costs related to training. In its November 2018 report, GAO did not disagree with VA's assessment that no additional cost of training is anticipated.

VHA has no further updates to provide relating to the costs of training its existing employees.

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.

All IT system enhancements necessary for a Minimal Viable Product to support AMA have been completed and deployed. The AMA IT Delivery Roadmap, reflecting progress, is attached in Appendix A. As stated in prior reports, IT implementation of the AMA was a joint effort between VA OIT's Enterprise Program Management Office (EPMO) and Digital Service. EPMO manages and maintains VA's core claims processing system, the Veterans Benefits Management System (VBMS). Caseflow is planned to replace the legacy VACOLS system. Development activities for Caseflow

have now been transitioned to OIT under the Benefits, Appeals, and Memorials Portfolio. The engineering and development teams for Caseflow and VBMS have been working very closely together, in conjunction with business teams from VBA and the Board, to develop a fully integrated solution to meet the needs of the AMA.

The VBMS team continues to be on track to meet all milestones and deliverables. In the May 2019 (17.0) Release, VBMS provided numerous enhancements in support of the AMA that built upon functionality implemented in prior releases. Additionally, VBMS supported system sustainment updates according to the priorities of the Under Secretary for Benefits (USB). The May deliverables were achieved on schedule.

The upcoming VBMS August delivery will provide additional enhancements and defect remediations. The VBMS development team has also completed all primary coding for the August 2019 (17.1) release. The August release User Acceptance Testing was completed in July. In the August 2019 Release, enhancements in support of the AMA include User Interface, language-only updates, as well as contention and disposition updates.

Beginning in April 2019, the Board's required IT modifications fell under the direction of OIT. Previously, Digital Service managed the effort to deliver necessary functionality needed to ensure that Caseflow was successful in being the Minimal Viable Product needed for the AMA. To achieve this, the Caseflow team focused its development on three primary pieces of processing functionality (Caseflow Intake, Caseflow Queue, and Caseflow Hearing Schedule), as well as the Veteran-facing appeal status tracker to provide Veterans with insight into the new process.

Caseflow Queue has expanded its userbase to all Board attorneys and VLJs, who now process legacy and AMA appeals using Caseflow. Additionally, Queue is being used by members of the Board's co-located staff for the assignment of administrative tasks by attorneys. Additionally, members of the Board's Decision Management Branch are using Caseflow, in conjunction with the Board's Interactive Decision Template, to dispatch legacy and AMA appeals. A case distribution algorithm is now used to assign appeals from all Board dockets to VLJs for adjudication. National VSOs now have access to Caseflow Queue and are assigned tasks for appeals where an Informal Hearing Presentation is needed prior to the Board's consideration of the appeal. Caseflow Intake continues to support the receipt and processing of HLRs, supplemental claims, and Board appeals. Initial development work was also completed to provide necessary functionality for Caseflow Intake to support VHA, NCA, and VBA's non-compensation lines of business, to ensure that VA is prepared to capture the data necessary to comply with the reporting requirements found in section 5 of the AMA.

Caseflow Hearing Schedule functionality was only operational for central office hearings in late 2018. Functionality for videoconference hearings was added in January 2019 with minimal functionality. In late February 2019, scheduling of April 2019 hearings began. In April 2019, functionality for ROs and VSOs began to be rolled out. In February 2019, Digital Service began transitioning Caseflow operations to OIT in

preparation for an April 1, 2019, departure from the Board. Due to minimal functionality with Caseflow hearing scheduling, OIT and the Board implemented short-term fixes to continue hearing scheduling. Enhancements are ongoing in hearing scheduling functionality.

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.

VBA has no substantive updates to the last report.

Section 3(b)(2) above identifies a single period during which the Board will process legacy appeals and appeals under the modernized system. The Board does not plan to acquire additional office space to process legacy and AMA appeals (for example, to accommodate 1,200 FTEs). The Board's robust telework program has resulted in maintaining a steady physical footprint despite almost doubling FTEs over the last 5 years. The use of shared office space for Board personnel who telework 50 percent or more of the time, the conversion of underutilized space to workspace, the use of memoranda of understanding (MOU) to secure additional space within the building, and a flexible telework program and remote program help to ensure that the Board does not require additional office space to carry out the process of legacy and AMA appeals.

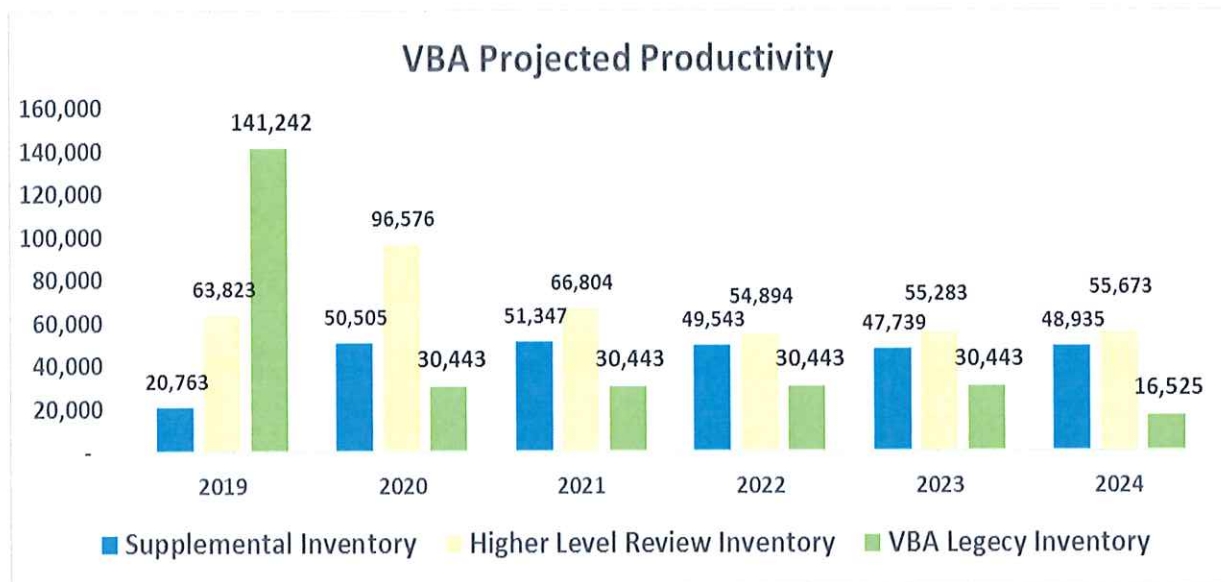
VHA does not anticipate additional office space requirements. Additionally, if necessary, VHA has a robust telework and virtual work program to meet any additional demands.

