



Agency Priority Goal Action Plan

# Appeals Improvement and Modernization Act Implementation

**Goal Leaders:**

Cheryl Mason, Chairman, Board of Veterans' Appeals

David McLenachen, Director, Appeals Management Office

# Overview

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## Goal Statement

- Improve VA's claims and appeals process by implementing the new, streamlined framework authorized by the Veterans Appeals Improvement and Modernization Act of 2017. By September 30, 2019, VA has fully implemented the Veterans Appeals Improvement and Modernization Act of 2017 and is adjudicating decision reviews and appeals under the new appeals system while resolving the remaining legacy appeals, i.e. the appeals filed under the pre-Veterans Appeals Improvement and Modernization Act of 2017 legal framework.

## Challenge

- VA's appeals process is slow, complex, contains multiple processing steps, and splits jurisdiction among VA's three Administrations.
- The process entails continuous evidence gathering and re-adjudication that causes delays in reaching a final decision.

## Opportunity

- The Veterans Appeals Improvement and Modernization Act of 2017 (the Act):
  - Overhauls VA's current appeals process and provides Veterans, their families, and survivors with a choice in resolving disagreements with VA decisions.
  - Includes safeguards to ensure claimants receive the earliest effective date possible for their claims.
  - Facilitates more timely final decisions.

# Goal Structure & Strategies (1 of 3)

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Due to the magnitude and scope of the statutory change, VA established a detailed project management plan to implement the new system. VA continues to work toward effective monitoring of overall implementation and has improved VA's enterprise-wide Master Project Schedule by supplementing it with individual project plans from VBA and the Board. This action provides oversight, clarifies risks and allows VA to make plans for mitigation.

Additionally VA has taken the following steps to ensure implementation is on track:

- Weekly meetings of the project management leads from all three VA administrative branches (VBA, VHA, NCA) and the Board, to synchronize their Master Schedules and discuss risk management strategies. VA also conducts regular meetings to ensure that Information Technology updates remain on track for full implementation.
- Bi-weekly meeting with VBA's Under Secretary for Benefits and the Chairman of the Board to discuss risks, challenges, and to foster consistent and purposeful collaborative implementation efforts.
- Monthly meetings with the leadership of individual VBA lines of business to discuss the progress towards implementing Appeals Modernization.

# Goal Structure & Strategies (2 of 3)

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- **Strategy 1 - Rapid Appeals Modernization Program (RAMP) Launch**
  - In addition to fully implementing the Act the Veterans Benefits Administration (VBA) launched the Rapid Appeals Modernization Program (RAMP) November 1, 2017; the initiative supports the goal of providing Veterans an early resolution of their claim. The initiative provides participants the option to have their decisions reviewed in the Higher-Level Review or Supplemental Claim Lanes established by the Act. It provides eligible Veterans the opportunity to enter the new, more efficient appeals process outlined in the Act instead of entering the burdensome current legacy process. Under RAMP, Veterans receive decisions much faster than if they were to remain in the legacy appeals process. VBA is not accepting opt-in elections postmarked after February 15, 2019 and allowed non-postmarked or improperly-filed forms until April 26 to opt in. As of May 1, the RAMP program was completed, and no additional RAMP claims can be established.

# Goal Structure & Strategies (3 of 3)

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- **Strategy 2 – Project Management Professional Implementation Support**
  - VA has also engaged dedicated Project Management Professional (PMP) support experts who will apply strategies and provide deliverables (i.e., stakeholder engagement, scope management, integrated master schedule and risk management) to document the tasks and activities required to implement the new appeals system. To track the progress of implementation, the plan includes timelines, interim goals and milestones, reporting requirements, and established deadlines. Dedicated PMP support will ensure the Secretary meets all reporting requirements of the statute and is able to fully implement the new appeals system.
- **Strategy 3 – Stakeholder Collaboration**
  - VA will continue to collaborate with Veterans Service Organizations (VSOs) and other stakeholders to obtain buy-in and feedback regarding implementation to better serve Veterans, survivors and dependents. Further, in accordance with the Act, VA will report implementation status to the appropriate Congressional committees and the Comptroller General.

# Summary of Progress – FY19 Q3

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VA is making notable progress in implementing the Appeals Modernization Act.

