



Department of Veterans Affairs (VA)

Board of Veterans' Appeals

**Annual Report
Fiscal Year (FY) 2020**

Table of Contents

Board Senior Leadership	3
Veterans Law Judges	3
Introduction	5
PART I Activities of the Board of Veterans’ Appeals in FY 2020	6
Mission	6
Board Structure in FY 2020	6
FY 2020 – Continued Modernization, Record Output and Virtual Support	8
<i>Appeals Improvement and Modernization Act of 2017</i>	8
AMA Process.....	8
AMA Lessons Learned from Stakeholders.....	9
<i>FY 2020 Modernization</i>	9
Legacy Appeals Resolution Plan	10
Technology	11
Establishment of the Clerk of the Board	13
One Touch Program.....	13
<i>Action for Veterans in FY 2020 and Improved Efficiency</i>	14
Decisions	14
Hearings.....	15
Specialty Case Team.....	19
Quality Review	20
Training	20
<i>Service to Veterans</i>	21
VSO Meetings, Inventory and Training	21
Coordination with Administrations and Other Staff Offices.....	22
Outside Medical Office Workgroup and Coordination.....	23
The Board’s Strategic Plan and Priorities for FYs 2021 and 2022	24
<i>Increase the Number of Veterans Served and Optimize Accuracy</i>	24
<i>Veteran-Centric Service Strategy and Efficiencies</i>	25
<i>Coordinated Resolution of Legacy and AMA Inventory</i>	26
<i>ICARE Training initiative</i>	26
<i>Employee Engagement</i>	26
<i>Workforce Planning</i>	26
PART II Statistical Data	28
<i>FY 2020 Information</i>	28
<i>Legacy Appeals</i>	30
<i>Appeals Modernization Act Appeals</i>	31
<i>Projections for FYs 2021 and 2022</i>	32
<i>VA Operations Board Measures</i>	34
ADDITIONAL INFORMATION	36
Combined Degree of Disability for Existing Benefits*	39
STATUTORY REQUIREMENTS	41

Board Senior Leadership

(as of the end of FY 2020)

Chairman

Cheryl L. Mason

Vice Chairman

Kenneth A. Arnold

Deputy Vice Chairman

Kimberly H. Osborne Kimberly P. McLeod
Robert C. Scharnberger Christopher A. Santoro

Chief Counsel

Allison H. Highley

Executive Director

Nina Tann

Veterans Law Judges

Karen J. Alibrando	Kristin A. Haddock	Bobby R. Mullins
Keith W. Allen	Jonathan G. Hager	Thomas H. O'Shay
Dorilyn M. Ames	Milo H. Hawley	Michael A. Pappas
Marjorie A. Auer	Stacey R. Heneks	Kalpana M. Parakkal
Kathy A. Banfield	Michael A. Herman	Jeffrey D. Parker
Lisa M. Barnard	Linda A. Howell	Lesley A. Rein
Matthew W. Blackwelder	Jennifer R. Hwa	James G. Reinhart
David A. Brenningmeyer	Marti N. Hyland	Steven D. Reiss
Cynthia M. Bruce	Amy C. Ishizawar	Tara L. Reynolds
Bethany L. Buck	Anne E. Jaeger	Harvey P. Roberts
Sonnet B. Bush	Dana R. Benjamin-Johnson	Howard N. Schwartz
Angel Caracciolo	John Z. Jones	Anthony C. Scire', Jr.
Theresa M. Catino	Michelle L. Kane	Holly L. Seesel
Vincent C. Chiappetta	Susan L. Kennedy	George R. Senyk
Lana K. Chu	Ryan T. Kessel	Alexandra P. Simpson
Vito A. Clementi	Michael E. Kilcoyne	Deborah W. Singleton
Laura E. Collins	B. Thomas Knope	Mike Skaltsounis
Kelly B. Conner	Kelli A. Kordich	Cynthia A. Skow
Cherry O. Crawford	Jonathan B. Kramer	Tanya A. Smith
John J. Crowley	Simone C. Krembs	Mary S. Sorisio
Lauren B. Cryan	Nathan J. Kroes	Paul Sorisio
Tiffany Dawson	Michael S. Lane	Gayle E. Strommen
Evan R. Deichert	Mary E. Larkin	Matthew Tenner

Paula M. DiLorenzo
Nathaniel J. Doan
William H. Donnelly
Michael W. Donohue
Rebecca A. Feinberg
Caroline B. Fleming
John W. Francis
Joshua B. Freeman
Mary C. Graham
Kristi L. Gunn
Donnie R. Hachey

Eric S. Leboff
Michael D. Lyon
Andrew C. Mackenzie
Anthony J. Mainelli
James L. March
Shereen M. Marcus
Michael D. Martin
Simone B. Mays
Kerri M. Millikan
Jacqueline E. Monroe
Victoria H. Moshishwili

Claudia Trueba
Estella I. Velez
Helena M. Walker
Glenn A. Wasik
Yvette R. White
Jennifer Rickman White
Delyvonne "Del" Whitehead
David L. Wight
Kristy L. Zadora
Jessica J. Zissimos

**Department of Veterans Affairs
Board of Veterans' Appeals
FY 2020 Veterans Law Judges**



Introduction

The Board of Veterans' Appeals (Board) is an agency within the Department of Veterans Affairs (VA). Its mission is to conduct hearings and issue timely decisions for Veterans and other appellants in compliance with the law, 38 U.S.C § 7101(a). The Board is responsible for making final decisions on behalf of the Secretary regarding appeals for Veterans' benefits and services from all three administrations - Veterans Benefits Administration (VBA), Veterans Health Administration (VHA) and National Cemetery Administration (NCA) as well as the Office of General Counsel (OGC) that are presented to the Board for appellate review. The Board's jurisdiction extends to all questions of law or fact in a matter involving a decision by the Secretary under the law that affects a provision of benefits by the Secretary to Veterans, their dependents, or their survivors. 38 U.S.C. §§ 511(a); 7104(a). Final decisions on appeals are made by the Board based on the entire record in the proceeding and all applicable provisions of law and regulation. 38 U.S.C. § 7104(a).

The Board is committed to the Department's core values: Integrity, Commitment, Advocacy, Respect and Excellence (ICARE). These values are integral to fulfilling the Board's statutory mission to fully consider and resolve matters raised by Veterans, their dependents, or their survivors.

The Board is also dedicated to fulfilling the Secretary's prime directive of providing excellent customer service to Veterans. This includes aligning strategic direction, improved business processes, technology, and data to form a people-centric, results-driven and forward-thinking organization.

After the end of each fiscal year, the Chairman is required to prepare a report on the activities of the Board during that fiscal year and the projected activities of the Board for the current and subsequent fiscal years. 38 U.S.C. § 7101(d)(1).

This Annual Report includes the following two parts:

- **Part I** provides a discussion of Board activities during fiscal year (FY) 2020 and projected activities for FY 2021 and FY 2022; and
- **Part II** provides statistical information related to the Board's activities during FY 2020 and its projected activities for FYs 2021 and 2022.

PART I

Activities of the Board of Veterans' Appeals in FY 2020

Mission

The Board was established in 1933 and operates by authority of, and functions pursuant to, Chapter 71 of title 38, U.S.C. The Board consists of a Chairman, a Vice Chairman and Members sufficient to conduct hearings and decide appeals properly before the Board in a timely manner. 38 U.S.C. § 7101(a). Members of the Board, also known as Veterans Law Judges (VLJ), are appointed by the Secretary with the approval of the President, based on the recommendation of the Chairman. 38 U.S.C. § 7101A(a)(1).

Board Structure in FY 2020

In FY 2020, the Board temporarily transitioned into a virtual environment, maintained a right-sized full time equivalent (FTE) staff and assessed application of the *Veterans Appeals Improvement and Modernization Act of 2017* (AMA), which was implemented in FY 2019. The Board implemented a new leadership structure that enhanced greater decision output and accountability within the organization. The Board's organizational structure consisted of four main components: the Office of the Chairman, the Office of Appellate Operations, the Office of the Chief Counsel and the Office of Appellate Support.

The Office of the Chairman is led by the Chairman with the support of the Vice Chairman. The Chairman is appointed by the President for a statutory term of six years and is confirmed by the Senate. The Chairman is directly accountable to the Secretary. 38 U.S.C. § 7101(a). The Vice Chairman is a member of the Senior Executive Service (SES) who is designated by the Secretary and serves as the Board's Chief Operating Officer. *Id.* Both the Chairman and the Vice Chairman are Board Members.

The Vice Chairman oversees the Office of Appellate Operations, the Office of Chief Counsel, the Office of Appellate Support, the Office of the Chief of Staff, and the Office of Budget and Internal Controls. The Office of Appellate Operations is split into five sections, each headed by a Deputy Vice Chairman (DVC), a member of the SES. Each DVC oversees the appeals adjudication work accomplished by approximately 100 VLJs and nearly 850 attorneys supporting those judges. Additionally, each DVC is directly responsible for the following operational support activities: Decision Management; Hearing Management; Case Inventory and Control and VLJ Support; and Case Review and Mail Management. Supervisory Senior Counsel (SSC) are

designated to serve as first-line supervisors over all decision-drafting attorneys at the Board. See Figure 1.

Board's Organizational Structure

Realigned to provide Veteran-facing service and meet the mission-critical requirements

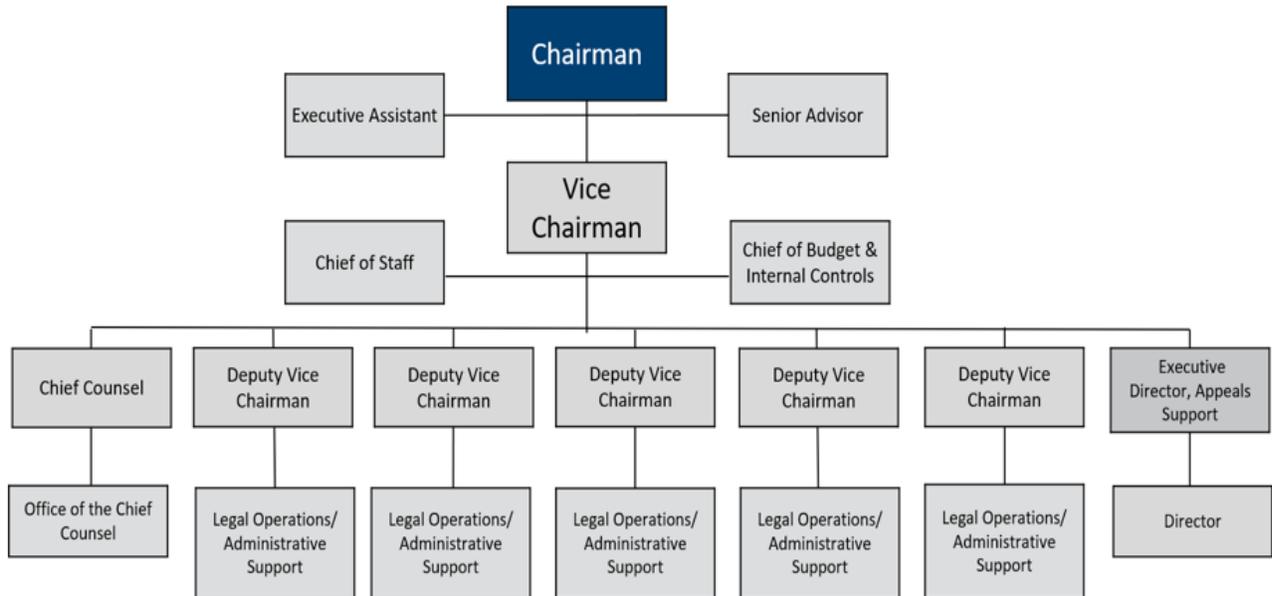


Figure 1. Board's Organizational Structure

The Board's Chief Counsel, a member of the SES, oversees offices for Quality Review (QR), Litigation Support and Customer Service, Freedom of Information Act and Privacy, as well as Records Management.

The Board's Office of Appellate Support is led by an SES Executive Director who oversees the offices of Knowledge Management (KM), Program Management and Logistics, Technical Infrastructure and Human Resource liaisons.

FY 2020 – Continued Modernization, Record Output and Virtual Support

Success at the Board is defined through service, modernization and action. FY 2020 saw the continued resolution of legacy appeals, application of the AMA and agility in the face of a pandemic that resulted in significant measurable results for Veterans and their families.

In FY 2020, the Board led the Department's legacy resolution plan and reduced the number of legacy appeals in the Department by over 173,000.