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

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

VBA projects production for the compensation and pension legacy appeals using completions (FTEs per fiscal year). Completions are actions which move appeals to the next stage in the process, and may include resolutions, which are actions that end the appeal. Based on 254,008 completed actions in FY 2018, the approximate legacy productivity per FTE is 200 completions, which includes 95 resolutions. The estimated annual productivity per FTE under the new process is 205 HLRs or 200 supplemental decisions. VBA continues to review AMA data to identify production trends.

The chart below estimates completions from FY 2019 through FY 2024 based on current staffing and productivity. This model includes numerous factors that could alter the forecasts, such as the opt-in rate, refile rate, Board remand rate, and allocation of staffing. VBA expects legacy appeals to reach a steady state in FY 2020, as defined in section 3(a)(1) above, despite the anticipated receipt of approximately 30,000 legacy remands from the Board from FY 2020 to FY 2024.



In addition to the overall projections of productivity noted above, specific benefit offices have provided the observations shown below.

The AMA has minimally impacted Insurance productivity. The same employees who have historically managed legacy appeals now manage the AMA appeals, so the learning curve has been minimal. SMEs are readily available to address questions and issues after implementation.

EDU RPOs will use employee productivity reports to calculate individual production. Due to the limited volume of AMA cases at the RPOs, working these claims is not a full-time position. For May 2019, only 81 HLRs were completed among all three RPOs. Considering the volume of other work received (over 250,000 claims), it is not feasible to track an individual employee's production for just AMA workload. Employees are allotted 20 minutes of processing time per AMA claim, which is consistent with other education work.

VR&E field staff continue to process all pending legacy appeals to ensure timely processing. As of June 2019, VR&E has 188 actionable pending legacy appeals. VR&E is actively working with claimants to opt-in to the modernized system, if applicable, to reduce the number of pending legacy appeals.

The Board finished FY 2018 by dispatching a record 85,288 decisions to Veterans and appellants with a staffing level of 920 cumulative (average) FTEs, which represents approximately 92.7 decisions per FTE on an annual basis. The organizational performance goal for FY 2018 was originally 79 decisions per FTE and was adjusted to 85 decisions per FTE to account for actual staffing levels. This projection took into consideration additional staff as well as the Board's demonstrated decision output trends. This production projection assumed an annual average of 144 decisions per decision-writing attorney with consideration of leave and holidays.

Board productivity remains robust and steady. The record 85,288 Board decisions dispatched to Veterans in FY 2018 surpassed the previous high achieved in FY 2015 by more than 29,000 decisions. The Board's annual production goal for FY 2019 is set at 90,050 decisions, an increase of approximately 5.5 percent above FY 2018, and would represent another historic high in decision output. Additionally, the Board revised productivity standards effective October 1, 2018, in part to account for changes due to the AMA. To be rated Fully Successful for productivity in FY 2019, attorneys must produce 169 signed decisions or 510 issues in the attorney's signed decisions. To be rated Exceptional, attorneys must produce 185 signed decisions or 559 issues in the attorney's signed decisions. Under the AMA, individual issues may be split between different review options and different dockets at the Board. Therefore, the new standard is more in line with the reporting requirements contained in section 5 of the Act. Moreover, the new standard will provide attorneys who regularly handle complex, multi-issue cases another path to achieving Fully Successful and Exceptional ratings.

VHA is in the process of collecting baseline data of record to establish adequate metrics and revise current goals for the modernized system.

NCA has adopted the 125-day goal for processing HLRs and supplemental claims and, using data from the modernized system, may revise productivity projections and goals accordingly.

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.*

VA continues to assist and inform Veterans about review options using its suite of outreach products: posters, brochures, fact sheets, and an informational video. These appeals modernization promotional materials are available on VA's external Web site: <https://benefits.va.gov/benefits/appeals.asp>. From AMA implementation in February 2019 until June 24, 2019, these materials have received more than 6,500 views. VA also produced a new AMA informational video and posted it on such platforms as Facebook, YouTube, and Vantage Point. This video has been viewed almost 24,000 times since February 2019 on Facebook and YouTube alone.

Additionally, VBA leadership conducted a post-implementation Facebook Live event on May 23, 2019, highlighting the current accomplishments, and advising individuals about opting in to the modernized system within 60 days of receiving an SOC or Supplemental Statement of the Case (SSOC). This event has garnered over 17,000 views as of June 24, 2019, and the corresponding blog post on VA's external-facing Vantage Point has received over 29,000 views. VA's other post-implementation postings on Vantage Point have received over 12,000 views.

VBA continues to work to develop a customer experience survey to measure satisfaction and understanding of the modernized system. VA plans to send the survey to Veterans at appropriate stages in the process. The results of the survey will help VBA to further refine the decision review process. VBA is currently conducting research with SMEs, Veterans, and VSOs to craft specific survey questions. VBA expects to field this survey following completion in late FY 2019 or early 2020. Responses will be consolidated into a real-time dashboard capable of drilling down to specific questions, types of customers, or decision review choice. The dashboard will also provide other means for VA to analyze the information and comments.

In addition to this overarching communication work, several of VBA's lines of business have leveraged communication networks to provide Veterans more information about decision reviews. For example, Insurance Service joined with VBA in creating outreach activities that included using Web-based sources, fact sheets, and information sponsored by the Office of the Secretary of VA (SecVA).

