



# Decision Reviews and Appeals

## FY 2020, Q1 – Q2 Update

**Goal Leaders: Cheryl Mason and David McLenachen**

**Board**

Cheryl Mason, Chairman, Board of Veterans' Appeals  
Deputy Goal Lead (Board): Freda Carmack

**VBA**

David McLenachen, Executive Director, Appeals Management Office (AMO)  
Deputy Goal Lead (VBA): Brianne Ogilvie, Acting Executive Director of AMO

# Overview

## Goal Statement

- Provide claimants who disagree with VA's decisions on benefits claims and appeals with timely reviews under the new, streamlined process authorized by the Veterans Appeals Improvement and Modernization Act of 2017 (AMA). By September 30, 2021, VA will process and adjudicate Supplemental Claims and Higher-Level Reviews within 125 days on average, and Direct Docket appeals within 365 days on average. VA will collect data throughout FYs 2020 and 2021 in order to establish average processing times for Evidence Docket and Hearing Docket appeals.
- Supplemental Claims and Higher-Level Reviews represent “Decision Reviews” in AMA. Decision Reviews are claims, filed in disagreement with a previous decision.
  - Supplemental Claim: The claimant submits or identifies new and relevant evidence to support the claim. VA provides assistance in developing evidence.
  - Higher-Level Review: A more senior claims adjudicator reviews the prior decision and the closed record to determine if an error was made or if a different decision is warranted.
- An “appeal” is completed by a Veterans Law Judge at the Board of Veterans’ Appeals (Board) and an appellant may choose one of three appeal lanes:
  - Direct Docket: A Veterans Law Judge reviews the prior decision and the closed record to determine if an error was made or if a different decision is warranted.
  - Evidence Docket: The appellant has 90 days to submit additional evidence before a decision is rendered.
  - Hearing Docket: The appellant testifies before a Veterans Law Judge and may submit additional evidence up to 90 days following the hearing before a decision is rendered.