- VA is simultaneously processing AMA and legacy appeals.
  - VBA is on track to eliminate non-remand legacy appeals inventory in FY 2020.
  - At the end of FY19 Q3, VBA had 160,788 non-remand legacy appeals in inventory, a decrease of 14.1% from the start of the fiscal year. VBA is 2.5 percent above projection.
  - By the end of FY19 Q3, the Appeals Management Office's (AMO) Decision Review Operations Centers (DROCs) have processed the intake of over 55,036 AMA claims.
    - Higher Level Reviews are processed in an average of 29.1 days.
    - Supplemental claims are processed in an average of 49.7 days.
  - The Board prioritizes AMA appeals in the direct review lane to meet the 365-day goal as well as legacy appeals to eliminate existing inventory.
  - At the end of FY 19 Q3, the Board had signed over 70,000 decisions and held more than 17,000 hearings. The Board is on track to complete a record number of appellate decisions in FY 19.
    - At the end of FY 19 Q3, the Board had 7,002 AMA receipts. Of these, 594 claims were completed within an average processing time of 83 days from case intake, or 135 days from notice of disagreement.
    - At the end of FY 19 Q3, the Board had decided 69,166 legacy appeals. The Board is 5 percent above projection.

# Summary of Progress – FY19 Q3

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- VA continues to work with OIT to deliver and test functionality in response to the requirements of appeals modernization, to include tracking and reporting the metrics required under AMA.
  - By the end of FY Q3, the Board demonstrated telehearing technology, which, once fully tested, will allow hearings to be conducted from personal devices such as laptop computers and mobile devices. This technology will increase the availability of Board hearings; it will also make hearings more convenient to Veterans and improve scheduling.
  - The Board implemented an agile business intelligence platform that provides large-scale insights to aggregated AMA appeals inventory and production. When this is coupled with CaseFlow Reader's capability to view individual cases, the platform allows the Board to identify specific details related to AMA production in order to improve small-scale as well as large-scale business processes.
  - The Board implemented data transformation, extract-transform-load requirements, process improvement techniques, and end-user information accessibility to better analyze case data and improve functionality in support of AMA.
  - The Board is working on VEText capability, which will enable the Board to notify Veterans via text of their scheduled hearing and, subsequently, reduce the no-show rate.