Additionally, EDU executed a communication and outreach plan to ensure applicants for benefits were aware of their rights in the event they disagree with a VA decision. The communication and outreach plan covered the following four areas:

- EDU used an AMA fact sheet outlining the modernized system.
 - The fact sheet was posted to the [EDU Web page](#) and on the [Post 9/11 GI Bill Facebook page](#).
 - EDU forwarded the fact sheet to all GI Bill-approved schools.
- EDU emailed all beneficiaries who received a decision letter in FY 2018 explaining the modernized system.
- EDU posted information updates via VBA and Education Service's social media platforms to keep beneficiaries updated on the progress and what to expect.

- EDU updated scripts for call center staff to use with Veterans and their beneficiaries who call to request information about the modernized system.

On February 22, 2019, VR&E uploaded brochures and fact sheets on the AMA to both its internal and external Web sites to ensure field staff, claimants, and stakeholders had access to information on the modernized system.

The Chairman of the Board continues to travel extensively to promote, educate, and inform Veterans and stakeholders around the Nation about the AMA. Such travel includes engagement with various VSOs across the country, speaking engagements and attendance at conferences and training events, and various RO site visits. Additional information regarding the Chairman's outreach activities is available in Appendix B. The Chairman and the USB also regularly communicate and share information with Veterans, advocates, and other stakeholders via LinkedIn, Facebook, and YouTube.

As noted in sections 3(a)(2) above and 3(b)(18) below, the Board has used its change management plan to identify and mitigate the risk associated with moving from the legacy to the modernized system. The Board is synchronizing efforts with all VA administrations.

The Board updated its Web site to include Veteran-focused information and resources, as discussed in section 3(b)(14) below.

VHA has no substantial additional updates to the last report.

NCA will use VA enterprise-wide resource materials for the review of NCA outreach activities.

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.

VBA extensively revised its benefits guidance for implementation of the AMA in February 2019. Analysts and editors revised hundreds of documents to instruct field personnel about conducting HLRs and how to work supplemental claims; to develop requirements to change decision notices; and to effect other significant changes to processing both claims and appeals. VBA continues to update, expand, and clarify this guidance as it receives feedback from the field.

COMP published the substantive procedural guidance in the M21-1, that covers the AMA-related claims and appeals processing and adjudication. COMP also updated

training materials and collaborated with OFO and AMO to provide multiple, live question-and-answer sessions for field offices prior to AMA implementation. COMP also updated its correspondence to Veterans and its Web pages to provide information regarding the modernized system. That service also created a specific Web page for electronic notification of the statutory duty to assist. A hyperlink for this Web page is shown on the new AMA forms for supplemental claims.

LGY is updating the M26-1, Guaranteed Loan Processing Manual, to incorporate refinements to Chapter 8 on COEs. The updates will be completed by September 2019. SAH staff published an AMA appeals policy on February 15, 2019. SAH is currently updating Chapter 13 on appeals and anticipates publication by August 30, 2019.

EDU continues to work on updating M22-4, Education Procedures Manual, Part 3, chapter 2.04, to include both legacy appeals and AMA appeals. The expected release is scheduled before August 31, 2019. An AMA SOP was provided to all employees in February 2019.

Following AMA implementation, VR&E noticed the need for several minor corrections to one manual chapter and an appendix. VR&E released the revision to the manual chapter on May 9, 2019 and the appendix on May 31, 2019.

The Board continues post-implementation to develop policy, which occurs in sync with technological updates, training, and SOPs.

Improvements to the Board's external Web site, www.bva.va.gov, which contains weekly metrics, the current docket date, and information about appeals modernization, are ongoing. The Web site also includes a link to the appeals status tracker on Vets.gov. From October 2018 to July 2019, over 1,795,491 discrete users had accessed the tracker, which provides claimants with case status information.

The VHA Office of Regulatory and Administrative Affairs is working with affected VHA program offices, the Board, and the Office of General Counsel to revise internal policies and directives as needed. VHA is updating Directives 1032, Health Benefits Appeals, and 1041, Appeal of VHA Clinical Decisions.

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.

VA published its proposed rule in the Federal Register on August 10, 2018, and the public comment period closed on October 9, 2018. VA worked collaboratively with the Office of Management and Budget (OMB) to obtain final approval of the regulations within the planned timeframe. OMB approved the regulations on December 21, 2018, and VA submitted the Final Rule to the Federal Register the same day. The Final Rule

was published January 18, 2019, and the regulation became effective on February 19, 2019.

The following forms were approved by OMB and became effective February 19, 2019:

- VA Form 20-0995, Decision Review Request: Supplemental Claim;
- VA Form 20-0996, Decision Review Request: Higher-Level Review; and
- VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement).

LGY has discussed promulgating regulations specifically to clarify eligibility. LGY has tentatively scheduled drafting such regulations in FY 2020.

VHA has drafted an Appeals Modernization regulation that resolves inconsistencies between existing VHA regulations and the AMA requirements and processes. That draft regulation is currently in concurrence inside VA.

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.

As discussed in the November 2018 report, section 2 of the AMA provides two opportunities for Veterans who would otherwise have an appeal in the legacy system to choose to participate in the modernized system instead. Section 4 of the AMA establishes the authority for RAMP and BEAAM, pre-implementation test programs that are discussed in section 4 of this report, as well as in prior reports. As provided in VA’s regulations, a legacy appellant may also opt into the modernized system after receiving an SOC or SSOC issued post-implementation.

VBA has no substantive updates to the last report.

The Board processes opt-in requests consistent with statutory and regulatory requirements.