# Overview

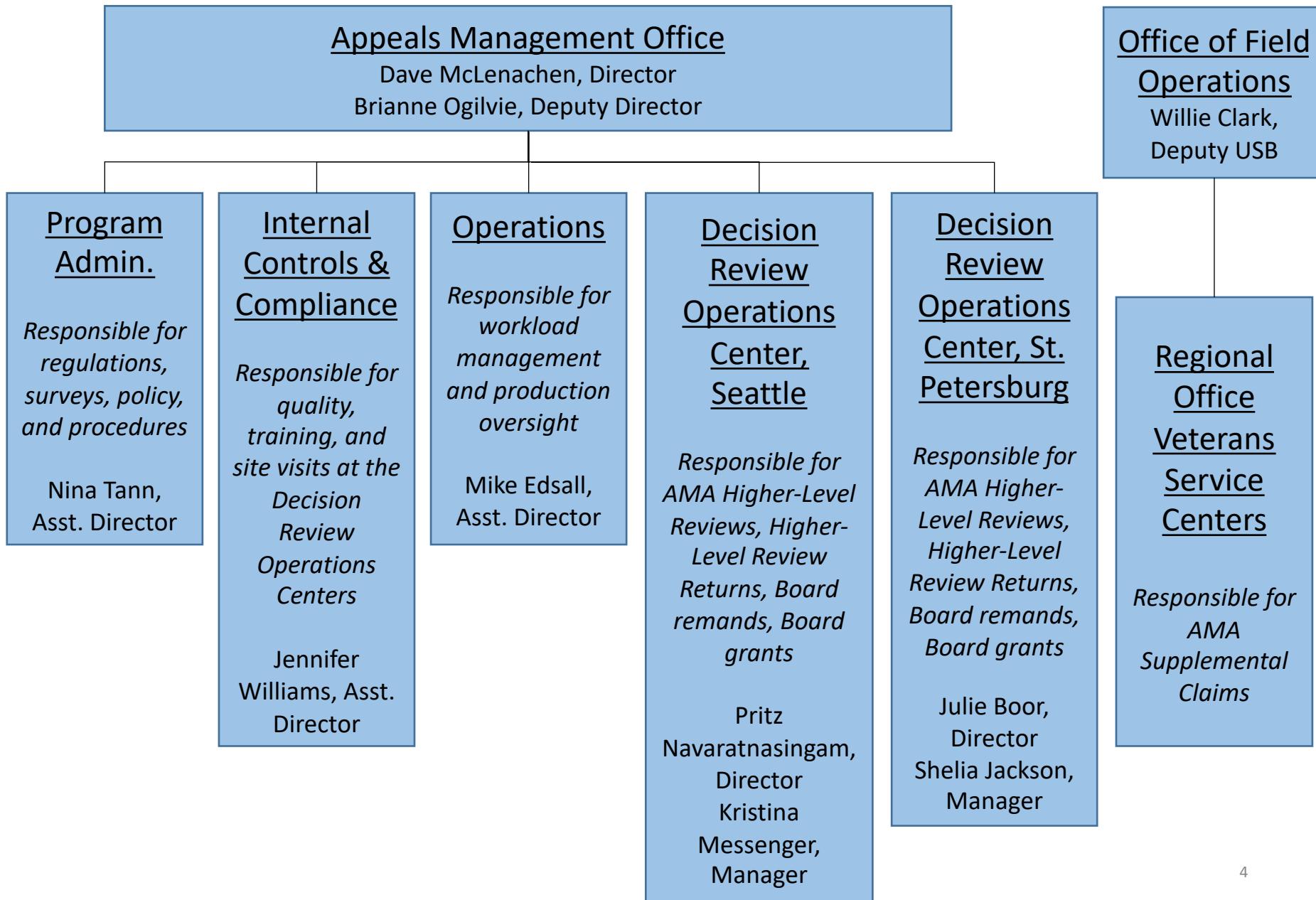
## Challenge

- Collect data sufficient to establish reliable appeals processing times for the Evidence and Hearing Dockets.
- Complete Direct Docket appeals in an average of 365 days.
- Complete Higher-Level Reviews and Supplemental Claims decisions in an average of 125 days.