Prior to March 2020, the Board was operating with approximately 50% of employees working in a telework capacity. The Coronavirus Disease 2019 (COVID-19) pandemic challenged the Board to be even more agile in maintaining 100% mission capability with all of the Board's workforce working remotely. In under two weeks, the Board fully transitioned all operations to be conducted remotely with its staff working full-time telework from the safety of their homes. This included novel approaches to continue onboarding and training new hires. The Board also quickly shifted hearing operations to a virtual-only environment to ensure the safety of the Veterans we serve as well as Board employees. The Board was already postured to make this quick adaptation, having previously tested virtual tele-hearing technologies and procedures before the pandemic hit. This enabled the Board to hold over 4,600 virtual tele-hearings during FY 2020, with over 90% of these held from March-September 2020.

Appeals Improvement and Modernization Act of 2017 (AMA)

Through strong stakeholder collaboration, the Board achieved the successful and on-time implementation of baseline processes, information technology, supporting regulations, operational structure and training required to achieve initial operating capability under the AMA in February 2019. As detailed further below, further modernization efforts continue to improve Veteran-centric approaches as we resolve legacy appeals and transition to AMA-only appeals in the next few years.

AMA Process

AMA created three options, referred to as lanes, for claimants dissatisfied with the initial decisions on their claim. Claimants may seek a higher-level review of the decision based on the same evidence presented to the initial claims processors; they may file a supplemental claim that includes the opportunity to submit additional evidence; or they may appeal directly to the Board.

Veterans appealing to the Board may elect one of three appeal options: 1) a direct review of the evidence that the Agency of Original Jurisdiction (AOJ) considered; 2) an opportunity to submit additional evidence without a hearing; or 3) an opportunity to have a hearing before a VLJ, which includes the opportunity to submit additional evidence.

The chart below further describes the AMA process. See Figure 2.

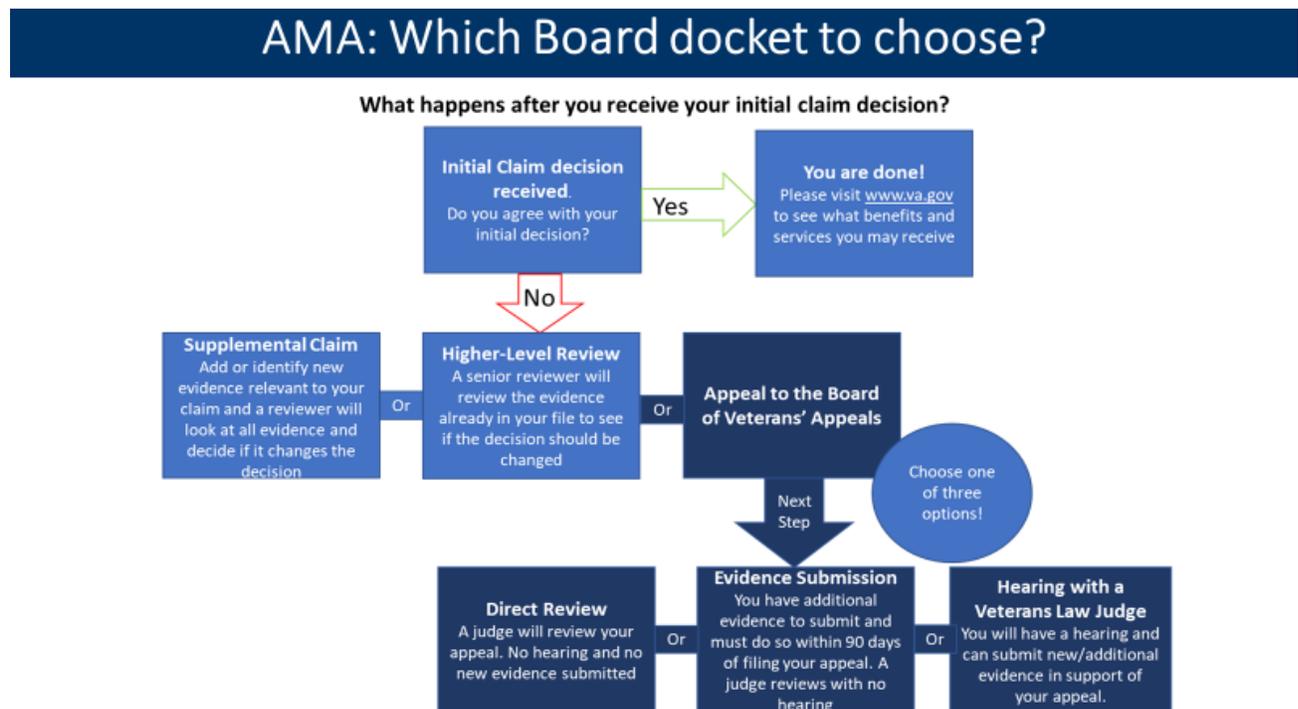


Figure 2. AMA: Which Board docket to choose?

AMA Lessons Learned from Stakeholders

The Board conducted significant outreach and coordination with Veterans and stakeholders to implement AMA and further modernize the appeals process. Significant input was received from Veterans Service Organizations (VSO), private representatives and Congressional stakeholders, and the Board incorporated recommendations to help modernize processes and technology. During and after initial implementation, the Board provided targeted AMA trainings, videos, fact sheets and briefings to Veterans and stakeholders. To help communicate both AMA activities and modernization progress, the Board also actively participated in interviews and provided regular press releases when significant milestones were met. Seeking and utilizing customer input helped the Board to modernize and make organizational changes in a way that increased choices for Veterans while also improving the quality of services provided.

Although the initial implementation of AMA is complete, significant modernization continued through FY 2020. The Board continues to seek input from stakeholders to help inform Veteran and customer-centric organizational and technological improvements.

FY 2020 Modernization

In FY 2020, the Board took several specific actions to improve customer experience and further modernize business processes, including the following: 1) creating virtual tele-hearings for Veterans, VSOs and employees to conduct hearings from any location with

WiFi; 2) providing a virtual environment for Board staff to continue work remotely during COVID-19; 3) increasing VSO and representative information sharing, inventory tracking and accountability; 4) streamlining hearing scheduling; 5) establishing a Clerk of the Board; 6) continuing the One Touch program; 7) driving progress with inventory through the Legacy Appeals Resolution Plan; and 8) continuing to drive functionality in Caseflow.

To support modernization, the Board led and participated in the following activities:

- Held trainings with internal and external stakeholders, including VSOs and representatives, to provide information and guidance on appeals modernization;
- Distributed email communications highlighting important AMA updates, trainings, tips and activities to Board personnel;
- Implemented a Board-specific social media strategy that included Legacy and AMA appeals messaging and updates on virtual tele-hearings;
- Collaborated with VHA's National Center for Organization Development (NCOD) to assess Board support of personnel during COVID-19 operations;
- Held regular collaboration between KM, QR and the Clerk of the Board on new training materials for New Attorney Bootcamp and Board-Wide Trainings;
- Hosted town halls and roundtables to communicate with employees regarding changes occurring during COVID-19 as well as Equal Employment Opportunity (EEO) and Whistleblower activities;
- Led the Department's Legacy Appeals Resolution plan by providing and sharing progress updates with VA Administrations and staff offices to ensure appropriate alignment, synchronization and integration of efforts to resolve both legacy appeals and AMA appeals; and
- 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.

[Legacy Appeals Resolution Plan](#)

VA's Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals, informed by continuous stakeholder engagement as well as sound project management practices. The plan resulted in a marked reduction in the number of legacy appeals pending in the Department before the Board, and in all three Administrations: VBA, VHA and NCA. The plan demonstrated significant progress by reducing the number of pending legacy appeals by almost 50%, from 347,975 pending at the start of FY 2019, to 174,688 pending at the end of FY 2020. The Department's goal is to resolve legacy appeals by the end of calendar year (CY) 2022. However, this may be impacted by longer lasting effects of COVID-19 such as the inability to conduct in-person hearings at some regional offices (RO), as well as some reluctance to opt-into virtual tele-hearings. See Figure 3.

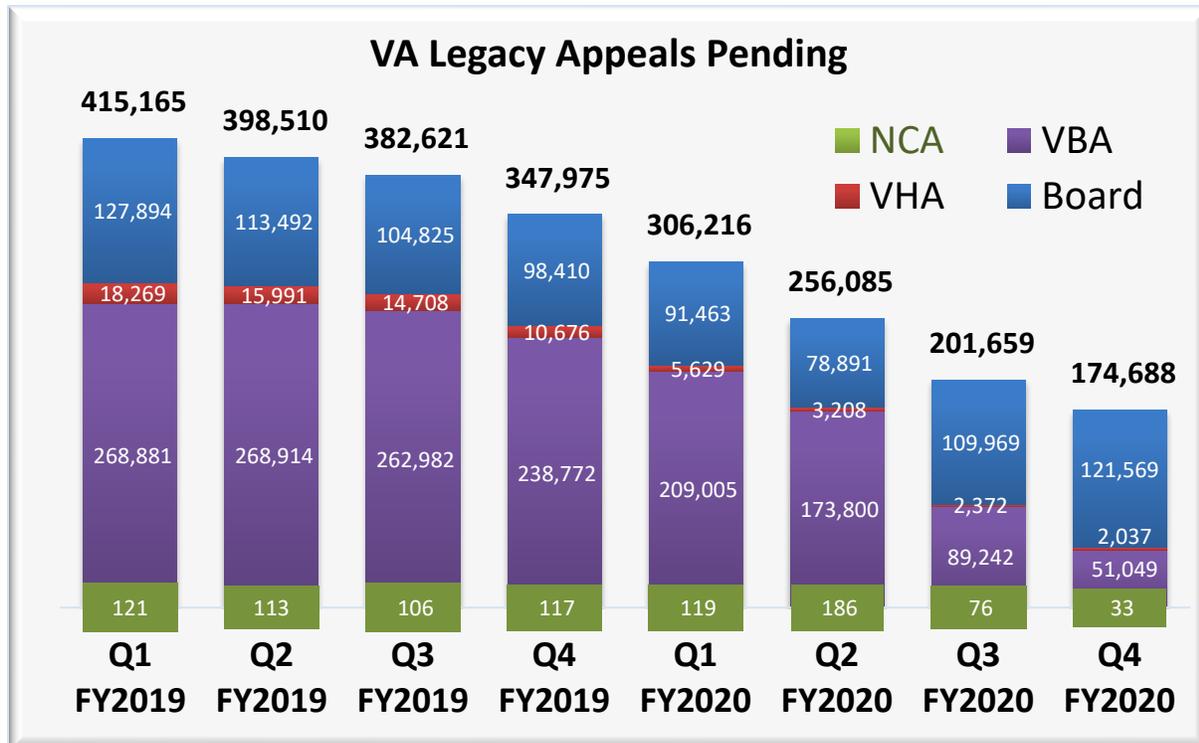


Figure 3. VA Legacy Appeals Pending

The Board continued to prioritize resources to address the pending legacy appeals inventory in FY 2020. The Board set another record with 102,663 decisions dispatched in FY 2020, with 85,461 (83%) of those decisions occurring in the legacy system. As a result of this coordinated effort, VA’s total legacy appeals inventory dropped more than 63% in the last three years.

Technology

The Board continues to leverage technology to make appeals processing more efficient. It is committed to business case management system transformation and technology modernization to deliver people-centric, result-driven, forward-looking results to Veterans. In FY 2020, the Board continued to collaborate with the Office of Information Technology (OIT) to drive functionality in Caseflow in support of AMA activities. While some basic functionality has been added to Caseflow, more work is needed in FY 2021 to provide a case management system that fully satisfies the Board’s and the Department’s needs for a consolidated enterprise system.

Over the past year, the Board’s data analytics team employed Tableau data visualization software to report on business processes. The Board created a SharePoint site with direct links to all Board Tableau reports to help users find, navigate and use the Board’s Tableau reports. The Board continues to move toward modernization of the underlying data analytics infrastructure to support the VA’s transformation into a data-driven and evidence-based learning enterprise. This includes the advancement of data warehousing, natural language processing and artificial intelligence (AI) or machine

learning decision tools, and Veteran-facing functionality to better implement timely hearings and decisions.

In FY 2020, the Board successfully migrated to Microsoft Windows 10 and Microsoft Teams, and converted from SharePoint 2013 to SharePoint Online. The Board also migrated several mission-critical systems from legacy servers to modernized platforms that align with VA enterprise architecture. These upgrades best ensure that the Board's technical infrastructure fully supports a successful business environment.