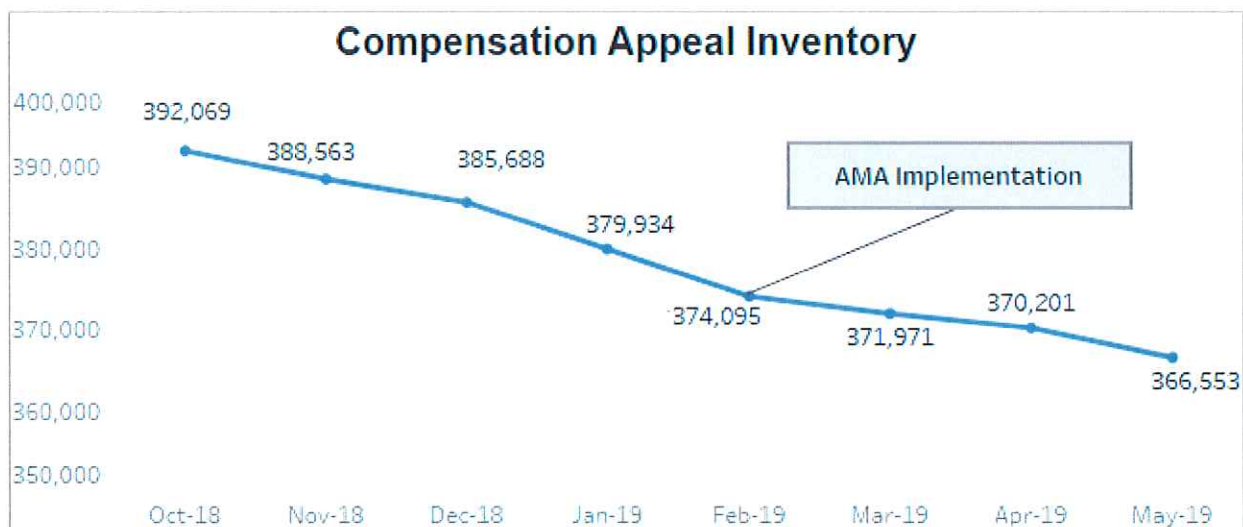
VHA has no substantial additional updates to the last report.

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.

As stated in section 3(a)(1), VBA plans to reduce the legacy inventory to a steady state in FY 2020. VBA defines *steady state* as the elimination of all legacy inventory in the NOD and Form 9 stages, with an inventory of remands that equals the number of appeals resolved per year. VBA is dedicating 1,388 FTE across all ROs and the DROC in Washington, DC, to eliminating legacy appeals.

VBA is employing several other strategies to reduce legacy appeals. For example, RAMP provided VBA the opportunity to test and validate assumptions and processes for implementing the modernized system. RAMP also provided a greater opportunity to reduce the legacy inventory than production alone. RAMP opt-ins reduced the legacy appeals inventory by at least one appeal per claimant that opted-in and, in some cases, a single RAMP opt-in eliminated multiple appeals. Legacy appeals processing, and the transition of over 88,000 legacy appeals to RAMP since the beginning of the program, accounted for the reduction in pending legacy compensation appeals through May 31, 2019, as noted in the graph below. VBA ceased accepting new elections for RAMP on February 15, 2019.



After February 2019, upon receipt of an SOC or SSOC, Veterans may elect to opt into an AMA decision review lane. From implementation through May 31, 2019, appellants have in 245 legacy appeals opted into the modernized system. For modeling purposes, VA calculates an additional 17,000 receipts for 2019 through 2021. VA will adjust its forecasts as it collects additional data.

LGY has completed 17 HLRs and six supplemental claims since AMA implementation. Three legacy appeals and four supplemental claims are currently pending, but no HLRs or SAH legacy appeals exist.

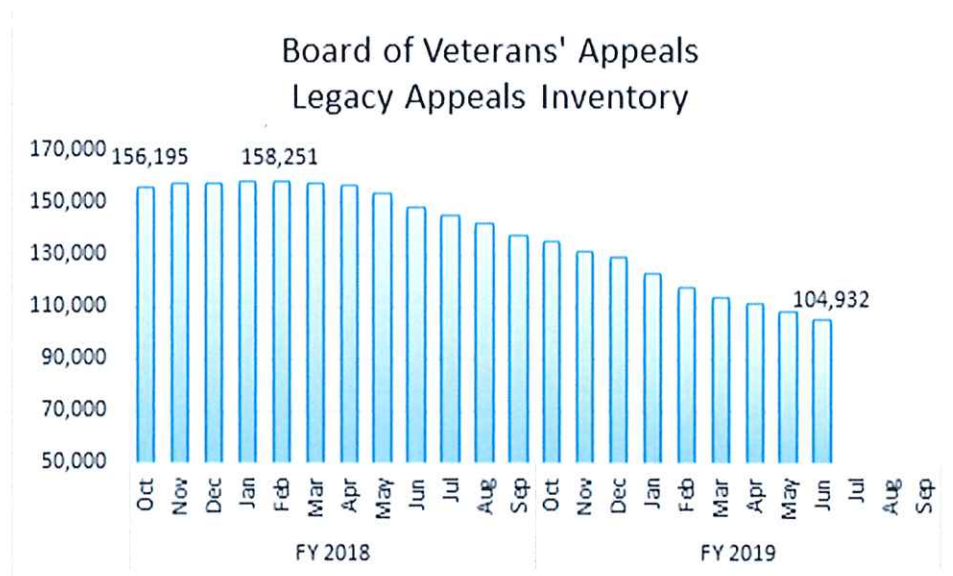
As of June 2019, the fiduciary hubs had 40 legacy appeals pending while the PMCs had 3,667 legacy appeals pending. Additionally, the ROs had 2,491 pending appeals with at least one pension-related issue. P&F anticipates completing all remaining legacy appeals by July 2020.

EDU will continue to review and process all pending legacy appeals until every appeal is resolved. EDU anticipates finalizing the review of its remaining actionable legacy appeals by the end of FY 2020.

