



# U.S. Department of Veterans Affairs

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## Periodic Progress Report on Appeals

### Public Law 115-55, Section 3

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#### VA's Mission

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

## **February 2021 Update**

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## Executive Summary

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

On February 19, 2019, VA successfully implemented the new claims and appeals system after benefiting from feedback received from stakeholders, including Veterans Service Organizations (VSO) and the Government Accountability Office (GAO). This report focuses on elements that are relevant to post-implementation, ongoing support for AMA and VA's comprehensive plan to process both legacy and AMA appeals.

## I. Requirement for Periodic Progress Reports

*P.L. 115–55, 115th Congress*

*The “Veterans Appeals Improvement and Modernization Act of 2017”*

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

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

## II. GAO Recommendations on Appeals

In this report, VA provides an update on findings contained in the GAO reports below. For more information on GAO findings, including the status of the recommendations they contain, please see the hyperlinked websites below.

### A. Summary of GAO Reports

**Report 1:** VA Disability Benefits: Improved Planning Practices Would Better Ensure Successful Appeals Reform, [GAO-18-352](#), published March 22, 2018.

GAO’s Findings: “VA’s plan for implementing a new disability appeals process while attending to appeals in the current process addresses most, but not all, elements required by the AMA. VA’s appeals plan reflects certain sound planning practices, but it could benefit from including important details in several key planning areas.”

In its fiscal year (FY) 2018 report, GAO raised the following questions:

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

**Report 2:** VA Disability Benefits: Additional Planning Would Enhance Efforts to Improve the Timeliness of Appeals Decisions, [GAO-17-234](#), published March 23, 2017.

GAO’s Findings: “VA is taking steps to improve the timeliness of its benefit compensation appeals process, in which Veterans who are dissatisfied with claims decisions by the Veterans Benefits Administration (VBA) can appeal first to VBA, and

then to the Board of Veterans' Appeals (the Board). VA has taken actions related to increasing staff, reforming the process and updating IT, which are consistent with relevant sound planning practices.”

GAO recommended that VA implement the following:

- Apply sensitivity analyses when projecting staff needs;
- Develop a more timely and detailed workforce plan;
- Develop a robust plan for monitoring process reform;
- Develop a strategy for assessing process reform; and
- Create a schedule for IT improvements that takes into account plans for potential process reform.

## **B. VA's Progress to Address Both GAO Reports**

VA successfully implemented AMA in February 2019 and addressed the concerns discussed in the March 2018 and March 2017 reports as follows:

- VA developed a robust, scalable model, which was presented to GAO and projected timeliness and appeals inventories;
- VA's test programs, the Rapid Appeals Modernization Program (RAMP) and the Board of Veterans' Appeals Early Applicability of Appeals Modernization (BEAAM), provided sensitivity analysis and information about Veteran preferences that enabled VA to improve services to Veterans, VA policies and operating procedures;
- With the support of project management experts, VA continuously updated and improved the project plan, leading to successful implementation of AMA;
- Test programs supported VA's efforts to improve risk assessment by testing processes and technology prior to implementation;
- Extensive reporting requirements in sections 3 and 5 of AMA ensured transparency in monitoring and assessing process reform; and
- VA expanded quality review and training programs including AMA procedures. Further details on VA's plans for recruiting, hiring and training are addressed in Part III of this report.

## **III. Comprehensive Plan**

### **Implementation Plan Requirements**

#### **Section 3(a)(1) – Processing of Legacy Appeals**

(a) PLAN REQUIRED.—*[T]he Secretary of Veterans Affairs shall submit to the appropriate committees of Congress and the Comptroller General of the United States a comprehensive plan for—*

- (1) the processing of appeals of decisions on legacy claims that the Secretary considers pending;*

VA's Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals, informed by continuous stakeholder engagement as well as sound project management practices and resulted in a marked reduction in the number of legacy appeals pending in the Department before the Board, and in all three Administrations: VBA, Veterans Health Administration (VHA) and the National Cemetery Administration (NCA). The plan demonstrated significant progress by reducing the number of pending legacy appeals by 60%, from 425,445 pending at the start of FY 2019, to 174,688 pending at the end of FY 2020. See Table 1 below.

The Board continued to prioritize resources to address the FY 2020 pending legacy appeals inventory. The Board set another record with 102,663 decisions dispatched, with 85,461 (83%) of those decisions occurring in the legacy system. As a result, VA's total legacy appeals inventory dropped more than 60% in the last 2 years.