[Interactive Decision Template \(IDT\), Reporting and Migrations](#)

The Board improved its IDT in FY 2020. The IDT, initially launched in FY 2018, replaced the nearly 20-year-old template used to draft Board decisions. The IDT automatically retrieves data from case management software and populates important and relevant language into each appellate decision, allowing attorneys and VLJs to focus their attention on legal research and drafting. The IDT helps encourage consistency across Board decisions as well as the use of clear and concise language to ensure Board decisions are understandable to Veterans. The IDT has increased efficiency by automating several steps: 1) creating the final electronic signed decision; 2) retrieving the most current Veteran and representative contact information; 3) generating cover letters and mailing labels; 4) uploading completed copies of the decision to the Veterans Appeals Control and Locator System (VACOLS) and the Veterans Benefits Management System (VBMS); and 5) printing copies for mailing. This automation reduced human error in mailings and the time required to get a signed decision from a VLJ to the Veteran. These innovations significantly contributed to the Board's record-breaking decision output in FY 2020.

[Virtual Tele-hearing Technology](#)

The Board began testing virtual tele-hearings in July 2019 to provide Veterans more access to hearings. On April 10, 2020, the President signed the *VA Tele-Hearing Modernization Act*, making virtual tele-hearings a permanent option for Veterans. Virtual tele-hearings allow Veterans and their representatives to participate in hearings before the Board by voice and video transmission over the internet. Veterans can use a WiFi-enabled personal cell phone, tablet or computer to participate in a hearing. This technology provides greater access and flexibility, especially for Veterans living in rural locations, because it allows Veterans and VSOs/representatives to participate in the same hearing despite being in different locations.

The Board developed and distributed user guides to Veterans scheduled for a virtual hearing to help them navigate virtual tele-hearings. This recent advance in hearing technology has improved the overall Veteran experience by providing Veterans with greater access to hearings.

Virtual tele-hearing technology has been critical during COVID-19 operations as the Board shifted to a virtual environment. In late March 2020, all ROs and the Board Central Office hearing facilities closed to in-person Veteran customers. These closures all occurred within a span of 48 hours and impacted over 130 Travel Board, Video and

Central Office hearings. Virtual tele-hearings rapidly evolved from an option to the exclusive means of conducting hearings for Veterans, representatives, Judges and hearing branch employees.

The Board's capacity gradually increased from an average of 30 virtual tele-hearings a week in May 2020 to over 250 a week in the last quarter of FY 2020, or approximately 30% of the Board's standard pre-COVID weekly hearing capacity. From March 24 to September 30, the Board conducted over 4,200 virtual tele-hearings and conducted approximately 4,600 virtual tele-hearings in FY 2020.

Total FY 2020 Virtual Hearings Scheduled:	5,311
Total FY 2020 Virtual Hearings Held:	4,600
MAR 24 - 30 SEP Hearings Scheduled:	4,649
MAR 24 - 30 SEP Hearings Held:	4,230

The Board currently has the capacity to hold 1,000 virtual tele-hearings per week and, through improved technical integration, anticipates expanding this capacity in the short-term future.

Establishment of the Clerk of the Board

In January 2020, the Board established the Office of the Clerk of the Board, an internal Board resource formed to ensure the proper docketing of AMA appeals and to help the Board staff transition to working only on AMA appeals. Led by a VLJ with the assistance of several counsel, the Clerk's Office provides training and guidance for administrative staff charged with docketing AMA appeals, answers complex legal questions from VLJs and counsel related to AMA docketing and jurisdiction, creates AMA letter templates for Board staff, and generally assists Board management with AMA execution. The Clerk's Office also works to identify and correct AMA docketing errors, improve Board training around AMA issues and assists VA IT professionals in refining the technological tools used by Board staff to process AMA appeals.

One Touch Program

The Board's One Touch Program improves the timeliness of appeals where a hearing was conducted by streamlining processes. In FY 2020, 935 appeals were adjudicated under this program, resulting in a grant rate of approximately 61%. Generally, Veterans were issued their decisions/grants approximately 120 days earlier than what would take place outside of the program.

Action for Veterans in FY 2020 and Improved Efficiency

Decisions

In FY 2020, the Board issued 102,663 decisions for Veterans and their families, another record year for decision output, marking three consecutive years the Board significantly exceeded goals. The Board not only surpassed its FY 2020 goal of 91,500 decisions by over 11,000 cases, but also improved decision output by approximately 8% over FY 2019's 95,089 record number of decisions. This new record occurred despite transitioning Board staff into a virtual environment, the cessation of overtime dedicated to case writing due to anticipated budgetary constraints, and the existence of temporary operational constraints for holding in-person hearings at the Board during COVID-19 operations. Swift action to mitigate COVID-19 impacts required budget flexibility to absorb increased costs for cleaning and sanitizing supplies, funding of special authority for a reemployed annuitant and shifting overtime allocation to appellate operations support activities, such as mail-related tasks and case reviews to activate incoming appeals. See Figure 4.

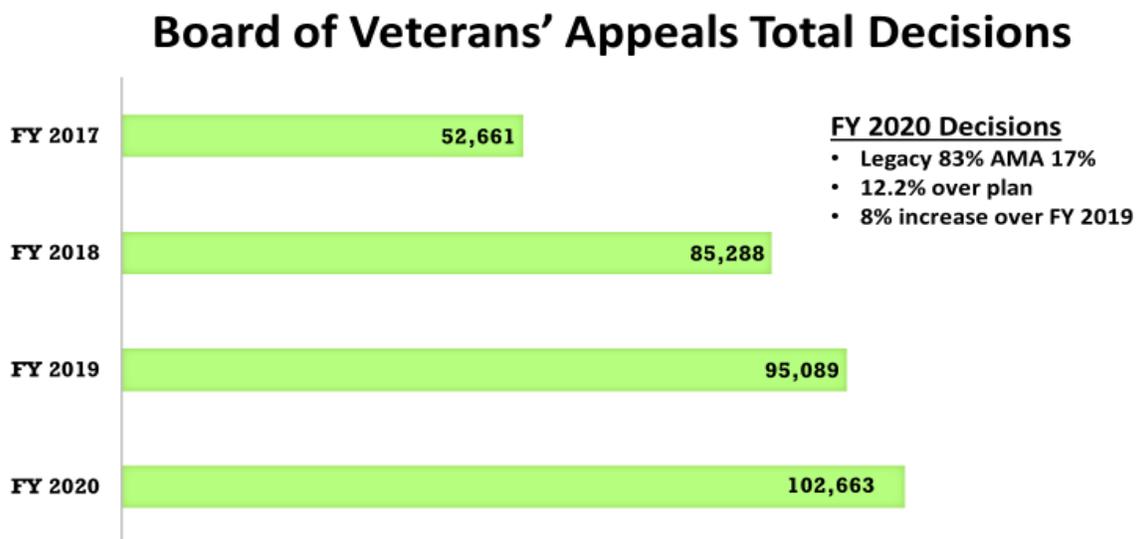


Figure 4. Board of Veterans' Appeals Total Decisions

During FY 2020, the number of decisions per FTE remained high at approximately 89, marking three consecutive years the Board surpassed 88 decisions per FTE. This high level of efficiency enabled the Board to sustain a low cost per case in FY 2020 at \$1,817, only about 4% higher than FY 2019. This marginal increase in cost is largely attributed to a 5.6% increase in personnel costs, as well as an increased cost of rent for the Board's leased office space in Washington, DC.

Hearings

For the first half of FY 2020, hearings were conducted face-to-face at either an RO (known as Travel Board hearings), in-person at the Board's Washington, DC, location (known as Central Office hearings), or through video teleconference (known as Video Hearings) between a VLJ in Washington, DC and the Veteran and his/her Representative sitting in-person with each other at a separate VA facility. The Board increased the total number of scheduled hearings from 36,461 in FY 2019 to a total of 38,633 in FY 2020. This resulted in a year-over-year increase of almost 6% of scheduled hearings. Positive data trends suggest the Board was on a path to exceed the FY 2019 record of 22,743 hearings held in FY 2020 before the onset of COVID-19.

For the first half of FY 2020, the Board increased the use of VEText, utilizing existing technology to remind Veterans by text about upcoming hearings at both 3 and 14-day out intervals. The increased use of VEText, combined with additional touchpoints with Veterans and representatives by geographically affiliated coordinators, drove show rates for hearings close to 68% through the end of February 2020. See Figure 5.

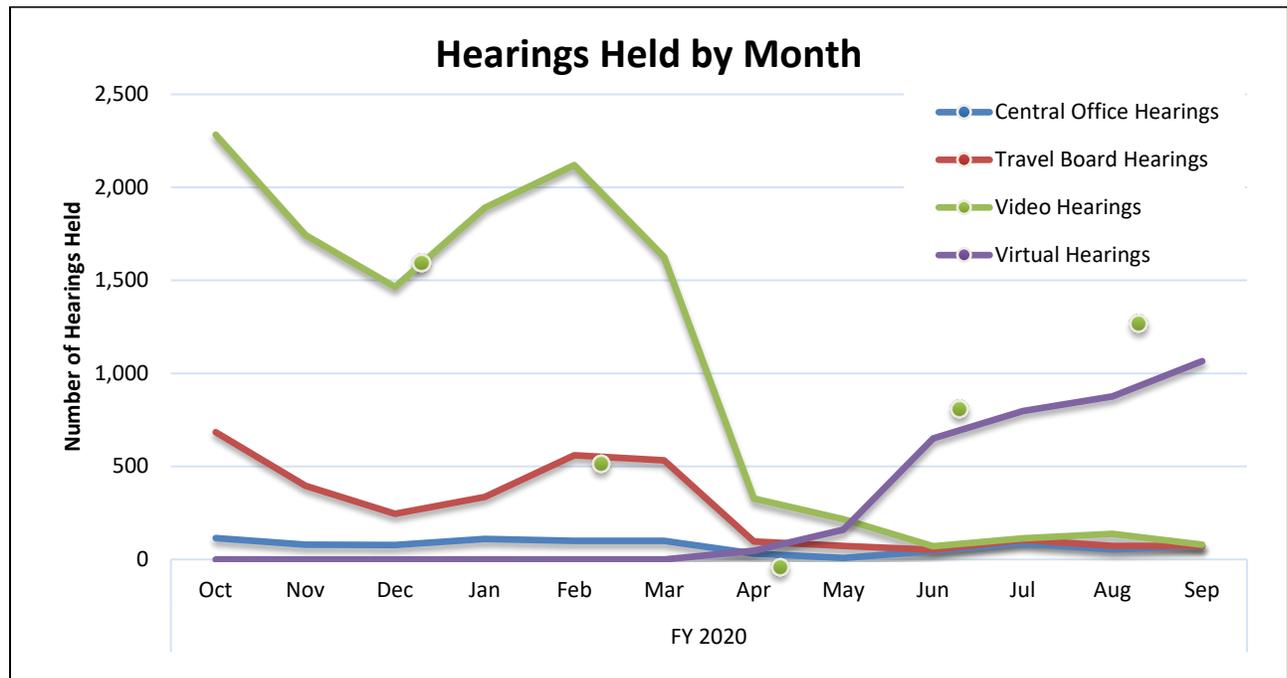


Figure 5. Hearings Held by Month

In March 2020, COVID-19 necessitated the temporary suspension of all Regional and Central Office hearings as well as all Travel Board hearings. In response, the Board's Hearing Branch moved to a 100% telework posture and worked swiftly to notify pre-scheduled Veterans for the remaining months of the fiscal year. As the pandemic continued, VEText was again used to advise Veterans of closed ROs and direct participants to the Board's webpage. Veterans were provided the option of either postponing their hearing or opting-in to a virtual tele-hearing. Over 9,100 Video and

Central office hearings, and 2,200 Travel Board hearings were postponed over the second half of FY 2020 due to the pandemic.

As noted above, the Board began testing virtual tele-hearings in Q4 FY 2019 and continued through early FY 2020. With the onset of COVID-19 and the suspension of in-person hearings, the Board quickly adjusted to offer virtual tele-hearings and avoid a full hearing stoppage. With the signing of the *VA Tele-hearing Modernization Act* in April 2020, the Board fully implemented virtual tele-hearings, which became the primary means for Veterans to have hearings for the remainder of FY 2020. The Board held more than 4,300 virtual tele-hearings from the beginning of COVID-19 operations through September 2020.

In mid-July 2020, the Board resumed limited in-person Central Office hearings for those Veterans and representatives who preferred in-person hearings. Additionally, a few ROs reopened to limited public contact including video hearings at one-half the normal schedule. Except for a small number of Central Office and RO hearings that were able to be held, the majority of the dockets were either converted to virtual tele-hearings or temporarily postponed.