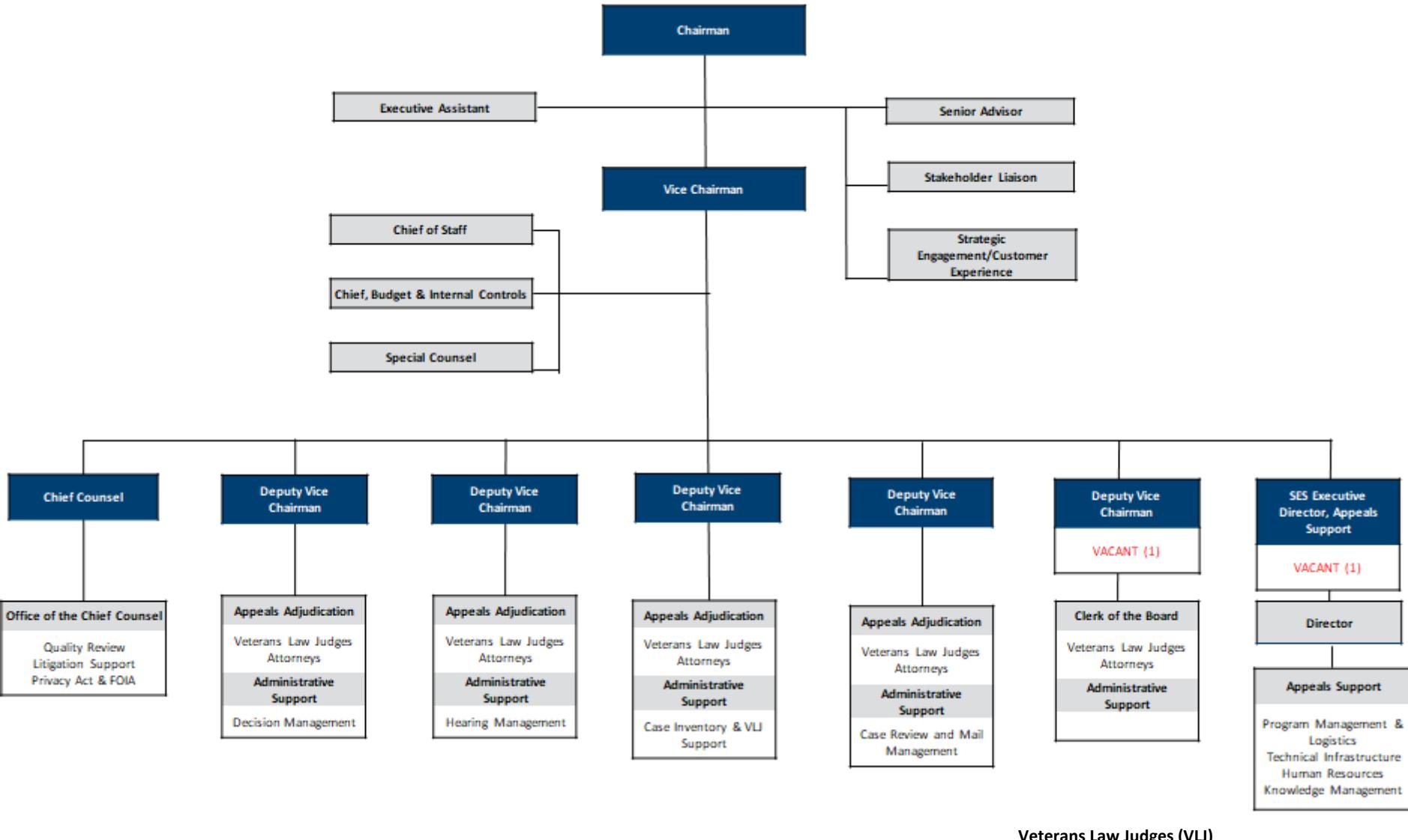
## Opportunity

- Improve VA's claims and appeals process by providing claimants/appellants the option to choose a process that meets their needs while receiving a timely decision on their claim or appeal.
- Provide informed averages for appeals processing times for the Evidence and Hearing Dockets that both satisfy AMA's promise to provide more timely final decisions and provide predictability for Veterans, their representatives, and internal and external stakeholders.

# Leadership & Implementation Team – Decision Reviews (VBA)



# Leadership & Implementation Team – Appeals (Board)



Veterans Law Judges (VLJ)  
Freedom of Information Act (FOIA)

# Goal Structure & Strategies – Decision Reviews (VBA)

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- Continue utilizing National Work Queue and a rules-based capacity model to distribute Higher-Level Reviews to the Seattle and St. Petersburg Decision Review Operations Centers
- Continue utilizing National Work Queue and a rules-based capacity model to distribute Supplemental Claims to the Regional Offices
- Implement time-in-queue monthly targets for the Decision Review Operations Centers, to ensure the timely processing of all Higher-Level Reviews
- Continue to monitor the Higher-Level Review and Supplemental Claim workload and actively seek out and then mitigate challenges and risks that could impact VBA's ability to complete these reviews in an average of 125 days or less