Table 1. Pending Legacy Appeals by VA Office – Q4 FY 2018 through Q1 FY 2021

	FY 2019				FY 2020				FY 2021
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
<b>VBA</b>	268,881	268,914	262,982	238,772	209,005	173,800	89,242	51,049	38,611
<b>VHA</b>	18,269	15,991	14,708	10,676	5,629	3,208	2,372	2,037	1,888
<b>NCA</b>	121	113	106	117	119	186	76	33	8
<b>Board</b>	127,894	113,492	104,825	98,410	91,463	78,891	109,969	121,569	120,421
<b>Total</b>	<b>415,165</b>	<b>398,510</b>	<b>382,621</b>	<b>347,975</b>	<b>306,216</b>	<b>256,085</b>	<b>201,659</b>	<b>174,688</b>	<b>160,928</b>

The Department is committed to the resolution of legacy appeals by the end of calendar year (CY) 2022. Figure 1 below outlines projected inventory levels at the Department and Board. Continuing to build upon the recent success of reducing legacy inventory levels, the Board projects additional reductions of 71% by the end of CY 2022.

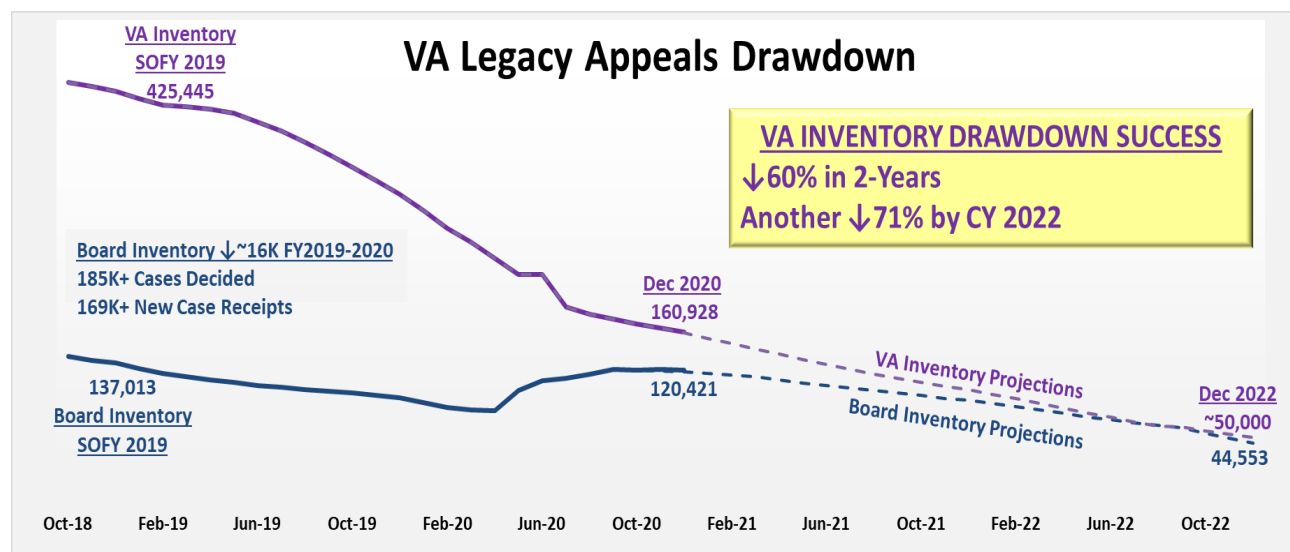


Figure 1. VA Legacy Inventory Drawdown

The Board and VBA continue to coordinate and monitor legacy workload data. This revised drawdown plan reflects actual workload through December 2020 and updated production, including impacts of COVID-19. Due to a shift in defined working inventory levels at VBA (see Figure 3b VBA National Output), resulting in appeals being certified to the Board faster with quicker resolution for Veterans, the Board now projects to have approximately 44,500 cases pending at the end of CY 2022.

In FY 2020, the Board completed 227 hiring actions, including 7 new Veterans Law Judges (VLJ). Despite the unprecedented challenges presented by the COVID-19 pandemic that resulted in the Board rapidly transitioning to a remote workforce, the Board dispatched a record 102,663 decisions to Veterans. The resolution plan is based on slightly lower production goals in FY 2021 and 2022 that allow the Board to set stretch goals of 50,000 hearings scheduled and held to mitigate the effects of the COVID-19 pandemic. At the end of December 2020, the number of pending legacy hearing requests was 52,633.