VR&E’s goal is to reduce the current number of legacy appeals by 50 percent over the next year. Therefore, VR&E started a systematic review in February 2018. VR&E currently has 188 actionable legacy appeals. The plan to reduce those actionable legacy appeals is to instruct field staff to immediately process remands and to certify all cases in Form 9 status to the Board. These two actions should reduce actionable legacy appeals to 117. Of those, field staff will provide eligible individuals with information on electing the modernized system or move the appeal forward by the end of the FY. VR&E will continue to release targets for legacy appeals on a quarterly basis.

Turning to reduction of the number of pending legacy appeals at the Board, prior reports have explained that the rate at which the Board’s legacy appeals inventory can be resolved is dependent on a number of factors and variables, including the number of legacy appeals certified to the Board by VBA, VHA, and NCA and the rate at which claimants with pending legacy appeals opt in to the modernized system.

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 has since declined for 16 consecutive months. At the end of June 2019, the Board had a total of 104,932 pending legacy appeals. This represents a decrease of over 53,000 appeals (approximately 33.7 percent) over this period.



As also previously explained, the Board must adjudicate post-remand legacy appeals in addition to the new appeals received. The Board’s remand rate for legacy appeals has ranged from approximately 46.4 percent to 38.7 percent from FY 2015 to present, as reflected in the chart below. In February 2020, 1 year after the last rating decision is

issued under the legacy system, no further new legacy appeals will be received. From that point forward, legacy inventory will decrease at a rate dependent on the factors described above.

| Board Legacy Decisions* | | | | | |
|--------------------------------|------------------|----------------|-----------------|---------------|--------------|
| Fiscal Year | Decisions | Allowed | Remanded | Denied | Other |
| 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 thru Q3 | 69,166 | 36.3% | 38.7% | 21.0% | 4.0% |

*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 (for example, 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 reduction of legacy appeals by gathering data regarding Veterans’ preferences in the modernized system. Such reassessment will enable the Board to ensure the accuracy of the model’s outputs and its utility in VA’s appeals modernization forecasting.

VHA has made progress drawing down legacy appeal inventory. From a July 2018 total appeal inventory baseline of 23,364, VHA has reduced its overall legacy appeals inventory by approximately 37 percent to 14,611 appeals (as of July 22, 2019), while continuing to receive, on average, 1,500 appeals a month. VHA continues to reassess resource requirements and streamline processes with the goal of eliminating the legacy appeals inventory in 2020.

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.

The Department has identified the following risks and mitigation strategies:

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

Risk: A modernized IT solution for VHA claims processing is currently not available. VHA adjudication records are maintained in different repositories, in different formats, are not always accessible to authorized individuals who may need to work with them and are not easily accessed by Veterans and other claimants.

Mitigation: VHA will continue to leverage current IT capabilities until necessary modifications are complete. As each business line utilizes different IT systems, VHA will not have one standardized system for appeals processing and will continue to transfer files to the Board using correct procedures.

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

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

Mitigation: As VBA lowers its pending legacy appeals inventory, it will repurpose its most experienced personnel, such as DROs, to conduct HLRs. VBA will continue to reallocate its personnel and resources between the legacy and the modernized systems as necessary.

Risk: Current statutes may constrain VBA's ability to scale its workforce to address reduced workload once the inventory of legacy appeals has been exhausted.

Mitigation: VBA will use any appropriate applicable legal authority to remove employees only as a last resort. Exhausting the inventory of legacy appeals will not occur quickly. 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: For VHA, as a baseline of metrics for the modernized system has yet to be established, it is unclear as to whether currently dedicated staff will not meet demand. At this time, however, we do not believe that additional staff will be needed.

Mitigation: VHA will continue to monitor incoming appeals and communicate the need to host stand-downs, offer overtime, and utilize other methods of increasing productivity when hiring staff can not immediately be addressed.

Risk: The number of NCA-specific cases received in the modernized system may surpass the workload capability of the current NCA-trained and experienced personnel.

Mitigation: NCA has endeavored to continually address appeal matters with its unique case types as part of a learning organization with a symbiotic relationship with other VA offices including the Board, VBA, and VHA. NCA future personnel needs will be

assessed dependent on national response to the modernized system from Veterans, their families, VSOs, and attorneys.

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

Risk: Unintended delays may occur in onboarding additional FTE to achieve the Board's FY 2019 goal of 1,200 FTE.

Mitigation: Under current hiring trends as projected, the Board will meet its hiring goal of 1,200 FTE by the end of FY 2019.

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 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.

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

VA does not have updates to the November 2018 report.

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

VA does not have updates to the November 2018 report.

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

Risk: The Board may not be able to complete the required training on schedule based on current IT systems, resulting in risk to performance objectives.

Mitigation: The Board's strategy of leveraging existing systems and processes to the extent practicable for AMA appeals avoids the necessity of conducting extensive training on entirely new systems. Board instructors will be able to gather captured screenshots and develop training during IT development and testing phases. Screenshots can adequately identify updates to the systems before OIT fully implements them. This capacity allows employees to see the changes prior to practical application. Since implementation, the Board has conducted additional training for employees to update any necessary Caseload functionality changes.

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

Risk: At the Board, insufficient personnel resources for developing and delivering necessary training to support the new process may result in incomplete training.

Mitigation: The Board's KM and P&R are adequately staffed to ensure the development and delivery of necessary trainings prior to and after implementation of the modernized system. Prior to implementation, KM and P&R developed in-depth training materials on processing RAMP and AMA appeals, which were presented to Board staff. Since implementation, KM/Caseflow/P&R refresher trainings have assisted in the gathering of feedback on training materials. This information can be used to improve future trainings and will minimize instances of potential re-development or retraining.

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

Risk: Unforeseen IT complications resulting from working actual cases could cause unknown IT delays.

Mitigation: Continuing coordination and communication between the Board, VBA (particularly VBMS and Office of Business Process Integration (OBPI)), and OIT help ensure that VA's end-to-end technical solution fully supports the AMA. AMO continues to work closely with OIT and OBPI to develop enhanced system functionality based on user input. The Board works closely with OIT to ensure Caseflow fully supports AMA and legacy appeals processes transitioning from VACOLs.