# Goal Structure & Strategies – Appeals (Board)

- Collect and review data on Direct Docket appeals to monitor processing times and best ensure decisions are issued within an average of 365 days
- Collect appeals data throughout FY2020 and FY2021 and establish metrics to predict average case processing times for the Evidence and Hearing Dockets. Metrics may include receipt rates for cases on each docket, hearing scheduling rates, and average waiting time until dispatch
- Analyze the effect of decreasing legacy inventory on AMA appeals processing, to include 80,000 pending legacy Remanded Appellate Decisions at VBA
- Monitor the effect of Virtual Hearings and VEText technologies on the Board's hearing rate
- Track by issue for both legacy appeals and AMA appeals

# Summary of Progress – Decision Reviews (VBA) – FY2020, Q1-Q2 Update

- Since the start of FY2020, VBA is meeting its 125-day timeliness goal for processing Higher-Level Reviews and Supplemental Claims
- VBA completed 24,119 Higher-Level Reviews with an average days to complete of 62 days
- VBA completed 130,462 Supplemental Claims with an average days to complete of 75 days
- VBA is on track to continue meeting the 125-day timeliness goal
- NOTE: VA is currently meeting its FY2021 goals. However, this APG requires VBA to test the new goals for Higher Level Review and Supplemental Claims to ensure that they remain realistic over the long term. VA may achieve its goals when AMA is in its infancy, but this might change after the system matures (or VA may adjust its goals based on better-than-anticipated processing times).