Due to COVID-19 closures at VA facilities, including Regional Offices (RO), the Board suspended the Travel Board, VA Central Office and videoconference hearings. Because the Board began testing virtual tele-hearing capability in July 2019, it was able to immediately offer Veterans virtual hearing opportunities in place of the suspended Travel Board, VA Central Office and videoconference hearings. While the Board experienced a slowdown in hearings, there was no work stoppage for hearings.

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, was averaging 448 hearings held per week and was 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. At the end of December 2020, the Board had 52,633 legacy and 35,814 AMA hearings pending. If fewer legacy hearings are converted to virtual tele-hearings, it may result in more legacy hearings being carried forward to FY 2022 and may impact the number of legacy decisions that the Board can issue.

In order to mitigate the effects of the pandemic on hearing operations, the Board set a robust goal to schedule and 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. Currently, the number of AMA hearings pending is over 60% of the total number AMA appeals pending.

With the President's April 10, 2020, signing of the VA Tele-Hearing Modernization Act, the Board fully implemented the virtual tele-hearing option, allowing Veterans and their representatives to participate in hearings before the Board by voice and video

transmission over the internet using non-VA cell phones, tablets and computers. This technology also provides greater access and flexibility to Veterans in rural locations.

With 47% of appellants continuing to elect a hearing with a VLJ, combined with the effects of COVID-19 on hearing operations in FY 2020, the Board worked diligently to increase the availability of virtual tele-hearings. Virtual tele-hearings provide Veterans with unprecedented access to Board hearings by enabling appellants and their representatives to participate in hearings over the internet using non-VA cell phones, tablets and computers from any location with WiFi. Consequently, VA the Board has set a robust stretch goal to schedule and hold 50,000 hearings in FY 2021.

With expanded virtual tele-hearing capacity, the Board has conducted 7,895 virtual tele-hearings since implementation. The Board has taken several actions to encourage utilization of the virtual tele-hearing option, including enhancing information technology solutions, restructuring the Board's hearing operations, increasing communication and coordination with VSO partners and using social media to provide information. These actions are designed to reduce the number of pending hearing requests by expanding remote access for rural Veterans, broadening Veteran options and accessibility and improving the overall Veteran experience.

As VA moves to re-entry, the Board is implementing several measures to mitigate the impacts of COVID-19 on hearing operations, including maximizing hearings based on Judge capacity, fully utilizing all Board hearing space and expanding available hearing times in Central and Western time zones.

In addition, the Board continues to build on various initiatives for more efficient adjudication of legacy appeals. The "One Touch" program, which was discussed in prior post-implementation reports, enables VLJs to identify and quickly adjudicate hearing cases that are within docket range and have clear dispositions—delivering faster results for waiting Veterans. Since August 2020, VLJs adjudicated over 233 One Touch hearing cases with an approximate 72.5% cumulative grant rate.

In addition, the Board's specialized case team (SCT) is comprised of 70 attorneys who efficiently adjudicate unusual or difficult cases. Attorneys are competitively selected for details to the SCT. Regular, staggered turnover provides a majority of attorneys an opportunity to participate in the program while maintaining consistency in decision-making and ensuring that institutional knowledge remains intact.

VBA continues to utilize several strategies to resolve the remaining inventory of legacy compensation appeals. These strategies continue to include workload redistribution, increased oversight and accountability, leveraging technology for increased efficiencies and the opportunity for claimants to opt-in from the legacy system to the modernized system. Between October 2016 and the end of December 2020, total VBA legacy appeals inventory has decreased by approximately 89%, as depicted in Figure 2 below.