The COVID-19 impact to hearing operations will result in multi-year effects for the Board. Prior to COVID-19, the Board was on target to reach its goal of conducting a record 24,300 hearings in FY 2020. Through the end of March 2020, the Board held 11,455 hearings, averaging 448 hearings held per week, and 57 hearings above goal. The Board had reduced the number of pending legacy hearing requests from 75,946 at the start of FY 2019, to 56,761 at the end of March 2020. The Board's ability to pivot to virtual tele-hearings enabled the Board to hold the number of pending legacy hearings steady and begin to hold some AMA hearings. As of the end of FY 2020, the Board had 55,265 legacy and 31,584 AMA hearings pending. The fewer legacy hearings converted to virtual tele-hearings may result in more legacy hearings carried forward to FY 2021 and FY 2022 and may impact the number of legacy decisions the Board can issue.

To mitigate the effects of the pandemic on hearing operations, the Board set robust goals to hold 50,000 hearings in FY 2021. As the Board continues resolution of legacy appeals and associated hearing requests, the proportion of AMA hearing requests pending will increase. The Board currently receives approximately 2,000 new AMA hearing docket appeals per month and the number of AMA hearings requested is over 60% of the total number AMA appeals pending. See Figure 6.

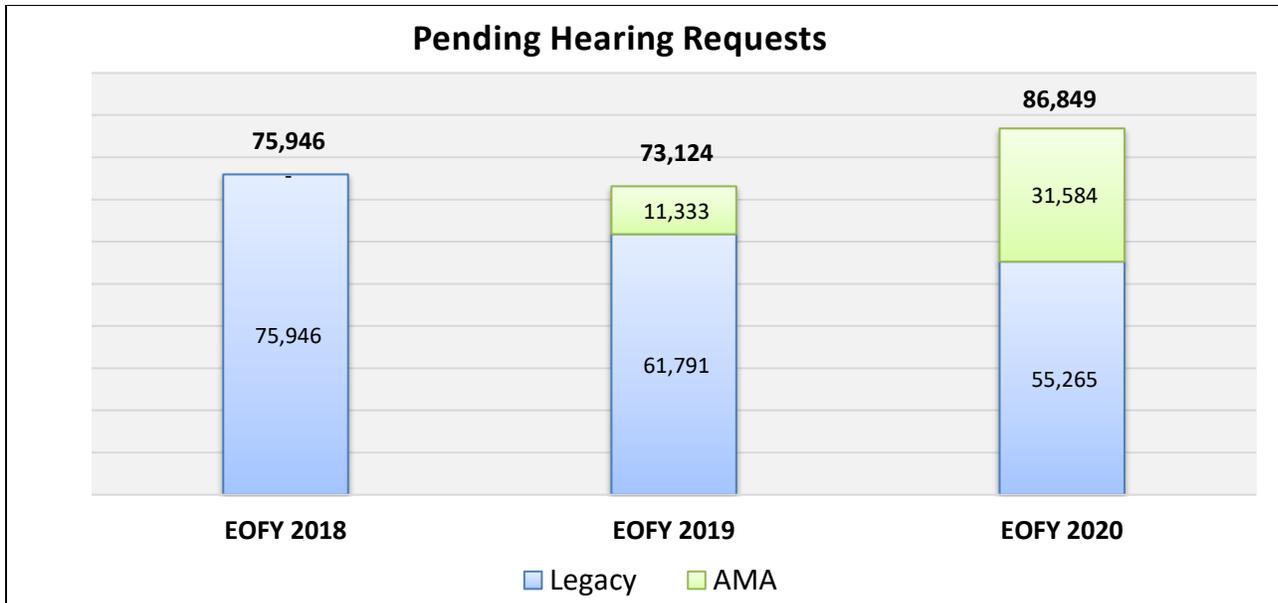


Figure 6. Pending Hearing Requests

Personnel

In response to the growing number of legacy appeals and requirements for supporting new AMA appeals, the Board doubled its staffing levels during the past few years. The Board attracted and hired talented employees to perform its unique and critically important mission of serving Veterans. The Board pursued innovative hiring practices, such as using the military spouse hiring authority and hiring recent law school graduates, training them in the specialized field of Veterans’ law. In tandem with executing within 97% of its hiring plan in FY 2020, the Board onboarded 227 new staff, 154 of which were onboarded virtually during the COVID-19 pandemic. This hiring initiative resulted in 1,216 full time equivalent employees at the end of FY 2020, which is the highest number of employees in Board history.

Due to the need for continued operations in the COVID-19 environment, the Board quickly transitioned its staff to a 99% telework environment in the last two weeks of March 2020 to meet its mission. The Board’s robust telework and remote programs enabled the Board to recruit and retain attorneys (including military spouses), enhance morale, and position the Board as an employer of choice. As of September 30, 2020, the Board remained at 98% telework operations. The Board expects to continue increased telework and remote work in the future as telework and remote work programs help to maintain workforce levels, including expanding recruitment areas, while reducing the Board’s physical footprint in its leased office space, showing good stewardship of taxpayer dollars.

As previously noted, the Board is committed to hiring military spouses. According to the Department of Defense (DoD), military spouses experience a 24% unemployment rate, which is due in part to frequent moves. The Board’s military spouse employment initiative and robust telework and remote plans offer military spouses engaging legal

employment. The Board is an active member of the DoD Military Spouse Employment Partnership (MSEP). MSEP is a career program that connects military spouses with affiliated employers who have committed to recruit, hire, promote and retain military spouses in fulfilling careers. The Board actively promotes hiring military spouses within VA and across the Federal Government. In FY 2020, the Board also successfully supported military spouses working outside the contiguous United States.

The Chairman, as VA's military spouse employment champion, routinely meets with Federal agencies to discuss the value military spouses bring to the workforce and how organizations can utilize the unique talents and perspectives that this demographic brings to the workforce. As part of this conversation, the Chairman discusses best practices for recruiting, hiring and retaining military spouses. Some examples include encouraging the use of social media to inform and recruit military spouses using direct hire authority. The Chairman also routinely participates in military spouse events and speaks on panels, describing her experience as a military spouse and the challenges some spouses may experience finding employment. The Board works with the U.S. Chamber of Commerce Foundation's Hiring our Heroes (HOH) to share best practices for hiring and retaining military spouses both throughout both the Federal Government and the private sector. The Chairman also participated in multiple Office of Personnel Management (OPM) calls and roundtables to discuss hiring across the Federal Government: how to retain and maintain talent, what Millennial and Generation Z employees are looking for in a work environment, and how to train human resource professionals on how to read resumes and application packets of military spouses.

Employee Engagement

The Board is committed to continuously improving its organizational culture and work climate. This past year, the Board strengthened employee engagement through weekly informational emails, mentor/mentee programs, monthly newsletters, virtual and in-person suggestion boxes, implementation of employee-driven suggestions, virtual roundtables and town halls, and weekly small-group discussions that function like open office hours that are hosted individually by the Vice Chairman and Deputy Vice Chairmen using virtual technologies. Additionally, the Chairman held quarterly award ceremonies to recognize employees for their dedicated service to Veterans, celebrated individuals who went above and beyond their normal duties in service of Veterans and acknowledged attorneys' achievements in decision drafting through writing awards.

The Board is engaging staff by providing training on both internal and external customer experience, participating in the Veterans Experience Office's (VEO) *Own the Moment* videos and workshops, forming an Employee Engagement/All Employee Survey Advisory Group focused on new initiatives to improve employee engagement and embracing the affinity groups that currently engage with Board staff.

During the COVID-19 pandemic, Board employees have participated in and connected with one another through virtual events and initiatives, including a wellness challenge, coffee breaks, webinars and leadership discussions. New employees were onboarded and introduced to the Board and its community through virtual orientation, trainings, graduations and team-building activities.

Another example of the Board's engagement is partnering with one of the Board's affinity groups, the Veterans Service Forum (VSF), to provide information to Board staff about the military experience and help keep the "focus on the Veteran." In FY 2020, the VSF focused its efforts on raising awareness about the mental health challenges faced by Veterans and their families; specifically, posttraumatic stress disorder (PTSD) and suicide. The VSF hosted a three-part series on suicide prevention and awareness that included speakers from VA's Office of Mental Health and Suicide Prevention and the Tragedy Assistance Program for Survivors. It concluded with a practical training by the Co-Chairs of the VSF on how PTSD and suicidal ideation manifest, the effect that they have on a Veteran's occupational and social impairment, and how to draft compassionate and accurate decisions that utilize appropriate language.

After the Board transitioned to full telework in the spring, the VSF used virtual platforms to continue to educate Board staff on these and other relevant issues. For example, a combat Veteran was invited to discuss his personal experience with PTSD and suicidal ideation. In another instance a series of Military Competency Classes were offered, designed to assist Board attorneys in the timely analysis of appeals. In observance of National Suicide Prevention Awareness Month, VSF hosted the Executive Director of the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS) Task Force to discuss this organization's holistic public health approach to suicide prevention.

The Board's employee engagement programs are having a positive impact on employee morale. Working with NCOD, the Board ran a mini All Employee Survey (AES) from late April to early May 2020. Results compared to FY 2019 AES showed approximately 69% participation, with a 10% increase in Best Places to Work and a 12% increase in Data Sharing.

Specialty Case Team

The Specialty Case Team (SCT) is a Board-wide program in which attorneys, who are competitively selected for the position, serve as subject matter experts in one or two statistically rare or complex legal areas within Veterans law. Specially-trained attorneys are critical to ensuring complex cases are handled by experts in the legal nuances of rare or difficult types of cases so that the Board produces the highest quality decisions in the most efficient manner. These experts then develop procedures and model language for use in guiding decision drafting so the next generation of attorneys can adapt to take on these more complex cases in the future. During FY 2020, SCT attorneys completed approximately 3,900 cases and averaged nearly one additional signed case per pay period than a non-SCT attorney.

Quality Review

The Board's Office of Quality Review (QR) has a case review system that aims to identify objective errors that fall outside the bounds of judicial discretion in a uniform and consistent manner. Judicial discretion applies to numerous aspects of the decision process. Legitimate differences of opinion as to the outcome of an appeal, the interpretation of the law, the application of the law to the facts, or the assessment of the weight and credibility of the evidence are matters subject to the exercise of judicial discretion and generally do not fall within the definition of "error." To maintain the statistical validity of the case review system, QR is focused on a uniform and consistent approach to identifying potential errors, regardless of the types of cases involved or which VLJs decided the cases. For each error discovered in any Board decision, QR prepares an error memorandum addressed to the signing VLJ and their supervising Deputy Vice Chairman. This memorandum identifies the error type, a detailed explanation to support the identified error and a recommended course of action to remedy the identified error. A VLJ then can agree with the findings of QR and take appropriate action to remedy any identified error, or alternatively, request reconsideration of the error by the Board's Office of Chief Counsel.

QR also reviews outcomes from cases from the Court of Appeals for Veterans Claims (CAVC) and the United States Court of Appeals for the Federal Circuit (Federal Circuit). Generally, approximately 9% of the Board's denials are appealed to the Court. Of that percentage, many appeals are returned to the Board under Joint Motion for Remand (JMR) orders. A JMR is a remanded decision from CAVC back to the Board that includes instructions VA must follow. QR monitors these JMRs, as well as other CAVC trends. This leads to training for judges and attorney staff. In FY 2020, the Board received more than 5,600 JMRs from CAVC. In late FY 2020, the Board, in an effort to reduce the number of JMRs and resolve Veterans appeals more quickly, championed a collaborative Board/OGC training program to address trends with JMRs and single CAVC Judge decisions. If the Court issues a precedent decision, the Board pivots immediately to implement this decision in all pending appeals.

In FY 2020, the Board continued to challenge employees to maintain high quality levels and achieved an accuracy rating of approximately 91% for legacy decisions. The Board did not have an appropriate number of AMA decisions and remands to effectively assess quality during FY 2020.

Training

The Office of Knowledge Management (KM) ensures that Board employees receive the training needed to provide Veterans with legally accurate and timely decisions. In FY 2020, KM created targeted and agile legal training for employees based on identified QR trends. KM offered legal training on topics such as: New and Material Evidence/New and Relevant Evidence; Traumatic Brain Injury; Lay Evidence; Presumption of Soundness and Aggravation; and AMA Refresher. Legal trainings were adjusted to address new outcomes from CAVC and the Federal Circuit. KM partnered with VA's OGC Ethics Specialty Team to provide live Hatch Act training. In addition, KM helped

ensure that Board staff completed all VA-required online training courses (such as privacy and security awareness) and certified the status of all Board attorneys.