# Summary of Progress – FY19 Q3

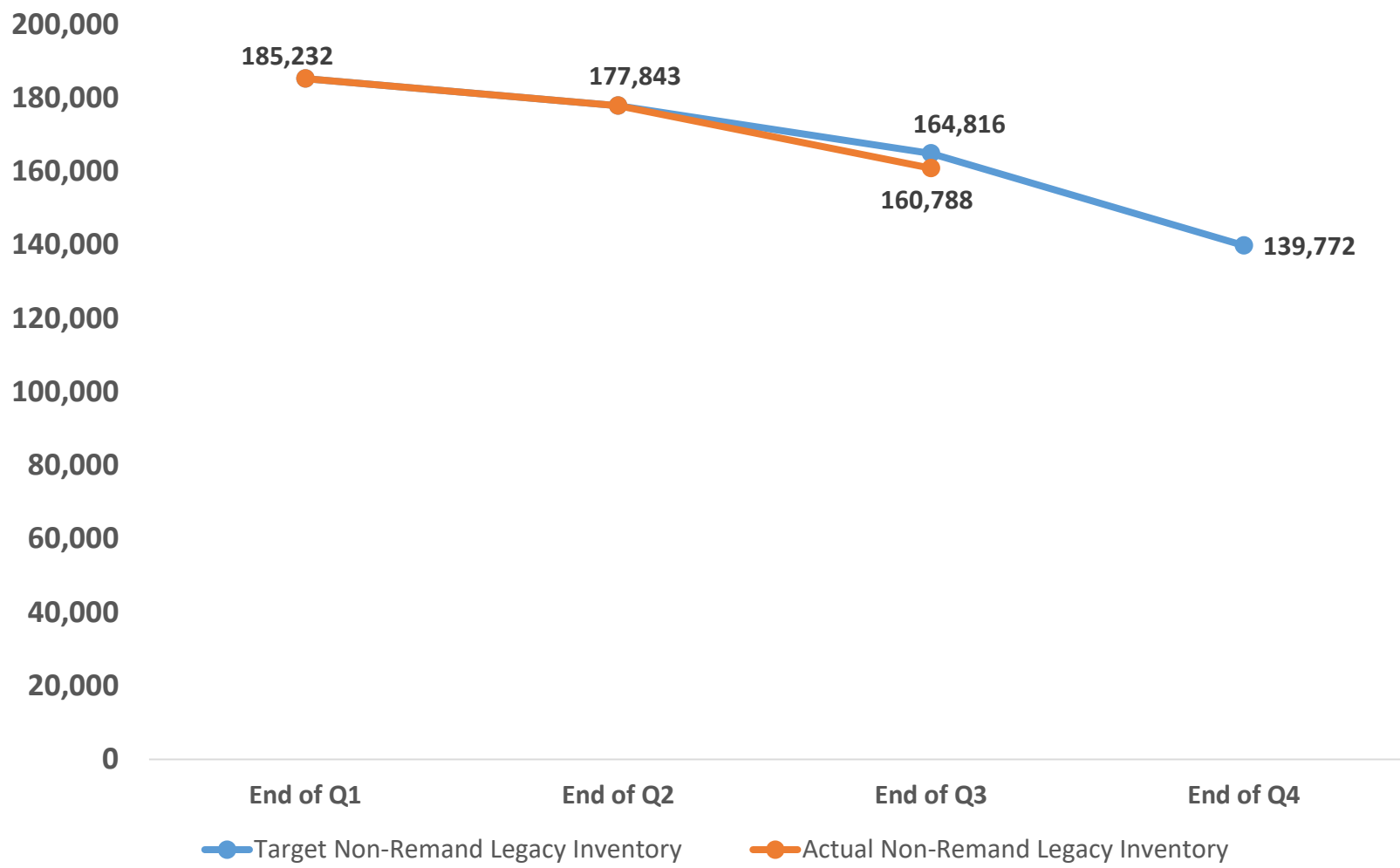
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- VA continues to improve Veteran-facing communications, to include updating communications materials to reflect post AMA implementation information.
  - VBA updated communications materials to reflect post-AMA implementation information and posted materials, such as videos, FAQs, infographics, posters, and fact sheets, on VBA's benefits website.
  - The Board updated its website to provide Veterans with the most up-to-date information about appeals modernization as well as Board statistics and how to file a motion for AOD if a Veteran was affected by a natural disaster. Veterans have been kept up to date on appeals modernization through various blog posts, social media, and press releases. For example, in April 2019 the Board posted a YouTube video on AMA.
  - The Board also collaborates with VEO to survey Veterans who are in the appeals process at the Board. These surveys provide insight into Veteran experience at various stages of the appeals process. Survey information is used by the Board to improve policies and procedures.
  - Chairman Mason regularly speaks at Veterans Service Organizations and other stakeholder events across the country regarding AMA appeals and the benefits of appeals modernization and shares information with other stakeholders via LinkedIn.