# Summary of Progress – Appeals (Board) – FY2020, Q1-Q2

- Since the start of FY2020, the Board is meeting its 365-day timeliness goal for processing Direct Docket appeals
- Through March 31, 2020, the Board dispatched 6,258 AMA decisions, comprising 12 percent of the Board's 50,341 total decisions. This includes:
  - 4,839 Direct Docket decisions with an average days to complete of 202 days
  - 1,054 Evidence Docket decisions with an average days to complete of 251 days
  - 365 Hearing Docket decisions with an average days to complete of 294 days
- The proportion of AMA decisions will increase over time as legacy inventory is reduced
- NOTE: VA is currently meeting its FY2020 goals. However, this APG requires the Board to set goals that have not historically existed (i.e., processing times for the Evidence and Hearing Dockets) and that are central to AMA which emphasizes more timely decisions. Based on current and projected productivity (decisions and intake), an integrated team at the Board is working on modeling timeliness projections for the AMA dockets.

# Summary of Progress – Appeals (Board) – FY2020, Q1-Q2

## **COVID-19 Impact**

- All in-person hearings (Travel Board, Veterans Service Organization (VSO) and Central Office hearings) were suspended the week of March 15, 2020
- Hearing deferred = Delayed decisions and payments to Veterans
- Over 6,000 scheduled hearings impacted
- Requests to postpone hearings increased from 16 percent to 84 percent post COVID-19

## *Mitigating Risk*

- Moved to a virtual format (with support from the Office of Information and Technology (OIT), and a rescheduling effort was undertaken
- Plan to offer Saturday hearings and extended workday to cover all time zones
- Extensive outreach to increase understanding -- “How to do” Virtual Hearings
- Communicating with Veterans, VSOs, Representatives via phone calls, emails, VETexts and online

## *Supplemental Request*

- Funding requested for VLJs (rehired annuitants) to focus on ~6,200 hearings
- Overtime for hearings, intake, and dispatch branches

# Key Milestones (VBA)

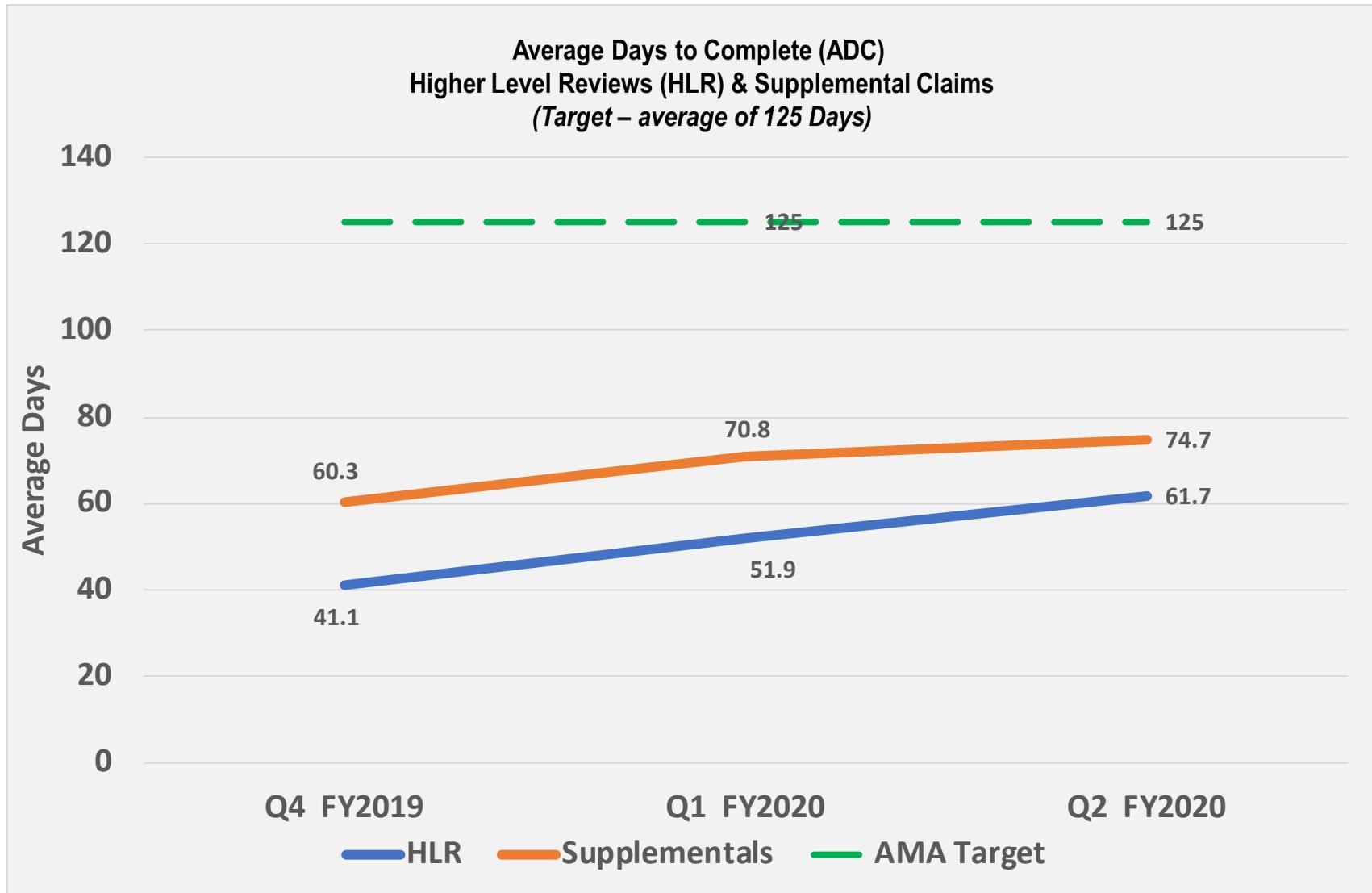
- VBA continues to monitor the Higher-Level Review and Supplemental Claim workload and actively seek out and then mitigate challenges and risks that could impact VBA's ability to complete Higher-Level Reviews and Supplemental Claims in an average of 125 days or less