Risk: Caseflow Intake is not currently functional to meet NCA reporting requirements of AMA.

Mitigation: NCA is meeting with OIT to overcome this issue and avoid dependence on the inherent weakness of a manual system versus the planned automated AMA tool, to include potential impact on personnel resources.

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 the Board's inability to provide enough workstations for its staff in its current location.

Mitigation: The Board repurposed previous paper case storage areas and digitalized its library to provide telework touchdown space. The Board's telework and remote programs are well managed and monitored. Most of the Board's attorney work supports telework and with technological advances, more administrative work is becoming telework capable. The Board's telework program began in the mid-1990s and the number of Board employees who telework has consistently increased. The Board's remote work program offers career opportunities to military spouses and other employees and, in fact, is a best practice for military spouse employment.

Risk: The Board's lease is up for renewal in 2021. If the lease is not renewed, the Board must relocate causing significant impact to Board personnel and appeals processing.

Mitigation: The Board is working closely with VA's Office of Human Resources and Administration, Office Space and Renovation on the lease process, which includes coordination with the General Services Administration and OMB, and the approval of Congress.

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

Mitigation: VHA will rely on telework and virtual workspace before extra office space can be brought online.

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

Risk: There could be an unanticipated decrease in VBA employee productivity, leading to a risk of not meeting performance objectives.

Mitigation: RAMP provided actual data for VBA to refine forecasting, identify best practices, and change its procedures, processes, and systems to gain efficiencies and improve timeliness. Should RAMP and the modernized system not yield the expected increases in productivity, VBA may reallocate internal resources to meet performance objectives. VBA is reviewing AMA data down to the employee level to determine ways to increase efficiency and determine best practices, as well as identify employee training needs.

Risk: VHA may underestimate or overestimate the productivity of employees processing benefits in the modernized system.

Mitigation: VHA will adjust staffing as needed.

Risk: There could be an unanticipated decrease in Board productivity, leading to a risk of not meeting performance goals.

Mitigation: The Board monitors and assesses productivity closely and adjusts to reallocate resources where needed to meet performance goals while utilizing best practices for efficiency.

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

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

Mitigation: VBA leadership has given numerous media interviews and online events to build interest in, and support for, the modernized system. Similarly, the Chairman of the Board participated in several media engagements and interviews as well as multiple stakeholder events and conferences to provide training and information to stakeholders and Veterans about the AMA process. Additionally, the Chairman reorganized the Board Web site to provide clear and understandable information on the appeals processes. 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. The Nation-wide outreach efforts of both the Chairman and VBA's AMO Director explained and clarified the AMA system so that representatives and other stakeholders better understand it.

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

Mitigation: VHA has engaged a Change Management Specialist from VHA's Office of Communications to ensure appropriate, timely, and effective communication to internal and external stakeholders.

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

Risk: Updated VHA policies are not currently published.

Mitigation: VHA will provide the affected workforce interim guidance.

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

Risk: VHA does not have final AMA regulations.

Mitigation: VHA will process health benefits claims in accordance with AMA statutory authorities.

16. Outline of "Opt-In" Circumstances (Section 3(b)(16))

VA does not have updates to the November 2018 report.

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

Risk: Participation in RAMP, which reduces legacy inventory, may not be completed in a timely manner due to legacy appeals and modernized system decision reviews prioritization.

Mitigation: VBA continues to work through the remaining RAMP inventory with the intent of meeting VA's goal of processing these claims in an average of 125 days. As such, VBA increased the number of RAMP dedicated resources in June 2019 and anticipates completing all RAMP processing during the first quarter of FY 2020.

Risk: VHA is unable to resolve legacy inventory in a timely manner.

Mitigation: VHA will actively monitor legacy appeal inventory and inventory reduction effectiveness and realign resources as necessary.

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

Mitigation: In the past 3 years due to the increase in budget from Congress, the Board significantly increased the number of personnel to adjudicate appeals, both for legacy and AMA. 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 works closely with VBA, VHA, and NCA to monitor the number of legacy appeals pending in each administration in different queues. The Board utilizes its algorithm to prioritize Advance on the Docket, legacy, and AMA direct review appeals.

Section 4 – 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. In addition to providing early resolutions to legacy appeals within months as opposed to years, RAMP's other goals included the testing of assumptions, workload management, and systems integration in advance of full implementation of the AMA. On February 15, 2019, VA discontinued accepting new RAMP elections postmarked after that date in advance of the AMA becoming fully effective on February 19, 2019.

Veterans who participated in RAMP chose to have their VA decisions reviewed by VBA as either HLRs or supplemental claims. Following a decision on an HLR or supplemental claim, Veterans who wished to seek further review were able to choose from all available decision review options. In HLRs, a more experienced adjudicator

reexamined the previous decision using the evidence previously considered. Veterans who filed supplemental claims received VA's assistance in gathering new evidence. VA's goal was to complete HLRs and supplemental claims in an average of 125 days. Under the legacy appeals process, appeal resolutions averaged 3 to 7 years.

As of May 31, 2019, over 73,000 Veterans with 88,299 appeals elected to participate in RAMP. These Veterans received decisions much faster than in the legacy appeals system. VA completed HLRs in an average of 120 days and supplemental claims in about 142 days. Under RAMP, VA paid out over \$382 million in retroactive benefits. VA will continue processing the remaining 10,700 RAMP claims until resolving the entire inventory.

The Board adjudicated RAMP appeals in a phased-in approach allowing the Board to identify and address potential issues and risks relating to AMA implementation. The Board received and dispatched the following number of cases during the RAMP program:

| RAMP Cases Thru February 14, 2019 | | |
|--|------------|----------------|
| | Dispatched | Total Receipts |
| Direct Review | 142 | 405 |
| Evidence Submission | 51 | 223 |
| Hearing | 0 | 762 |
| Total | 193 | 1,390 |

The Board's implementation of RAMP ensured the Board was prepared for AMA implementation by testing technology and processes, and informing the Board's policies, procedures, and final regulations.