In FY 2020, KM provided large-scale trainings as well as information technology resources to help Board staff learn new AMA procedures and deliver decisions to Veterans as quickly as possible. These trainings reinforced the differences between legacy appeals and AMA appeals and addressed specific issues related to submitting additional evidence, how appeals arrive at the Board, how remands are handled and how appeals are docketed.

The Board continued its comprehensive Bootcamp training program for new decision-writing attorneys in FY 2020, to include delivering this training in a fully virtual environment. The three-month training period consists of mentoring, classroom lectures and activities focused on the basics of Veterans law, drafting appellate decisions, legal research and the appeals process generally. To promote continuous learning, KM provided additional mentoring for attorneys who required additional support and had been at the Board for less than two years.

Service to Veterans

VSO Meetings, Inventory and Training

In FY 2020, the Board continued its significant outreach to VSOs and also increased activities to encourage accountability.

In FY 2020, the Board:

- Hired a VSO Stakeholder Liaison to increase regular contact with VSOs, mitigate situational occurrences that impact representation and provide consistent communication with VSOs and stakeholders on Board initiatives and changes. Due to the COVID-19 pandemic, constant communication with VSOs was imperative to the success of appeals adjudication.
- Held regular virtual tele-hearing update discussions with all VSOs and representatives and worked in close collaboration with the VSO staff co-located at 425 I Street NW, Washington, DC.
- Performed weekly appeal inventory tracking and inventory age information was reviewed and reported back to each VSO.
- Offered virtual training activities to familiarize VSOs and stakeholders on new hearing technology.

In addition to direct support activities, the Board and the co-located VSOs signed an updated Memorandum of Understanding (MOU) for use in FY 2021 to help standardize activities and support co-located VSOs who work at the Board's location. The MOU provides a general operational outline and holds VSO partners accountable for outstanding case inventory. Part of this includes a plan for Informal Hearing Presentations (IHP) to be worked in 120 days or less. IHPs serve as a mechanism to allow co-located VSOs the opportunity to submit a legal argument for a non-hearing appeal at the Board.

Legacy appeal inventory with VSOs decreased from the beginning of FY 2020 until April 2020. Beginning in May 2020, the legacy appeal IHP inventory increased as VBA worked Board remands in large quantities as part of the Department's Legacy Appeals Resolution plan, thus increasing the VSO IHP inventory at the Board. The Board's VSO Stakeholder Liaison's appeal inventory tracking report and working relationship with Board co-located VSO's resulted in the decrease of IHP inventory in September 2020 as shown in the chart below. See Figure 7.

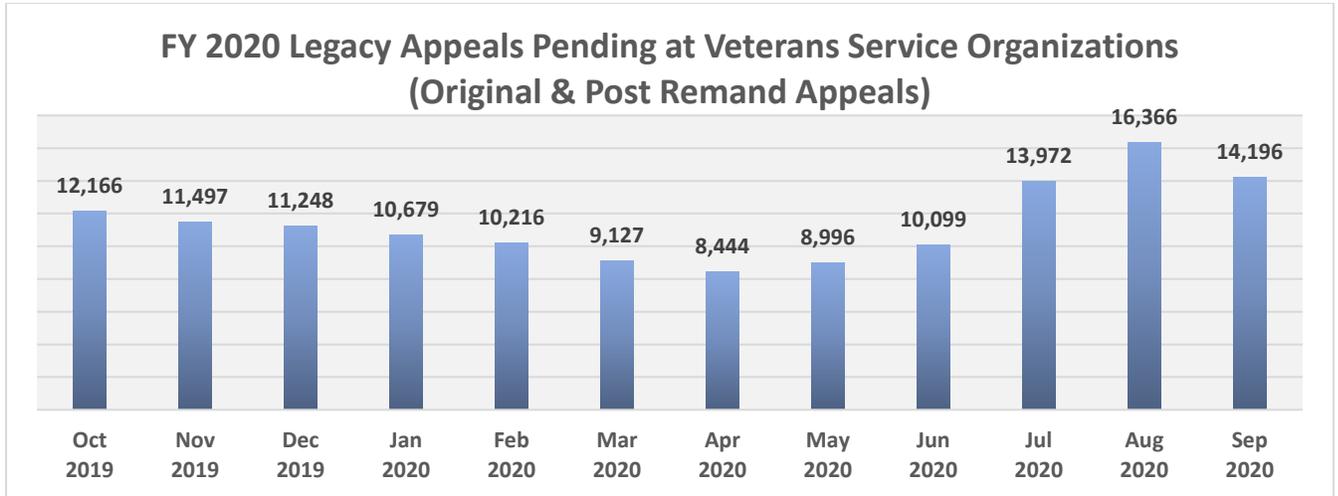


Figure 7. FY 2020 Legacy Appeals Pending at Veterans Service Organizations

AMA appeal inventory with VSOs has gradually increased in FY 2020. This reflects about a year and a half of appeals since the successful implementation of the AMA.

Coordination with Administrations and Other Staff Offices

The Board leads VA's appeals modernization process and actively collaborated across the enterprise with VA to better serve Veterans and their families. Partners include, but are not limited to, the following: VBA, VHA, NCA, OGC, OIT, Office of Enterprise Integration (OEI) and VEO. This active coordination is essential to support efficient VA processes and helps to make the Veteran experience seamless across VA. All VA offices closely collaborated to ensure that legacy and AMA inventory was appropriately tracked and that Veterans continued to have options to hold hearings in a virtual environment.

The Board's collaboration with VBA and VHA directly contributed to the reduction of pending appeals inventory throughout the Department by more than 173,000 appeals in FY 2020. The Board championed and now maintains a work group with VA's Office of the Secretary, OEI, VBA, VHA, NCA and OGC to execute the Department's legacy appeals resolution plan to resolve pending legacy appeals by December 2022.

The Board coordinated with external stakeholders and OPM to improve the appeals processes and position descriptions for administrative staff. In addition to adjudication-focused training, the Board selected high-performing attorneys, VLJs, and administrative professionals for leadership seminars and programs, such as Leadership VA, the Presidential Management Fellows, VA Congressional Fellows and programs offered through the Federal Executive Institute. These robust training programs and courses are an integral part of the Board's commitment for the development of future leaders.

Outside Medical Office Workgroup and Coordination

In certain circumstances, the law requires VA to assist Veterans in their claims for benefits by obtaining medical opinions. Under the legacy system, the Board requested this action. However, AMA does not allow the Board to request VHA opinions or Independent Medical Examinations, and that must be done by the AOJ. See 38 U.S.C. § 5109. To prepare for this transition, the Board led a working group consisting of leaders from the Board, VHA, OGC and VBA.

The results of the workgroup and the partnership between the Board and VHA were as follows:

- Closing of the Board's Outside Medical Opinion Office, allowing staffing resources to be redirected to the resolution of legacy and AMA appeals;
- Completion of close to 2,000 medical opinions, with approximately one-third of the requests resulting in a grant of Veterans' benefits; and
- VHA completion of all Board medical opinions requests, resulting in the reallocation of VA physician resources to direct patient care.

The Board's Strategic Plan and Priorities for FYs 2021 and 2022

FY 2020 was a year of significant transformation and innovation at the Board, as COVID-19 necessitated changes for how the Board and other VA offices conduct business. Approximately 99% of Board employees were moved into a virtual work environment and the hearing process was modified to allow Veterans to conduct hearings through virtual tele-hearing technology.

Despite ongoing operational changes, the Board continued modernization efforts under AMA, delivered record appeals decision output, refined organizational structures, increased VSO coordination, increased legacy inventory coordination, and improved employee engagement and workforce planning. The impacts of COVID-19, as well as other factors, will shape priorities and the future operating environment in FYs 2021 and 2022, as described below.

Increase the Number of Veterans Served and Optimize Accuracy

The Board's goals for FY 2021 are to adjudicate 93,600 appeals for Veterans and hold 50,000 hearings. FY 2021 will be a baseline year to focus on the following: (1) the continued resolution of legacy appeals; (2) holding a higher percentage of scheduled hearings, including virtual tele-hearings; (3) improving the quality of both legacy and AMA decisions; and (4) working all three dockets of AMA cases in a timely manner.

The Board will reach these historic goals by using a multi-pronged strategic approach and leveraging existing resources by concentrating on the following:

- ▶ **Internal training:** Actively train staff and VSO partners on AMA and update training activities as new technologies and processes are implemented. Training materials are regularly updated by a core group of subject matter experts on appeals modernization and adapted for how AMA will impact each respective group within the Board. Trainings are provided to all legal and administrative professionals at the Board.
- ▶ **Strengthen partnerships across the VA enterprise:** Continue collaboration with VBA, VHA, OGC, NCA, OIT, OEI, VEO and other internal stakeholders on a formal and frequent basis to collect Veteran feedback and discuss ways to improve the quality of services provided to Veterans.
- ▶ **Strengthen partnerships and accountability with VSOs:** Enhance the comprehensive FY 2021 VSO MOU. This MOU will continue to support and conform activities for co-located VSOs and provide a mechanism for accountability. In addition, the Board will provide regular notifications to VSOs that define outstanding case inventory and timeliness goals.
- ▶ **Coordination through the Clerk of the Board:** The Clerk's Office will coordinate with Board staff to improve the proper docketing of AMA appeals. It will

provide training and guidance for administrative staff charged with docketing AMA appeals and assist Board through the transition between legacy case inventory and AMA through FY 2021 and FY 2022. The Clerk's Office will work to identify and correct AMA docketing errors and proactively assist VA IT professionals in refining the technological tools used by Board staff to process AMA appeals.

▶ **Virtual Tele-hearings:** The Board fully implemented virtual tele-hearings in FY 2020 and plans to expand the use of this tool in FY 2021 and 2022 through increased Veteran awareness, restructuring the Board's hearing operations, collaboration with VSO partners, and refinement of technical solutions and virtual processes. The Board has the capacity to offer approximately 1,000 virtual tele-hearings a week to reduce its inventory of nearly 90,000 hearing requests of legacy and AMA appeals. To achieve its hearing scheduling goals, the Board is offering over 50,000 hearings in FY 2021 through virtual tele-hearings, Central office hearings, and video hearings at ROs as they reopen to the public.

▶ **VEText:** The Board will expand the use of existing technology to notify Veterans by text of their upcoming hearings. This technology has the potential to increase show rates for hearings and help provide Veterans with scheduling information in a timely manner.

▶ **CAVC training initiative to impact trends for Court:** The Board is monitoring the outcomes in cases appealed to CAVC and the United States Court of Appeals for the Federal Circuit to improve the quality of its decisions. The Board will continue its collaboration with VA's OGC to provide targeted trainings to VLJs based on trends seen in those court cases.

All these measures help increase the Board's decision output, improve accuracy, foster an environment for collaborative change management on modernization activities and sustain accountable partnerships across the VA enterprise to better serve Veterans and their families.

Veteran-Centric Service Strategy and Efficiencies

In FY 2021, the Board, in alignment with the Secretary's priorities, will continue a proactive and Veteran-centric strategy to increase the number of Veterans served, increase efficiency in the appeals system, improve technology, and leverage intra-Departmental partnerships to improve the Veteran and the employee experience. The Board will continue to reassess its needs to strengthen AMA processes and continue the resolution of legacy appeals inventory.

The Board will continue to measure Veterans' satisfaction with legacy appeals and AMA appeals by leveraging a robust partnership with the VEO, including participation in Own the Moment customer experience workshops and Service Recovery execution.

Coordinated Resolution of Legacy and AMA Inventory

The Board made considerable progress in FY 2020 to reduce legacy case inventory both internally and across stakeholders. In addition to incremental improvements with Caseflow, the Board developed and improved processes and technology focused on the accountable tracking of case inventory. Significant progress was made in FY 2020 to track case inventory as it moves through both the legacy and AMA processes and also with the tracking of case inventory currently residing for action with VSOs. Coordinated resolution of legacy and AMA appeals inventory will continue in FYs 2021 and 2022.

ICARE Training initiative

The Office of KM is developing training around VA's ICARE values in FY 2021. The training will address each value—Integrity, Commitment, Advocacy, Respect, Excellence—in a separate unit and provide concrete examples of how all five values manifest in the workplace. Training content will be customized for Board personnel (e.g., decision-writing techniques that convey respect for the Veteran experience) and facilitate discussion of how Board employees can manifest and promote these values. Ultimately, the training will be relevant, meaningful, and actionable for all Board employees and encourage these employees to embrace the ICARE values as essential to their professional and personal development.