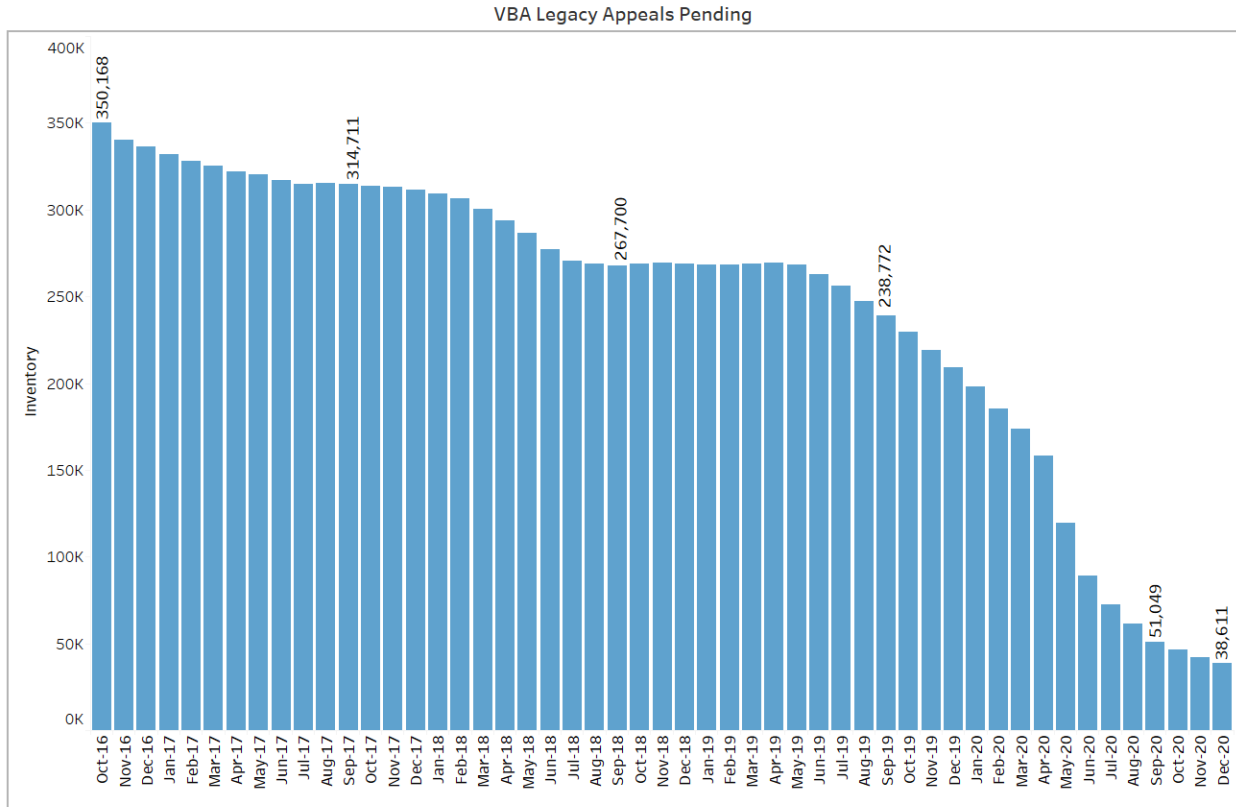


Figure 2. VBA Legacy Appeals Pending – October 2016 through December 2020

VBA’s Office of Administrative Review (OAR) distributes most of its legacy appeals across ROs. OAR’s workload redistribution formula uses RO capacity and proficiency to maximize the benefits of workload redistribution.

Proactive workload management, combined with increased oversight by OAR, expedited VBA’s legacy appeals completions. National output from October 1, 2019, through September 30, 2020, exceeded targets for appeals actions by approximately 2%, as depicted in Figure 3a below.