Milestone Summary					
Key Milestone	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
Implement time-in-queue targets for each office processing Higher-Level Reviews and Supplemental Claims	FY2020 Q1	Completed	Completed	VBA	Monthly time-in-queue targets implemented for each Decision Review Operations Center; all Decision Review Operations Centers achieved target during October 2019 and achieved the target in November 2019
Maintain 125-day average days to complete (ADC) for Higher-Level Reviews	FY2020 Q4	On Track	N/A	VBA	
Maintain 125-day average days to complete (ADC) for Supplemental Claims	FY2020 Q4	On Track	N/A	VBA	

# Key Milestones (Board)

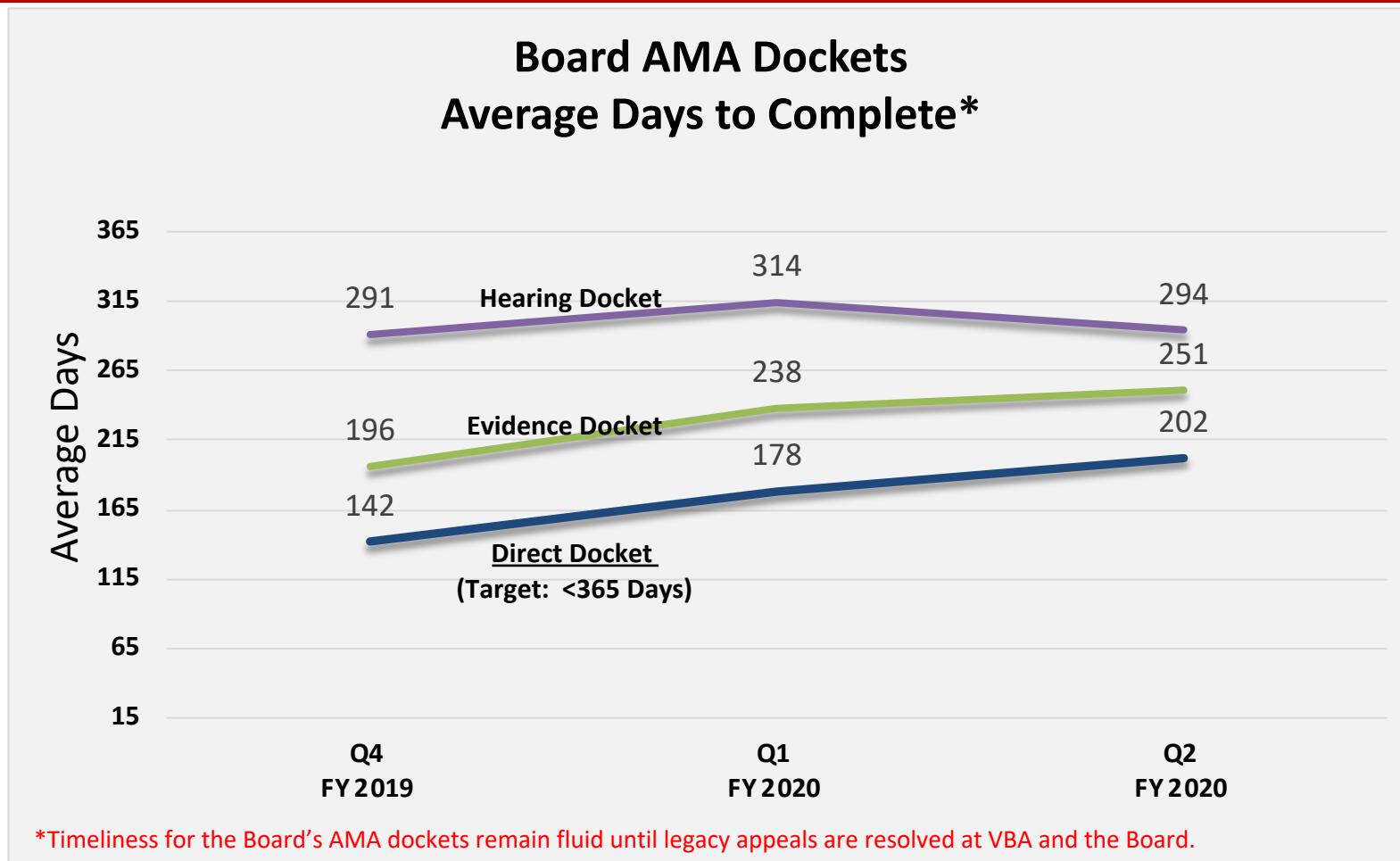
Milestone Summary					
Key Milestone	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
Report number of appeals issued and average time for Direct Docket appeals	FY2020 Q1	Complete		Board	The Board monitors processing time for Direct Docket appeals. In FY2019, 1,214 Direct Docket appeals were dispatched with an average days to complete of 142. In FY2020, the Board has dispatched 4,839 Direct Docket appeals with an average days to complete of 202.
Develop methodology to effectively measure average processing times for Evidence Docket and Hearing Docket	FY2020 Q2	Completed	Completed	Board	Methodology and process for collecting and archiving processing times for Evidence and Hearing Dockets is complete. Data is now reported on the Board's internet site and also included in its list of regular performance metrics.
Provide average appeals processing times for Evidence Docket and Hearing Docket	FY2020 Q2	Completed	Completed	Board	Processing times for Evidence and Hearing Dockets are now included in this report.
Provide timeliness goals for average days to complete for Evidence and Hearing Dockets	FY2021 Q2	On Track	On Track	Board	The Board is analyzing its workload capacity variations in legacy and Direct Docket inventory to adequately establish goals for average days to complete the Evidence and Hearing Docket.

# Key Indicators – Decision Reviews (VBA)



Through the end of second quarter FY2020, AMA inventory was approximately at 90K. Higher-Level Reviews ("HLR") and Supplemental Claims ("Supplementals") remain well below the targeted average of 125 days.