Appendix A – IT Delivery Roadmap

APPEALS MODERNIZATION ACT (AMA) PROGRAM DELIVERY ROADMAP and STATUS

Updated: July 15, 2019

2020

APR MAY JUN JUL AUG SEP OCT NOV DEC JAN FEB MAR APR

Today

VETERANS BENEFIT MANAGEMENT SYSTEM (VBMS) and Benefits Gateway Services (BGS)

| VBMS Release 17.0 | VBMS Release 17.1 | VBMS Release 18.0 |
|--|---|---|
| <ul style="list-style-type: none"> Regulations Dropdown in VBMS-R and Awards Remove "consolidated with another contention" selection in VBMS Select from List of Pre-Defined Favorable Findings in Ratings Remove all POAs (general and limited) when a new general POA is added Capture additional dependency information for Helpless Child and School Aged Child in VBMS-A | <ul style="list-style-type: none"> Associate a Free Text Narrative at the issue level to explain DTA Errors Process AMA Claim using the EPSP Series with AMA Claim Label Suppress Appeal Rights from appearing in the RADL and Burial Letter Update the limited POA button to change from "Private" to "Generic" Remove "A rated issue is required to be associated with a contention." from the bubble in VBMS-R that pops up when mapping a rated issue back to contention Make Updates to a Burial Letter to Add Additional Favorable Findings Update Awards UI to Support Additional Burial Decision Elements Add "Supplemental" as new contention type in VBMS Core Create "HLR Return – Difference of Opinion" disposition in VBMS-R Prevent ITF from Resolving when an EP 030/040 is Established | <ul style="list-style-type: none"> Restrict Users from Clearing AMA Claims in VBMS Determine whether a Favorable Finding was input using the Favorable Findings tab Automatically append favorable findings to the Rating Narrative Remove "Evidence not New and Material" Selection from VBMS-R Populate additional forms for appeals modernization with manually created letters and packages <p>VBA has not approved VBMS 18.0 requirements yet</p> |

KEY

| |
|--------------|
| COMPLETED |
| LOW SCHEDULE |
| AT RISK |
| DELAYED |
| INTEGRATION |

CASEFLOW

| | |
|--|--|
| <ul style="list-style-type: none"> 030/040 Withdrawal Remove and withdrawing appeals | <ul style="list-style-type: none"> 930 EPs |
| <ul style="list-style-type: none"> Finish disposition tasks Automatically distribute hearing docket cases Foreign Veterans Task Flow | <ul style="list-style-type: none"> Special case movement Ongoing: BVA requested enhancements (e.g. searching by SSN, and adjusting admin action routing) |
| <ul style="list-style-type: none"> Lit Support post-decisional motion workflows: Vacatur, then Reconsiderations, then CUEs Shared pagination for queue table views (note: first release testing began in July) eFolder Express, Caseflow access for private attorneys | <ul style="list-style-type: none"> Hearing Dispositions VSO Hearing Schedule Hearing Prep re-factoring Transcription Tasks |

IDT Analysis of Alternatives/Development of post-AMA functionality

Appendix B – Board of Veterans’ Appeals Outreach

| <u>FY- Quarter</u> | <u>Completed Outreach Task Date</u> | <u>Outreach/Communication Activities</u> |
|-----------------------------|--|--|
| FY 2019- Quarter 1 | November 27, 2019 <i>Media</i> | Chairman of the Board participated in a radio interview with Federal News Network, Business of Government Hour and discussed her career, the Board, and Appeals Modernization. |
| FY 2019- Quarter 1 | December 4, 2019 <i>Stakeholder Outreach</i> | Chairman of the Board briefed Chairman Takano on Appeals Modernization. |
| FY 2019- Quarter 1 | December 12, 2019 | VA participated in an HVAC hearing: <i>Is VA ready for full implementation of appeals reform.</i> |
| FY 2019- Quarter 2 | January 4, 2019 <i>Stakeholder Outreach</i> | VA provided a teleconference update to the 4-Corners regarding the timeline for Appeals Modernization regulations. |
| FY 2019- Quarter 2 | January 10, 2019 <i>Stakeholder Outreach</i> | The Board and VBA briefing at monthly VSO meeting. |
| FY 2019- Quarter 2 | January 17, 2019 <i>Stakeholder Outreach</i> | VA leadership participated in the 2nd SecVA Wilkie Virtual Community Townhall. |
| FY 2019- | January 17, 2019 | VA issued press release: <i>VA to implement appeals modernization in February</i> , available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5183 . |

| | | |
|-------------------|--|---|
| Quarter 2 | <i>Media</i> | |
| FY 2019-Quarter 2 | January 25, 2019 <i>Media</i> | Chairman of the Board participated in a television interview with Government Matters where she discussed Appeals Modernization. |
| FY 2019-Quarter 2 | February 5, 2019 | VA leadership attended an event with freshman Members of Congress and gave high-level briefings on the different VA program offices. |
| FY 2019-Quarter 2 | February 7, 2019 | VA issued press release: <i>VA launches collaborative training initiative to improve customer service for Veteran claims and appeals</i> , available at the following Web site: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5195 . |
| FY 2019-Quarter 2 | February 12, 2019 <i>Satellite Media Tour</i> | Satellite Media Tour and Chairman of the Board of Veterans' Appeals and over 20 media outlets nationwide discussed implementation of the <i>Veterans Appeals Improvement Act (AMA)</i> , and what changes Veterans can expect from the new system. Audience reach of approximately four million people. Interviews with a combination of local and national live and recorded sessions, including Federal News Network, Sirius XM, and Fox Nation. |
| FY 2019-Quarter 2 | February 14, 2019 | Media roundtable with AMO Director and Chairman of the Board who discussed implementation of the <i>Veterans Appeals Improvement and Modernization Act of 2017</i> . |
| FY 2019-Quarter 2 | February 14, 2019 | Proactive Congressional committee staff briefing on RAMP & AMA. |
| FY 2019- | February 14, 2019 | VA issued press release: <i>VA's Rapid Appeals Modernization Program to end ahead of implementation of new Veteran appeals law</i> , available at the following Web |