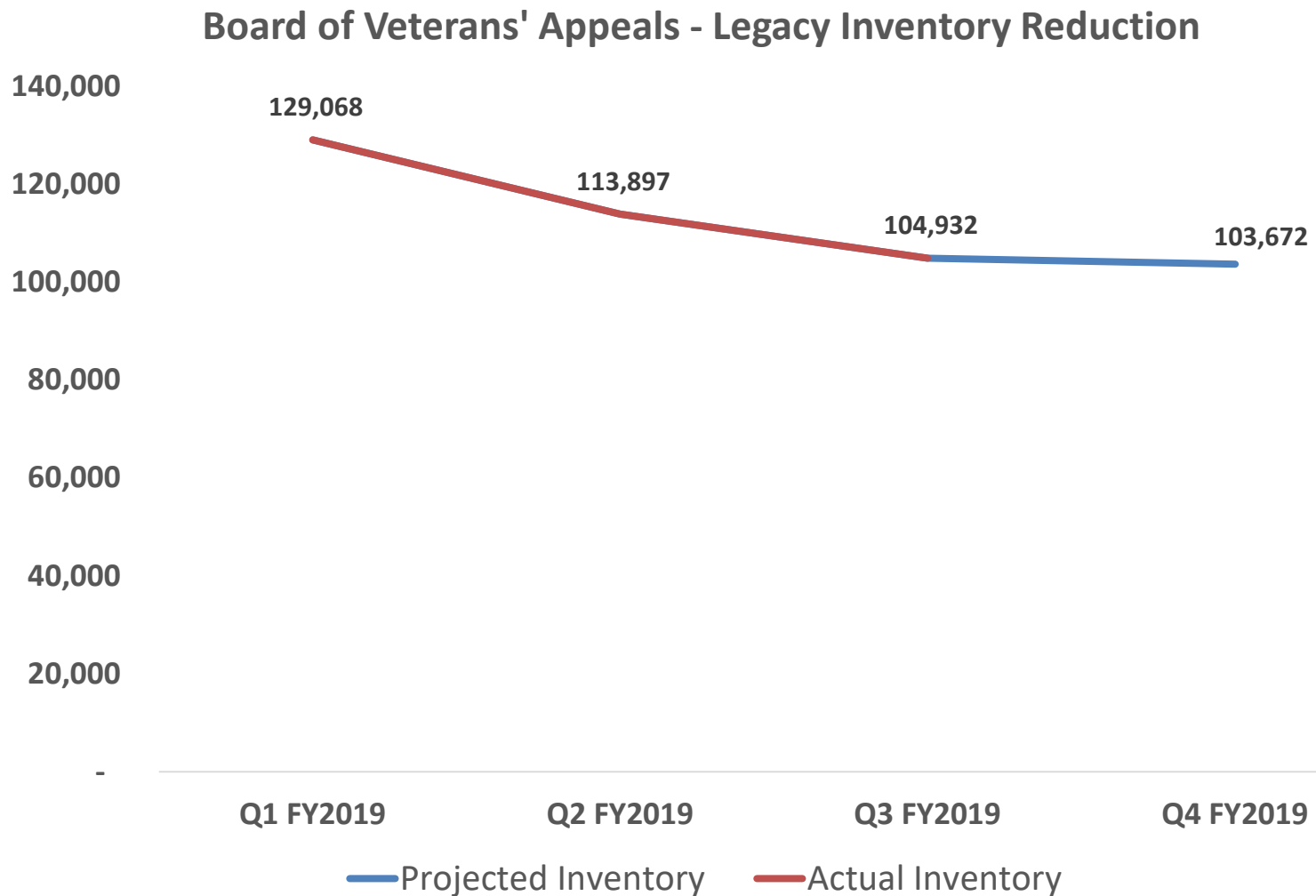
# Summary of Progress – FY19 Q3

## VBA Legacy Appeals Inventory Reduction – FY2019



VBA and the Board each carry a legacy appeals inventory. The legacy appeals process moves like a supply chain and generally involves two steps initiated by the Veteran – 1) the initial appeal within VBA; and if the Veteran remains dissatisfied with the decision, 2) a subsequent request to appeal to the Board. VBA’s legacy inventory includes the initial appeal within VBA and the request to appeal to the Board; both inventories must be completed before the Board can eliminate its own legacy inventory. After completed by VBA, the requests to appeal to the Board become part of the Board’s legacy inventory. VBA’s inventory also contains appeals returned from the Board for further action/development.

# Summary of Progress at the Board – FY19 Q3



The Board’s legacy inventory comprises of original appeals (i.e., appeals that are at the Board for the first time), remands from the Court of Appeals for Veterans Claims, and remands returned to the Board from other VA entities such as the Veterans Benefits Administration, Veterans Health Administration, and National Cemetery Administration.

# Key Milestones (1 of 2)

On February 19, 2019, VA had fully implemented the Appeals Improvement and Modernization Act of 2017 and is adjudicating appeals under the new appeals system and the legacy system.