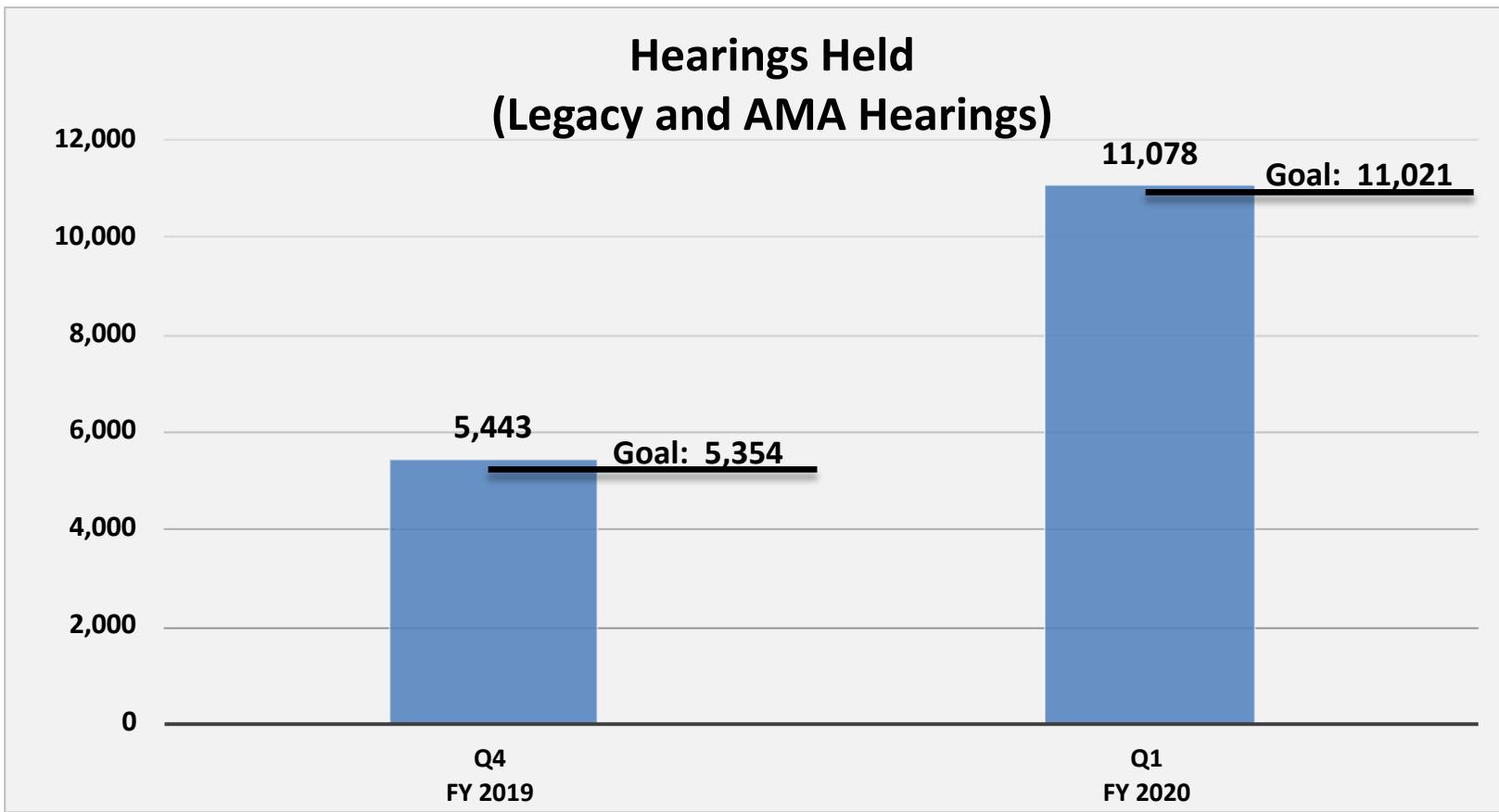
# Key Indicators – Appeals (Board)



On average, Direct Docket appeals are to be processed within one year from the appellant filing a Notice of Disagreement (P.L. 115-55). The Board continues to assess Evidence and Hearing Docket timeliness goals.

Through the end of the second quarter FY2020, the Board dispatched 6,258 AMA cases, including 4,839 (77%) Direct Docket appeals, 1,054 (17%) Evidence Docket appeals and 365 (6%) Hearing Docket appeals.

# Key Indicators – Appeals (Board)



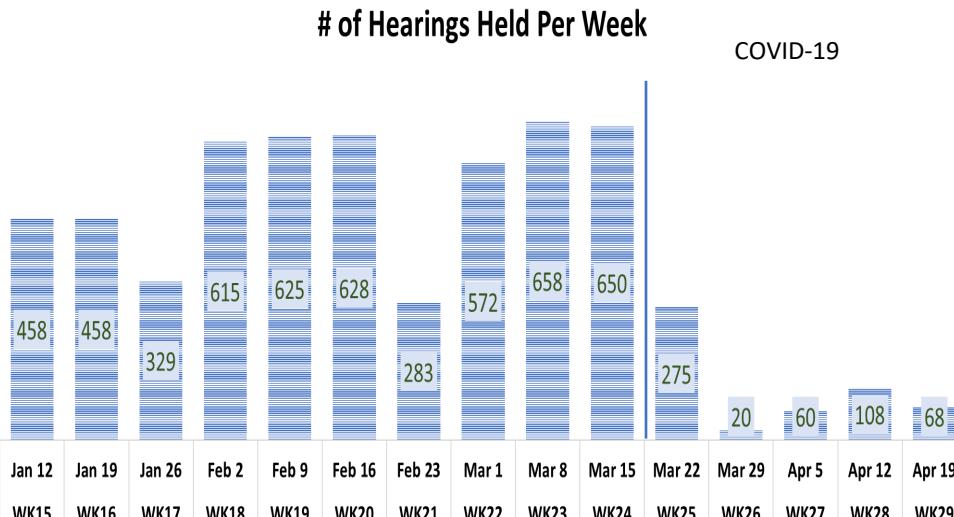
Through the end of the second quarter FY2020, the Board held 11,078 hearings.