Employee Engagement

The Board will improve morale by creating an environment that encourages pride in one's work and improve trust by fostering an open and communicative relationship with staff and labor representatives. The Board will continue to evaluate attorney performance standards and work with bargaining unit representatives to ensure work-life balance while serving as many Veterans as possible. For example, in FY 2020, the Board adjusted its attorney production standards from 3.25 decisions per week to 3 decisions per week. The Board will continue to engage employees and monitor improvements in engagement with informal surveys and AES results.

To ensure the Board employs the best tools to serve Veterans, the existing training program will continue in a virtual format for current staff and new attorneys. The Board will assess and adjust training programs based on feedback received from new employees and VLJs, as well as from VBA, VHA, OGC, VEO and CAVC stakeholders.

Workforce Planning

The Board continues to attract high-caliber attorneys and administrative professionals to serve VA's mission. It has developed an active workforce plan to facilitate the recruiting, hiring and retaining of new employees. The Board increased its cumulative FTE by approximately 7%, from 1,077 FTE in FY 2019 to 1,157 FTE in FY 2020. Additionally, the Board had an end-year strength of approximately 1,216 FTE and is positioned to achieve its cumulative average goal of 1,161 FTE in FY 2021 to fulfill its core mission of delivering timely decisions to Veterans.

In FY 2020, the Board fully transitioned to a more accountable and efficient organizational structure, adding additional SES, modernizing the Office of Appellate Support and adding the Clerk of the Board. These changes have positioned the Board to improve resource management, internal coordination and support for staff needs. In FY 2021, the Board will continue to assess its current organizational structure to maximize employee engagement, accountability, output, flexibility and work-life balance.

PART II

Statistical Data

Beginning with the FY 2019 Annual Report, the Board's statistical data includes appeals from AMA, enacted on August 23, 2017, and effective on February 19, 2019. With AMA implementation, the Board receives legacy and AMA appeals simultaneously and also manages four dockets: 1) legacy appeals; 2) AMA direct review; 3) AMA evidence submission; and 4) AMA appeals with a hearing request.

Unless otherwise notated, all data reported is inclusive of all dockets.

FY 2020 Information

The following information is required by 38 U.S.C. § 7101(d)(2):

38 U.S.C. § 7101(d)(2)(A)

Number of legacy cases formally appealed to the Board (Substantive Appeal (VA Form 9) filed):	38,081
Number of AMA cases formally docketed by the Board (VA Form 10182):	50,874*
Number of legacy appeals certified to the Board:	110,712

*Formally docketed AMA cases (VA Form 10182) do not include approximately 25,000 pieces of mail pending that will likely result in a docketed case.

38 U.S.C. § 7101(d)(2)(B)

Cases pending (certified) before the Board at the start of FY 2020:	120,638*
Cases pending (certified) before the Board at the end of FY 2020:	174,733*

*Beginning in FY 2019, this figure includes AMA cases received at the Board.

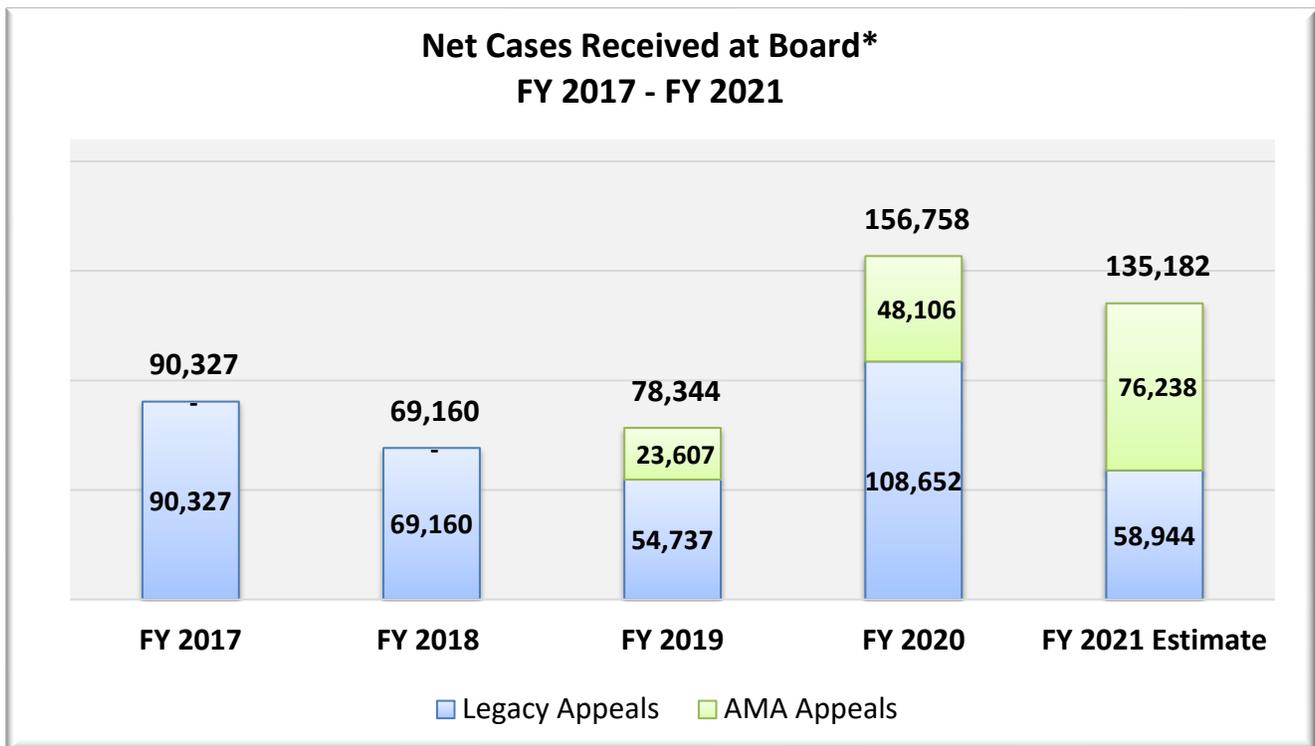
8 U.S.C. § 7101(d)(2)(C)

Number of Substantive Appeals (VA Form 9) filed at the AOJ and cases received at the Board during each of the 36 months preceding FY 2020 as depicted below:

Substantive Legacy Appeals (VA Form 9) Filed*					Cases Received at Board**			
Month	FY 2017	FY 2018	FY 2019	FY 2020	FY 2017	FY 2018	FY 2019	FY 2020
October	5,366	6,339	3,602	3,575	7,338	7,856	4,896	10,762
November	5,210	6,118	3,408	3,314	8,180	6,975	3,704	8,407
December	5,520	5,669	3,057	3,710	7,766	6,137	4,178	8,327
January	5,264	5,870	3,339	4,520	7,635	7,144	1,751	7,439
February	5,090	5,196	2,669	4,499	7,085	6,516	1,581	4,819
March	6,119	6,139	2,693	5,837	7,721	6,254	5,510	8,316
April	5,382	5,368	2,665	5,294	7,815	6,837	7,762	13,075
May	6,197	5,202	2,748	4,049	8,390	5,720	7,557	31,956
June	5,860	5,637	2,888	1,988	7,958	3,069	6,804	22,224
July	5,217	4,387	3,413	547	6,590	5,048	9,247	12,770
August	5,264	3,973	3,440	439	7,040	3,824	12,313	13,093
September	5,099	2,934	2,140	309	6,809	3,780	13,041	12,387
FY Total	65,588	62,832	36,062	38,081	90,327	69,160	78,344	153,575

* The data is based on when the Form 9 was filed.

** Case receipts include original appeals, remands, non-VBA receipts and cases returned by the CAVC. Starting in FY 2019, AMA cases were included in the number of case receipts.



*Net case receipts include original appeals, remands, non-VBA receipts, cases returned by the CAVC and AMA appeals.

38 U.S.C. § 7101(d)(2)(D)

Legacy Appeals

For legacy appeals decided in FY 2020, the average length of time between the filing of an appeal (*i.e.*, Substantive Appeal (VA Form 9)) at the AOJ and the Board’s disposition of the appeal was approximately 1,583 days. This total includes all decision types (original, supplemental, post remand, reconsideration, vacates, de novo, court remand, etc.)

The chart below provides a snapshot of the average processing time within the multi-step legacy appeals process. For example, the average time between when legacy certified appeal was docketed at the Board to disposition was approximately 230 days in FY 2020. Please note the figures below cannot be aggregated since some of the steps include only the time associated with original appeals.

Legacy Appeals Time Interval	Responsible Party	Average Elapsed Processing Time	
Notice of Disagreement Receipt to Statement of the Case*	VBA**	496 days	AOJ
Statement of the Case Issuance to Substantive Appeal (VA Form 9) Receipt*	Appellant	38 days	
Substantive Appeal (VA Form 9) Receipt to Certification of Appeal*	VBA**	228 days	
From Board Receipt of Certified Appeal to Board Docketing of Appeal*	Board	346 days	Board
Docketing of Certified Appeal to Issuance of Board Decision	Board	230 days	
Average Remand Time Factor	VBA**	523 days	AOJ

* These figures include original appeals only.

** The clear majority of appeals considered by the Board involve claims for disability compensation and VBA is the responsible party when these appeals are located at the AOJ. However, appeals may also originate with VHA, NCA or OGC.

Appeals Modernization Act Appeals

For AMA, the Board now maintains three separate dockets. The average days to complete those appeals from Notice of Disagreement are included in the table below.

	Direct Review	Evidence	Hearing	Responsible Party
Average Days to Complete AMA Decision from Notice of Disagreement	225	277	377	Board

38 U.S.C. § 7101(d)(2)(E)

The number of members of the Board at the end of FY 2020*: **103**

The number of professional, administrative, clerical and other personnel employed by the Board in terms of FTE at the end of FY 2020: **1,113**
(not including 103 members above)

38 U.S.C. § 7101(d)(2)(F)

Number of acting members of the Board during FY 2020: **168**

Number of cases in which acting members participated*: **7,733**

38 U.S.C. § 7101(d)(2)(G)

Number of hearings scheduled under such section 7107 (c)(2)(C): **3,597**

Number of hearings canceled under such section 7107 (c)(2)(C): **96**

Statistical difference in outcomes between cases heard under section 7107(c)(2)(C) (Virtual Tele-hearings) and those held at the principal location of the Board (Central Office) or by picture and voice transmission at a facility of the Department (Video Tele-Conference):

Difference in Case Disposition Outcomes for Cases Upon Which a Hearing Had Been Held*					
Hearing Venue	Allowed	Denied	Remand	Other	Total Cases
Central Office	36%	19%	42%	4%	2,370
Video Tele-Conference	41%	17%	39%	3%	24,198
Virtual	57%	7%	32%	4%	661

* 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 (i.e., 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.

38 U.S.C. § 7101(c)(2)

Number of acting members of the Board in terms of FTE employees: **21.6****

* According to 38 U.S.C. § 7101(c)(1), the Chairman of the Board of Veterans’ Appeals has the authority to designate employees of the Department as acting members of the Board. This includes attorneys who may be designated as Acting Veterans Law Judges (AVLJ) to sign decisions when needed. It is in the discretion of the Chairman to designate such employees, based on the needs of the organization. Acting members of the Board may serve no more than 270 days per year (no more than 90 days at a time) and may not exceed 20% of the total number of Board members and acting Board members combined. Like FY 2019, the Chairman utilized AVLJs when needed in FY 2020. Additionally, as the Board continues to implement AMA, the Chairman will assess the Board’s needs and adjust the number of AVLJs accordingly.

** For this report, the number of cases in which acting members participated is defined as the number of dispositions issued by the designated acting members for FY 2020.

*** Derived from the number of days worked by acting members throughout the year (5,448 days) divided by the number of working days in the year (252).

Projections for FYs 2021 and 2022

The Board continued to prioritize resources to address the pending legacy appeals inventory in FY 2020 and set another record with 102,663 decisions dispatched in FY 2020. Despite receiving a higher number of legacy appeals from VBA, VHA and NCA, the Board remains on target to complete the majority of legacy appeals by the end of CY 2022.