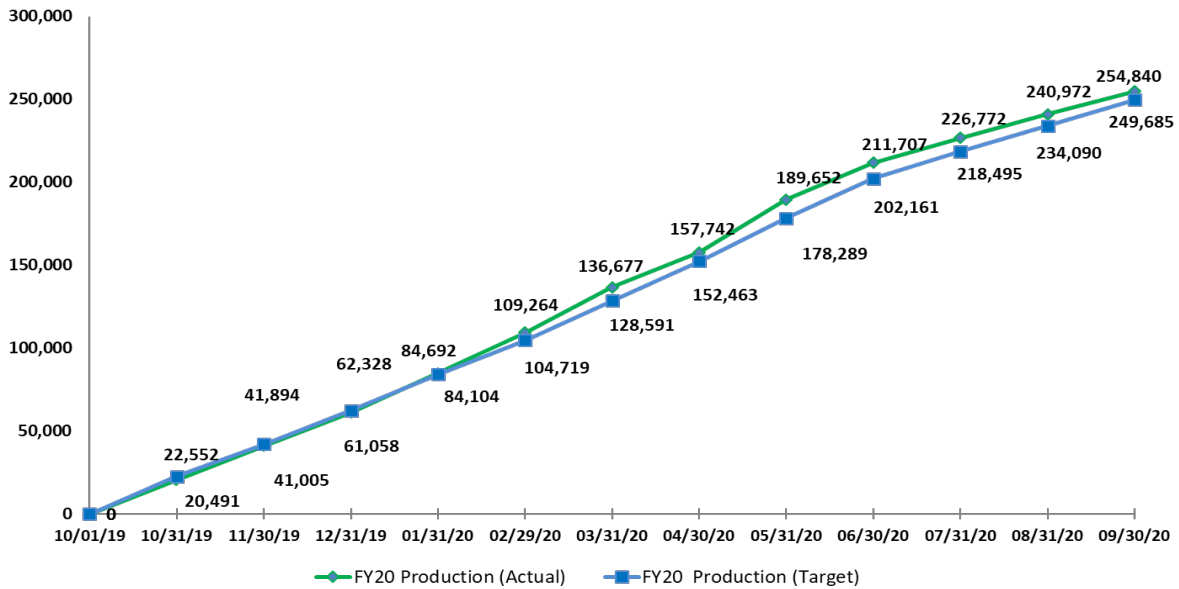


Figure 3a. VBA National Output – FY 2020

To more accurately capture RO appeals teams’ performance in light of falling legacy inventory and COVID-19 impacts in FY 2021, OAR refocused RO appeals performance metrics to measure overall national legacy appeal remand inventory. OAR is slightly ahead of target as of December 31, 2020. OAR devised this methodology to meet VBA’s overall target to reduce the legacy remand inventory to a working inventory of approximately 17,000 in FY 2021. See Figure 3b below.



Figure 3b. VBA Remand Inventory - October 2020 through September 2021

VBA hired an additional 605 full-time equivalents (FTE) in FY 2019 to assist in the reduction of VBA's legacy appeals inventory and to adjudicate AMA claims. Hiring increased available resources for processing compensation and pension (C&P) appeals; AMA higher-level reviews (HLR) and associated returns; AMA Board remand decisions; and legacy and AMA Board grants, from 1,495 to 2,118 FTE in FY 2019 (including an authorized float). In FY 2021, VBA continues to assess resources depending on workload. OAR currently has 818 FTE that are authorized to administer decisions in the new claims system—specifically HLRs and duty-to-assist error corrections identified under the HLR and the Board lanes. The remaining appeals production employees are allocated towards the processing of legacy appeals.

In July 2020, VBA eliminated the majority of its legacy inventory in the notice of disagreement (NOD) and substantive appeal (Form 9) stages. Due to appeals processing interruptions caused by the COVID-19 pandemic (e.g., inability to conduct in-person hearings at an RO, conduct in-person compensation examinations and request Federal records from external organizations), VBA has retained a small inventory in the NOD and Form 9 stages, which VBA continues to complete as operations resume.

During FY 2021, VBA continues to reduce its legacy remand inventory toward a working inventory. VBA defines this as an inventory of legacy appeals remands that are currently "in process." Annual VBA legacy remand output should closely equal the number of remands received annually from the Board. As a result of limited remaining legacy appeals inventory, VBA began reallocating resources from appeals processing to other VBA priorities. Between April and December 2020, VBA realigned 178 FTE from appeals processing to other VBA priorities.

VBA's other benefit offices provide the following status reports on legacy appeals processing as of December 31, 2020:

- Pension program had 586 legacy appeals pending at Pension Management Centers (PMC). The pension program had 30 NODs, 12 Form 9s and 544 remand decisions pending with VBA. Additionally, there are 153 pending legacy appeals with one or more pension-related issues that are assigned to ROs and not PMCs.
- Fiduciary program had 4 legacy appeals pending with VBA. There were 2 in the NOD stage and 2 in the remand stage.
- Insurance Service had 11 legacy appeals pending within VBA, all within the remand stage.
- Education Service had 28 legacy appeals pending within VBA.
- Veterans Readiness and Employment Service (VR&E) had 45 legacy appeals pending within VBA, all within the remand stage.
- Loan Guaranty Service (LGY) had 11 legacy appeals pending within VBA, all within the remand stage.

VHA continues to collaborate with the Board and the other Administrations to address legacy appeals inventory. VHA business lines realigned resources towards eliminating legacy appeals inventory while continuing to process claims in a timely manner. All

legacy appeals are being tracked through the Veteran Appeals and Control Locator System (VACOLS) by stage and business line. VHA continued progress on drawing down legacy appeals inventory, reducing it to 1,851 cases by December 31, 2020.