| | | |
|-------------------|-------------------|---|
| Quarter 2 | | <p>site: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5203.</p> <p>This release was also posted in <i>VAntage Point</i>, the official blog of VA. Available at: https://vaww.insider.va.gov/vas-rapid-appeals-modernization-program-to-end-ahead-of-implementation-of-new-veteran-appeals-law/.</p> |
| FY 2019-Quarter 2 | February 19, 2019 | VA implemented the <i>Veterans Appeals Improvement and Modernization Act of 2017</i> . |
| FY 2019-Quarter 2 | February 19, 2019 | <p>VA issued press release: <i>VA's Appeals Modernization Act Takes Effect Today</i>, available at the following Web site: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5207.</p> <p>This release was also posted in <i>VAntage Point</i>, the official blog of VA. Available at the following Web site: https://www.blogs.va.gov/VAntage/56694/vas-appeals-modernization-act-takes-effect-today/.</p> |
| FY 2019-Quarter 2 | February 19, 2019 | VA issued a series of blogs announcing implementation of Appeals Modernization at the following Web site: https://www.blogs.va.gov/VAntage/56659/56659/ . |
| FY 2019-Quarter 2 | February 25, 2019 | Chairman of the Board spoke on a panel at the DAV Midwinter Conference and discussed Appeals Modernization, and what Veterans and their advocates can expect from the new system. |
| FY 2019-Quarter 2 | February 25, 2019 | Chairman of the Board spoke at the American Legion Midwinter Conference and discussed Appeals Modernization, and what Veterans and their advocates can expect from the new system. |
| FY 2019-Quarter 2 | February 26, 2019 | Chairman of the Board spoke at the NASDVA Midwinter Conference and discussed Appeals Modernization, and what Veterans and their advocates can expect from the new system. |

| | | |
|-----------------------------|----------------------|---|
| FY 2019- Quarter 2 | February 28, 2019 | Chairman of the Board briefed Representative Michael Waltz on Appeals Modernization. |
| FY 2019- Quarter 2 | March 15, 2019 | VA leadership participated in a VA Showcase on the Hill. Various administrations within VA presented on high-priority topics that were of interest to the Hill. |
| FY 2019- Quarter 2 | March 21-23, 2019 | VA leadership attended the NOVA Conference in Nashville, TN. Chairman of the Board spoke on a panel and discussed Appeals Modernization. |
| FY 2019- Quarter 3 | April 9-10, 2019 | Chairman of the Board spoke at a VSO training event for the Cedar County Veteran Service Officers. |
| FY 2019- Quarter 3 | April 10, 2019 | VA released a video/blog on <i>VAntage Point: Appeals Modernization: Veterans now have greater choice in VA claims decisions review process</i> , available at: https://www.blogs.va.gov/VAntage/58670/appeals-modernization-veterans-now-greater-choice-va-claims-decisions-review-process/ . |
| FY 2019- Quarter 3 | April 11-12, 2019 | VA participated in the CAVC Judicial Conference. |
| FY 2019- Quarter 3 | April 13, 2019 | Chairman of the Board spoke at the Disabled American Veterans information Seminar, and explained how the appeals process works. |
| FY 2019- Quarter 3 | April 18-19, 2019 | Chairman of the Board spoke at the New York State's Veterans Benefits Advisors and Service Officers training. |

| | | |
|-----------------------------|-------------------|--|
| FY 2019- Quarter 3 | April 25, 2019 | VA released a video/blog on <i>VAntage Point: Appeals Modernization simplifies complex process allowing Veterans to choose from one of three lanes</i> , available at: https://www.blogs.va.gov/VAntage/59396/appeals-modernization-simplifies-complex-process-veterans-can-choose-one-of-three-lanes/ . |
| FY 2019- Quarter 3 | May 5, 2019 | Chairman of the Board spoke at the Military Spouse JD Network Civic Leadership Conference. |
| FY 2019- Quarter 3 | May 14, 2019 | Chairman of the Board met with Senators Isakson and Tester regarding tele-hearing technology. |
| FY 2019- Quarter 3 | May 15, 2019 | Chairman of the Board and AMO Director had a proactive Congressional committee staff briefing regarding Appeals Modernization. |
| FY 2019- Quarter 3 | May 15, 2019 | Chairman of the Board met with Representative Luria to give an update on Appeals Modernization. |
| FY 2019- Quarter 3 | May 17, 2019 | The Board & AMO met with GAO to discuss the high-risk list. |
| FY 2019- Quarter 3 | May 29, 2019 | AMO Director participated in a Facebook live event, which was also posted on <i>VAntage Point: Appeals Management Office unveils new path to speed up appeals decisions</i> , available at the following Web site: https://www.blogs.va.gov/VAntage/60912/appeals-management-office-unveils-new-path-to-speed-up-appeals-decisions/ . |

| | | |
|-----------------------------|-------------------|--|
| FY 2019- Quarter 3 | June 3, 2019 | The Board conducted a tele-hearing demonstration for HVAC representatives and staff. |
| FY 2019- Quarter 3 | June 4, 2019 | Quarterly meeting with co-located and VSOs which included a tele-hearing demonstration. |
| FY 2019- Quarter 3 | June 5-6, 2019 | VA leadership spoke at the National Association of County Veterans Service Officers Conference and gave updates from different program offices, including appeals. |
| FY 2019- Quarter 3 | June 10, 2019 | The Board conducted a tele-hearing demonstration for SVAC staff. |
| FY 2019- Quarter 4 | July 15, 2019 | VA released a blog on <i>VAntage Point & VA Insider: 4 Things to Know about Appeals Modernization</i> . |
| FY 2019- Quarter 4 | July 24, 2019 | The Board hosted AMVETS and provided an update on AMA. |