The Board ended FY 2020 with 174,733 cases pending, 121,740 (70%) of which are legacy appeals and 52,993 (30%) AMA. As anticipated, the Board is receiving both legacy and AMA cases simultaneously until final completion of legacy appeals, resulting in higher inventory levels in the short term until the vast majority of legacy appeals are resolved by the end of CY 2022. Residual remands beyond CY 2022 are anticipated, which will be completed by the Board after all necessary case development and documentation required for a proper decision is provided either by the Veteran, their representative, or the Agency of Original Jurisdiction. With resources being applied to mitigate the impacts of COVID-19 on pending Veteran hearing requests in FYs 2021 and 2022, at this time the Board projects to decide 93,600 and 98,104 cases in those years.

The Board anticipates continued receipt of legacy cases going into FY 2021 and 2022,

as remanded cases that required additional development (by the area of original (AOJ)) jurisdiction are returned to the Board for decision. Historically, approximately 50 to 55% of all Board decisions require a remand to the AOJ for additional development. Increased output assumptions and lower working inventory level goals at VBA has resulted in higher Board legacy case receipts than originally projected in last year's annual report FY 2021. Estimates from VBA show the Board could receive as many as 58,944 legacy cases in FY 2021 and 51,206 in FY 2022.

The Board also projects to receive approximately 76,238 AMA cases in FY 2021 and another 84,211 in FY 2022. With the option for Veterans to file an appeal directly to the Board still relatively new (implementation effective 2019), the Board continues to monitor Veteran choice and Board resourcing in order to process appeals in a timely manner.

The following information is required by 38 U.S.C. § 7101(d)(3):

38 U.S.C. § 7101(d)(3)(A)

Estimated number of cases that will be appealed to the Board:

FY 2021: Cases certified to the Board: **58,944 - Legacy**
76,238 - AMA

FY 2022: Cases certified to the Board: **51,206 - Legacy**
84,211 - AMA

Note: Legacy appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board, as well as Veteran preference for AMA appeals. With AMA implementation effective February 19, 2019, appeals case receipts projections include both legacy and AMA appeals.

Projections include a variety of factors and assumptions that could affect forecasts. The variable assumptions involved in forecasting include refile rate, Board remand rate and production. Any trends identified in these assumptions that lead to changes in the model can affect what is currently being forecasted.

38 U.S.C. § 7101(d)(3)(B)

Evaluation of the ability of the Board (based on existing and projected personnel levels) to ensure timely disposition of such appeals as required by 38 U.S.C. § 7101(a):

The indicator used by the Board to forecast its future timeliness of service delivery is the Board's "response time" for appeals. By considering the Board's most recent appeals processing rate and the number of appeals that are currently pending before the Board, the Board response time projects the average time that will be required to render decisions on that group of pending appeals. For response time computation, the term

“appeals pending before the Board” includes appeals at the Board (Legacy and AMA) and those that have been certified for Board review.

The following categories are calculated as follows:

FY 2020 decisions (102,663) (divided by)
252 work days = **407.4 decisions per work day**

Cases pending end of FY 2020 (174,733)
+ New cases expected in FY 2021 (135,182) = **309,915 total workload in FY 2021**
(subject to change pending new figures from VBA on Oct 19)

Total workload (286,971) (divided by)
Decisions per work day (407.4) = **760.7 work days**

Workload days (704.4) (divided by)
252 work days per year = **3.0 years**

Workload years (2.8) x 12 (months) = **36 months***

* 36 months represents the amount of time it would take the Board to decide all appeals (Legacy and AMA) in its projected FY 2021 working inventory (current inventory plus projected receipts in FY 2021).

VA Operations Board Measures

VA implemented the VA Operations Board (VAOB) in FY 2019. The VAOB is VA’s executive level governance group responsible for tracking performance measures at the operational level and to discuss high-visibility issues, assess program progress, resolve performance problems, and assist leadership in focusing on top priorities and problems within the context of performance, budget and workload results. The following chart represents the Board’s performance for VAOB measures in FY 2020, with the exception of its accuracy rate discussed in Section 1.

Board of Veterans’ Appeals Veterans Affairs Operations Board Productivity Measure – FY 2020							
Month	Pending Inventory	Hearings Scheduled	Hearings Held	Appeals Decided	Issues Decided	Appeals Decided Per FTE	FYTD FTE
Oct	123,468	3,559	2,219	7,932	23,561	78	1,159
Nov	123,822	2,732	1,777	8,053	23,435	83	1,141
Dec	124,168	2,244	1,447	7,981	21,665	84	1,136
Jan	122,078	2,942	1,901	9,529	28,319	87	1,134
Feb	118,655	3,302	2,108	8,242	23,983	89	1,134
Mar	118,367	4,144	1,626	8,604	23,717	89	1,133
Apr	119,889	3,843	377	11,553	35,313	93	1,137
May	143,350	2,296	394	8,495	24,648	93	1,138
Jun	156,890	3,065	708	8,684	25,468	93	1,142
Jul	161,238	3,388	906	8,422	23,603	91	1,146

Aug	166,736	3,155	1,011	7,595	20,433	90	1,151
Sep	174,733	2,675	1,195	7,573	20,016	89	1,157
Total	174,733	37,345	15,669	102,663	294,161	89	1,157*

* The Board completed FY 2020 with a cumulative average of 1,157 FTE for the year and 1,216 FTE onboard for the month of September 2020.

FY 2020 Appeals Modernization Act Statistics

	Direct Review	Evidence Submission	Hearing	Total
AMA Net Case Receipts	17,206	8,404	22,496	48,106
Pending Inventory of AMA Cases (at end of FY 2020)	12,316	8,006	32,671	52,993
AMA Decisions Dispatched	12,421	3,347	1,434	17,202
Average Days to Complete AMA Decision (from Notice of Disagreement)	225	277	377	248
Number of AMA Issues Decided				
Allowed	6,600	2,323	1,122	10,045
Denied	12,057	3,312	929	16,298
Remanded	9,283	2,942	1,163	13,388
Other	1,896	647	568	3,111

ADDITIONAL INFORMATION

Number of Legacy Notices of Disagreement Received in the Field				
Month	FY 2017	FY 2018	FY 2019	FY 2020
October	14,520	14,431	18,781	2,613
November	13,294	14,814	16,778	1,989
December	12,985	13,174	13,533	1,387
January	12,731	12,773	13,067	1,183
February	12,901	13,741	12,884	392
March	14,713	15,177	14,414	58
April	13,147	13,094	13,378	49
May	15,884	13,542	10,473	54
June	14,200	14,041	6,065	33
July	13,135	34,868	6,729	54
August	15,769	17,041	6,218	25
September	15,367	15,512	4,323	17
FY Total	168,646	192,208	136,643	7,854

Board of Veterans' Appeals Board Legacy Dispositions by Representation FY 2020										
REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Agent	733	32.2%	909	39.9%	490	21.5%	145	6.4%	2,277	2.7%
American Legion	4,179	32.5%	5,604	43.6%	2,487	19.4%	569	4.4%	12,839	15.5%
AMVETS	87	31.8%	118	43.1%	52	19.0%	17	6.2%	274	0.3%
Attorney	8,298	40.9%	7,798	38.5%	2,991	14.8%	1180	5.8%	20,267	24.4%
Disabled American Veterans	5,108	31.7%	6,779	42.1%	3,369	20.9%	841	5.2%	16,097	19.4%
Military Order of the Purple Heart	86	39.4%	67	30.7%	35	16.1%	30	13.8%	218	0.3%
No Representation	1,994	26.2%	3,004	39.4%	2,226	29.2%	399	5.2%	7,623	9.2%
Other	375	34.9%	461	42.8%	178	16.5%	62	5.8%	1,076	1.3%
Paralyzed Veterans of America	139	37.1%	146	38.9%	56	14.9%	34	9.1%	375	0.5%
State Service Organizations	4,718	31.9%	5,906	39.9%	3,432	23.2%	740	5.0%	14,796	17.8%
Veterans of Foreign Wars	2,742	33.0%	3,365	40.5%	1,808	21.8%	396	4.8%	8,311	10.0%
Vietnam Veterans of America	341	33.0%	473	45.7%	146	14.1%	74	7.2%	1,034	1.2%
Wounded Warrior Project	96	35.0%	102	37.2%	67	24.5%	9	3.3%	274	0.3%
GRAND TOTAL	28,896	33.8%	34,732	40.6%	17,337	20.3%	4,496	5.3%	85,461	100.0%

Board of Veterans' Appeals Board Legacy Dispositions by VA Program FY 2020

REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
BVA Original Jurisdiction	10	9.5%	2	1.9%	59	56.2%	34	32.4%	105	0.1%
Compensation	28,280	34.2%	33,849	40.9%	16,278	19.7%	4,285	5.2%	82,692	99.7%
Education	43	14.7%	85	29.1%	147	50.3%	17	5.8%	292	0.4%
Fiduciary	0	0.0%	2	66.7%	1	33.3%	0	0.0%	3	0.0%
Insurance	0	0.0%	9	75.0%	2	16.7%	1	8.3%	12	0.0%
Loan Guaranty	6	20.7%	11	37.9%	10	34.5%	2	6.9%	29	0.0%
Medical	109	31.0%	106	30.1%	110	31.3%	27	7.7%	352	0.4%
Multiple Program Areas	278	33.9%	329	40.2%	175	21.4%	37	4.5%	819	1.0%
NCA Burial Benefits	2	13.3%	0	0.0%	13	86.7%	0	0.0%	15	0.0%
Other Program	29	21.6%	52	38.8%	49	36.6%	4	3.0%	134	0.2%
Pension	101	13.6%	194	26.1%	376	50.5%	73	9.8%	744	0.9%
Unspecified Program Area	8	21.6%	12	32.4%	9	24.3%	8	21.6%	37	0.0%
VBA Burial Benefits	20	16.3%	21	17.1%	79	64.2%	3	2.4%	123	0.1%
VR&E	10	9.6%	60	57.7%	29	27.9%	5	4.8%	104	0.1%
GRAND TOTAL	28,896	33.8%	34,732	40.6%	17,337	20.3%	4,496	5.3%	85,461	100.0%

Board of Veterans' Appeals Board AMA Dispositions by VA Program FY 2020

REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Compensation	6,212	37.7%	4,671	28.3%	4,446	27.0%	1,164	7.1%	16,493	95.9%
Education	8	11.8%	13	19.1%	40	58.8%	7	10.3%	68	0.4%
Fiduciary	-	0.0%	4	50.0%	2	25.0%	2	25.0%	8	0.0%
Insurance	-	0.0%	-	0.0%	3	75.0%	1	25.0%	4	0.0%
Loan Guaranty	3	42.9%	1	14.3%	1	14.3%	2	28.6%	7	0.0%
Medical	9	22.5%	11	27.5%	7	17.5%	13	32.5%	40	0.2%
Multiple Program Areas	20	40.0%	12	24.0%	14	28.0%	4	8.0%	50	0.3%
NCA Burial Benefits	-	0.0%	1	50.0%	1	50.0%	0	0.0%	2	0.0%
Pension	114	22.7%	124	24.7%	218	43.3%	47	9.3%	503	2.9%
VR&E	3	11.1%	8	29.6%	9	33.3%	7	25.9%	27	0.2%
GRAND TOTAL	6,369	37.0%	4,845	28.2%	4,741	27.6%	1,247	7.2%	17,202	100.0%

Board Legacy Decisions*					
Fiscal Year	Decisions	Allowed	Remanded	Denied	Other
2017	52,661	29.9%	43.5%	21.6%	5.0%
2018	85,288	35.8%	38.8%	20.9%	4.6%
2019	93,571	35.8%	39.0%	20.8%	4.5%
2020	85,461	33.8%	40.6%	20.3%	5.3%
Board AMA Decisions*					
Fiscal Year	Decisions	Allowed	Remanded	Denied	Other
2020	17,202	37.0%	28.2%	27.6%	7.2%

* 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 (i.e., 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.

As discussed above, the Board has historically used a hierarchy to report legacy appeals decided that identified the disposition of an appeal as either an allowance, remand, denial, or “other” (i.e., a dismissal), based on that hierarchy. This method of reporting did not capture every appeal containing a remanded issue, because those legacy appeals with one or more allowed issue and one or more remanded issue would be counted as an allowance, rather than a remand. The revised method shown below is more precise. One of the reasons statutory reform of the VA appeals process was necessary was due to the continuation of appeals in the system. The open record, ongoing duty to assist and governing case law meant that numerous appeals were remanded from the Board to the AOJ, typically VBA.

In FY 2020, the Board dispatched 85,461 legacy appeals. Of those legacy appeals, 15,927 were allowances with no remanded issues, 17,337 were denials and 4,496 were “other” dispositions, such as dismissals, for a total of 37,759 legacy appeals decided with no remanded issues. There were 47,701 legacy appeals decided with at least one remanded issue (12,969 allowances with at least one remanded issue + 34,732 remands). The number of legacy appeals with at least one remanded issue (47,701), divided by the total number of appeals decided (85,461), results in 56% of cases being remanded to the agency of original jurisdiction.