Milestone Summary					
Key Milestones	Milestone Due Date	Milestone Status	Change from Last Quarter	Owner	Anticipated Barriers or Other Issues Related to Milestone Completion
Train Board Staff	April 2018	Completed	Completed	Board	Delay in development of resources necessary to train Board staff.
Publication of the Proposed Rule in the Federal Register	Aug 2018	Completed	Completed	Board /VBA	Delays have slowed the publication of the Proposed Rule. However, OMB has now cleared the Proposed Rule. The Proposed Rule is currently in the Federal Register for public comment. VA will work with internal stakeholders to ensure that publication of the final rule is timely.
Train VSOs	Jun-Dec 2018	Completed	Training Ongoing	Board	Possible complications in training coordination and development due to competing schedules of participants.
Publish newly revised forms	November-December 2018	Completed	Under review with OMB	Board /VBA	Not applicable
Begin phased rollout of IT infrastructure necessary to support new system	November-December 2018	Completed	Rollout Ongoing	Board /VBA	Potential IT development delays may impact deployment of necessary IT infrastructure.
Publication of the Final Rule in the Federal Register	January 2019	Completed	None	Board /VBA	Large volume of comments from the public on the submitted regulations that have to be addressed by VA.

# Key Milestones (2 of 2)

On February 19, 2019, VA had fully implemented the Appeals Improvement and Modernization Act of 2017 and is adjudicating appeals under the new appeals system and the legacy system.

Milestone Summary					
Key Milestones	Milestone Due Date	Milestone Status	Change from Last Quarter	Owner	Anticipated Barriers or Other Issues Related to Milestone Completion
RAMP Closeout	February 2019	Completed	Completed	VBA	Applied multiple lessons learned from RAMP towards improvements for AMA.
Creation of a Duty to Assist Feedback Loop review program	November 2019	On track	In Progress	VBA	Delays in reporting if requested system functionality is not delivered or delayed
Development of an AMO-specific IT program for quality (Enterprise Quality Management System – AMO (EQMS-A))	July 2019	Behind schedule	In Progress	VBA	Delivery of claims completion data to EQMS-A may be delayed due to system integration that requires OIT funding.  Delivery/Milestone due date updated to September 2019.
V-Signals Surveys on Veterans experience with the appeals system	October 2018	Ongoing	In Progress	Board /VBA	In collaboration with VEO, the Board deployed surveys starting in October 2018 to track feedback on the appeals system. VBA is currently working with VEO to develop surveys to measure satisfaction with AMA.

# Stakeholders

VA has made every effort to engage internal and external partners throughout the appeals modernization process. VA has conducted a stakeholder analysis to ensure a wide variety of interests are taken into account. Additionally, VA solicited feedback during the RAMP and BEAAM process, to ensure any necessary changes can be made prior to full implementation.

Stakeholder	Communication Channel
Veterans	Direct contact, surveys
Veterans Service Organizations (VSO)	Close partnership maintained through meetings, surveys and requested feedback
Private Attorney Veteran Representatives	Direct communication to ensure they are receiving required information
Government Accountability Office (GAO)	Responses are provided to engagements, inquiries and other requests for information
Office of the Inspector General (OIG)	Responses are provided to reviews, inquiries and other requests for information
Senate Veterans' Affairs Committee (Congress)	Collaborative meetings, hearings and responses to member inquiries
House Veterans' Affairs Committee (Congress)	Collaborative meetings, hearings and responses to member inquiries

# Contributing Programs

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## VA Internal Organizations:

- Board of Veterans' Appeals
  - Legislation implementation primary
  - Responsible for fully implementing Public Law 115-55 within their organization
- Veterans Benefits Administration
  - Legislation implementation primary
  - Responsible for fully implementing Public Law 115-55 within their organization
- Office of General Counsel
  - Instrumental in regulatory support and publication
  - Responsible for fully implementing Public Law 115-55 within their organization
- Veterans Health Administration
  - Responsible for fully implementing Public Law 115-55 within their organization
- National Cemetery Administration
  - Responsible for fully implementing Public Law 115-55 within their organization

# External Communications Plan

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VA's outreach includes coordination of messaging activities across VA. This enterprise-wide approach provides Veterans and other external stakeholders with a consistent message and understanding of how the new system works.

In order to ensure wide dissemination of information on the new system, VA will conduct outreach through the following avenues:

- Web communication on internet sites such as VA.gov, Vets.gov, and other VA social media sites
- Communications through regular mail, email, print, and traditional media outlets
- In-person events such as VA town halls and other community-based occasions