# Key Indicators – Appeals (Board)

## Hearings Held (continued)

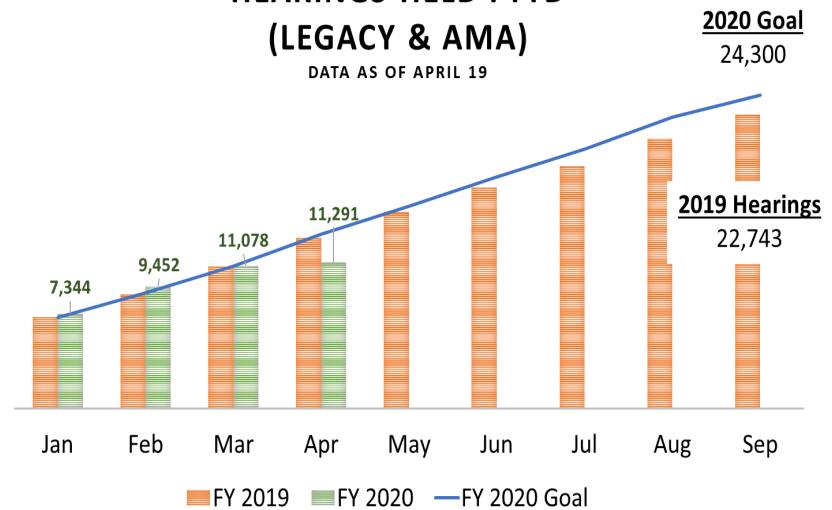
# of Hearings Held Per Week

COVID-19



HEARINGS HELD FYTD  
(LEGACY & AMA)

DATA AS OF APRIL 19



Note: Travel Board, VSO and Central Office hearings were suspended the week of March 15, 2020

Hearings Held		
FY2020 Plan	24,300	
Held FYTD	11,291	
Avg # of Hearings Held		
Weekly Post COVID19	106	
Remaining Weeks Till		
End of Year	23	

# Data Accuracy and Reliability – Decision Reviews (VBA)

- Higher-Level Review and Supplemental Claim timeliness is calculated as average days to complete which measures the average amount of time it takes VBA to complete the claim
- Claims timeliness data is generated from VBA's corporate data warehouse, an accurate and reliable database that underlies all VBA data reporting
- To better ensure VBA will continue meeting the average-days-to-complete target, VBA measures cycle-based time in queue at each processing office on a monthly basis
- Average time in queue reflects the average number of business days the claim remains at a processing office
- A monthly time in queue snapshot for each cycle (e.g., initial development, awaiting decision) occurs the morning following the last day of the month
- Like average days to complete, VBA's corporate data warehouse is the source for time-in-queue data

# Data Accuracy and Reliability – Appeals (Board)

- The Board closely monitors legacy appeals receipts through its legacy reporting system (VACOLS) and AMA appeals receipts through Tableau
- The Board and VBA partner to monitor AMA election rates and deviance from projections to inform future evidence based estimates
- The Board also closely monitors pending legacy Remanded Appellate Decisions at VBA and VHA that remain under the Board's jurisdiction pursuant to 38 U.S.C. § 7107
- After the majority of legacy appeals at the Board are completed, to include Remanded Appellate Decisions, the Board will be able to better project average days to complete for the 3 AMA dockets
- The Board is analyzing its workload capacity of legacy and Direct Docket inventory at the Board to adequately establish goals for average days to complete for the Evidence and Hearing Docket appeals

# Additional Information

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## Contributing Programs

Organizations:

- Board of Veterans' Appeals
- Veterans Benefits Administration

Program Activities:

- N/A

Regulations:

- N/A

Policies:

- N/A

Other Federal Activities:

- N/A

## Stakeholder / Congressional Consultations

- VA provided its congressionally-mandated update to Congress on AMA in February 2020.