Legacy Decisions - Revised Hierarchy							
Fiscal Year	Decisions	Allowed	Allowed (no remanded issue)	Allowed (with at least one remanded issue)	Remanded	Denied	Other
2020	85,461	28,896	15,927	12,969	34,732	17,337	4,496
Percent	100%	33.8%	18.6%	15.2%	40.6%	20.2%	5.2%

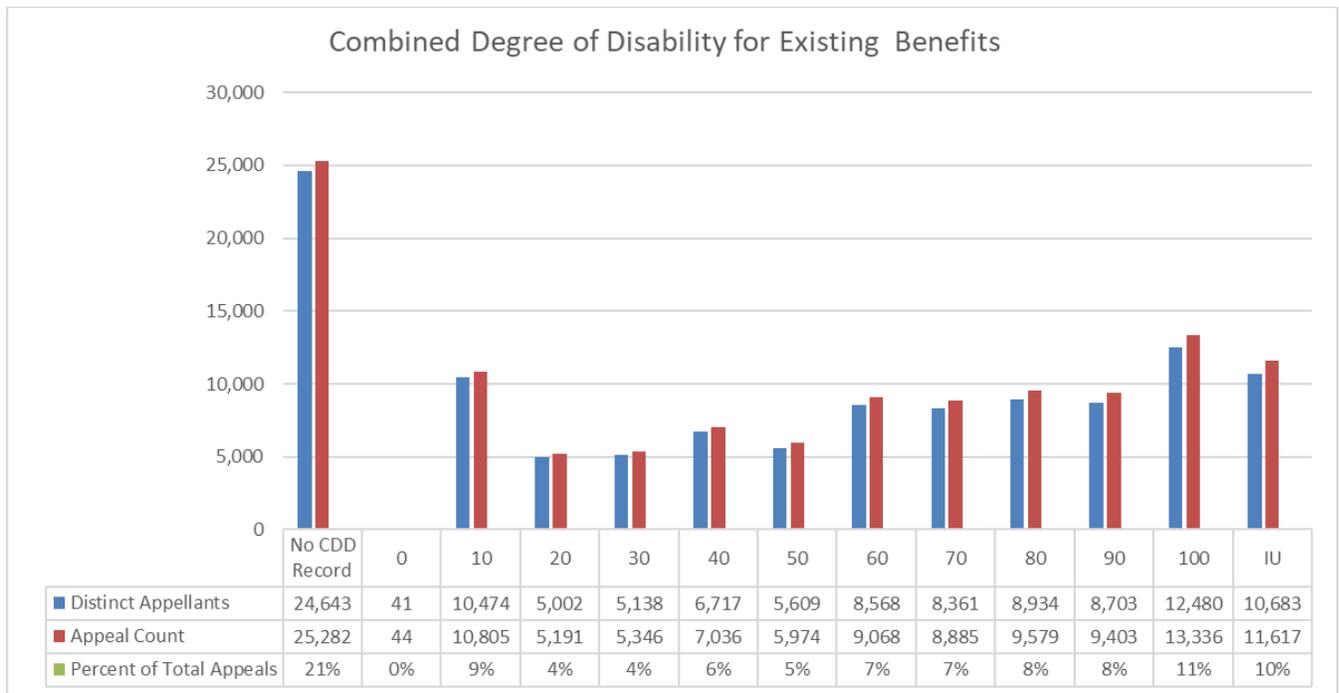
Legacy Issues – Decided						
Fiscal Year	Legacy Issues Decided	Allowed (not new & material)	Allowed (new & material)	Remanded	Denied	Other
2020	251,319	38,070	10,329	112,204	72,179	18,537
Percent	100%	15.1%	4.1%	44.6%	28.7%	7.4%

Combined Degree of Disability for Existing Benefits*

Veterans may receive disability compensation ratings ranging from non-compensable (0%) to 100%. This information reflects, at the end of FY 2020, the combined disability rating for Veterans with appeals pending. As of September 30, 2020, the Board’s inventory contained 115,353 total distinct Appellants and 121,740 appeals.

This inventory of appeals only counts certified appeals in advanced status, Board active appeals, and remands returned not activated and does not include action types such as motions for reconsideration, vacates, or Board Clear and Unmistakable Error motions.

Below is a breakdown of these two figures by combined degree of disability.



* Board of Veterans’ Appeals pending inventory as of September 30, 2020. Inventory includes appeals that are: certified in advance status; activated at the Board; and remands returned to the Board.

Board Operating Statistics

	FY 2017	FY 2018	FY 2019	FY 2020
Decisions*	52,661	85,288	95,089	102,663
Legacy cases formally appealed to the Board (Substantive Appeal (VA Form 9 filed)**	65,588	62,832	36,062	38,081
Net Cases Received at Board/Certified to the Board***	90,327	69,160	78,344	153,575
Cases Pending****	153,513	137,383	120,638	174,733
Legacy Hearings Held				
VACO	866	278	820	779
Video	10,673	11,660	16,501	7,742
Travel Board	5,087	4,485	5,174	2,345
Virtual	NA	NA	NA	2,820
Total	16,626	16,423	22,495	13,686
AMA Hearings Held	NA	NA	248	1,983
Decisions per FTE	62.69	92.67	88.26	88.75
Board FTE	840	920	1,077	1,157
Board Cycle Time (Legacy decisions)*****	263	455	440	333
Cost per Case	\$2,484	\$1,782	\$1,747	\$1,817

* Decisions includes Legacy and AMA cases starting FY 2019.

** Substantive appeals data was pulled on October 1, 2020. The data are based on when the Form 9 was filed. Data in previous versions of the Annual Report were based on when the substantive appeal record was created in VACOLS.

*** Case receipts include original appeals, remands, CAVC, non-VBA receipts and AMA appeals.

**** Pending figures include legacy appeals certified to the Board and docketed AMA appeals.

***** The Board's cycle time measures the average time from the date an appeal is certified (VA Form 8) to the Board until a decision is dispatched and excludes the time the case is with a VSO representative for the review and preparation of a written argument.

STATUTORY REQUIREMENTS

38 U.S.C. § 7101(d)(2)(A): the number of cases appealed to the Board during that year	
38,081 - Number of cases formally appealed to the Board (substantive Appeal (VA Form 9) filed)	
50,874 - Number of AMA cases formally docketed by the Board (VA Form 10182)	
110,712 - Number of legacy appeals certified to the Board	
38 U.S.C. § 7101(d)(2)(B): the number of cases pending before the Board at the beginning and at the end of that year	
120,638* - Cases pending (certified) before the Board at the start of FY 2020	
174,733* - Cases pending (certified) before the Board at the end of FY 2020	
38 U.S.C. § 7101(d)(2)(C): the number of such cases which were filed during each of the 36 months preceding the current fiscal year	
Substantive Appeals (VA Form 9) Filed in FY 2017 through FY 2019: FY 2017: 65,588 FY 2018: 62,832 FY 2019: 36,062	
Cases Received at the Board during FY 2017 through FY 2019* FY 2017: 90,327 FY 2018: 69,160 FY 2019: 78,344 *Case receipts include original appeals, remands, non-VBA receipts and cases returned by the CAVC. Starting in FY 2019, AMA cases were included in the number of case receipts.	
38 U.S.C. § 7101(d)(2)(D): the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the preceding fiscal year	
Legacy Appeals: 1,583 days AMA Appeals: Direct Docket: 225 days Evidence Docket: 277 days Hearing Docket: 377 days	
38 U.S.C. § 7101(d)(2)(E): the number of members of the Board at the end of the year and the number of professional, administrative, clerical, stenographic, and other personnel employed by the Board at the end of the preceding fiscal year	
103 - Members of the Board at the end of FY 2020	
1,113 - The number of professional, administrative, clerical and other personnel employed by the Board in terms of FTEs at the end of FY 2020	
38 U.S.C. § 7101(d)(2)(F): the number of employees of the Department designated under subsection (c)(1) to serve as acting members of the Board during that year and the number of cases in which each such member participated during that year	
168 - Number of acting members of the Board during FY 2020	
7,733 - Number of cases in which acting member participated	
38 U.S.C. § 7101(d)(2)(G): with respect to hearing scheduled under section 7107(c)(2)(C) of this title (i) the number of hearings scheduled under such section; (ii) the number of hearings under such section that were cancelled; and (iii) any statistical difference in outcomes between cases heard under such section and those held at the principal location of the Board or by picture and voice transmission at a facility of the Department,	
3,597 - Number of hearings scheduled	
96 - Number of hearings that were cancelled	
Statistical difference in outcomes between cases heard under this section vs other methods: <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Case Disposition Outcomes</td> </tr> </table>	Case Disposition Outcomes
Case Disposition Outcomes	

for Cases Upon Which a Hearing Had Been Held*					
Hearing Venue	Allowed	Denied	Remand	Other	Total Cases
Central Office	36%	19%	42%	4%	2,370
Video Tele-Conference	41%	17%	39%	3%	24,198
Virtual	57%	7%	32%	4%	661

* 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 (i.e., 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.

38 U.S.C. § 7101(d)(3)(A): an estimate of the number of cases to be appealed to the Board

Estimated number of cases that will be appealed/returned to the Board in FY 2021:

	<u>FY 2021</u>	<u>FY 2022</u>
Legacy:	58,944	51,206
AMA:	76,238	84,211
Legacy:	36,000	15,000
AMA:	76,238	84,211

38 U.S.C. § 7101(c)(2): In terms of full-time employee equivalents, the number of acting members of the Board

Number of acting members of the Board in terms of FTE employees: 21.6 FTE

* According to 38 U.S.C. Section 7101(c)(1), the Chairman of the Board of Veterans' Appeals has the authority to designate employees of the Department as acting members of the Board. This includes attorneys who may be designated as Acting Veterans Law Judges (AVLJ) to sign decisions when needed. It is in the discretion of the Chairman to designate such employees, based on the needs of the organization. Acting members of the Board may serve no more than 270 days per year (no more than 90 days at a time) and may not exceed 20% of the total number of Board members and acting Board members combined. Like FY 2019, the Chairman utilized AVLJs when needed in FY 2020. Additionally, as the Board continues to implement AMA, the Chairman will assess the Board's needs and adjust the number of AVLJs accordingly.

** For this report, the number of cases in which acting members participated is defined as the number of dispositions issued by the designated acting members for FY 2020.

*** Derived from the number of days worked by acting members throughout the year (5,448 days) divided by the number of working days in the year (252).

38 U.S.C. § 7101(d)(3)(B): an evaluation of the ability of the Board (based on existing and projected personnel levels) to ensure timely disposition of such appeals as required by section 7101(a) of this title [38 USCS § 7101(a)].

The indicator used by the Board to forecast its future timeliness of service delivery is the Board's "response time" on appeals. By considering the Board's most recent appeals processing rate and the number of appeals that are currently pending before the Board, the Board response time projects the average time that will be required to render decisions on that group of pending appeals. For response time computation, the term "appeals pending before the Board" includes appeals at the Board and those that have been certified for Board review.

The following categories are calculated as follows:

<u>FY 2020 decisions (102,663) (divided by)</u> 252 work days	=	407.4 decisions per work day
Cases pending end of FY 2020 (174,733) + New cases expected in FY 2021 ((135,182)	=	309,915 total workload in FY 2021
<u>Total workload (309,915) (divided by)</u> Decisions per work day (407.4)	=	760.7 work days
<u>Workload days (704.4) (divided by)</u> 252 work days	=	3.0 years

Workload years (2.8) x 12 (months) = **36 months******

* Includes certified appeals pending in the field awaiting hearings, as well as cases docketed and pending at Board.

** For this report, the number of cases in which acting members participated is defined as the number of dispositions issued by the designated acting members for FY 2020.

*** Appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board, as well as Veteran preference for AMA appeals. With AMA implementation effective February 14, 2019, appeals case receipts projections include both legacy and AMA appeals. Projections include variety of factors and assumptions that could affect forecasts. The variable assumptions involved in forecasting include the refile rate, Board remand rate, and production. Any trends identified in these assumptions that lead to changes in the model can affect what is currently being forecasted.

**** 34 months represents the amount of time it would take the Board to decide all appeals (Legacy and AMA) in its projected FY 2021 working inventory (current inventory plus projected receipts in FY 2021).

Department of Veterans Affairs
December 2020