NCA continues to process Legacy appeals still pending in VACOLS. NCA Legacy inventory has been reduced to two cases in SOC status and six remands, which are all pending for required development.

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

#### *(2) implementing the new appeals system;*

On February 19, 2019, VA successfully implemented the modernized system, as outlined in P.L. 115-55. To successfully implement the AMA, each Administration modified applicable policy and procedures; updated forms, letters and regulations; and trained all affected employees on the new process.

In January 2020, the Board established the Office of the Clerk of the Board, an internal Board resource team, 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.

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

- Coordinated and led the Department's Legacy Appeals Resolution plan by providing progress updates with VA Administrations and staff offices to ensure appropriate alignment, synchronization and integration of efforts to resolve both legacy appeals and AMA appeals;
- Held training sessions with internal and external stakeholders, including VSOs and representatives, to provide information and guidance on appeals modernization;
- Implemented a Board-specific social media strategy that included Legacy and AMA appeals messaging and updates on virtual tele-hearings; and
- Distributed email communications highlighting important AMA updates, training, tips and activities to Board personnel.

As previously reported, the Board collaborates with the Veterans Experience Office (VEO) to administer a VSignals customer experience survey to Veterans who have an active appeal at the Board. These surveys provide valuable insight into Veteran experiences at various stages of the appeals process in both legacy and AMA. The compiled survey results provide the Board with important comparative data regarding

Veteran experiences in both appeals systems. The Board uses the survey data and service recovery principles to provide information on hearings, revise its letters and decisions to provide better information and clarity to Veterans. In late 2020, the Board partnered with VEO to refine the survey, using more Board-specific questions to improve the accuracy of data and enhance service recovery.

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

VBA partnered with VEO to develop three VSignals customer experience surveys. VBA administers VSignals surveys to measure satisfaction and understanding of its two AMA decision review processes: the HLR and the Supplemental Claim. VA deploys the initial survey when the Veteran requests to file a decision review and sends either an HLR or a Supplemental Claim survey at the completion of the selected decision review process. VBA uses the survey results to understand the overall Veteran experience with VBA's decision review processes. These service recovery efforts help VBA identify opportunities for improvements within the claims process.

VHA worked closely with VA's Office of General Counsel (OGC) and the Board to implement AMA. VHA program offices created process models and developed the guidance necessary to implement the three options available to claimants under the new law. During FY 2020, VHA stood up a Claims and Appeals Modernization Office inside VHA Central Office and an executive level Appeals Governance Council (AGC), comprised of VHA leaders whose areas are affected by appeals modernization.

VHA published its proposed Appeals Modernization regulation AQ44(P) in February 2020 and anticipates publication of the final rule.

VHA adapted VBA and Board explanatory and training materials to address the unique needs of each VHA workstream. VHA is working to update VHA Directive 1032, *Health Benefits Appeals Processing*, and published VHA Notice 2021-01, *The Appeals Modernization Act in the Veterans Health Administration*, on January 4, 2021, to provide interim guidance while Directive 1032 is updated. VHA also published Directive 1041, *Appeal of VHA Clinical Decisions*, on September 28, 2020.

VHA is working with the Board to establish an efficient method of transferring files to replace the legacy process of mailing paper files. It has taken initial steps toward implementation of centralized VHA appeals management, designed to improve the quality and timeliness of VHA decision reviews.

NCA dedicated personnel to triage and process Supplemental Claims and HLRs. NCA manages the workload on a SharePoint site to consolidate information from three business lines' software programs, Burial Operations Support System, Automated Monument Application System and Eligibility Office Automation System. The three

systems will be integrated in the Memorial Benefits Management System by mid-2022. NCA does not yet use the Casflow software program to track new appeals.

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

*(3) timely processing, under the new appeals system, of—*

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

The Board is concurrently managing appeals in the following six dockets:

- Legacy or AMA appeals that have been advanced on the Board's docket (AOD), or were remanded to the Board by the Court of Appeals for Veterans Claims (CAVC);
- Legacy appeals where a hearing was not requested;
- Legacy appeals where a hearing was requested;
- AMA appeals in the Direct Review lane;
- AMA appeals in the Evidence Submission lane; and
- AMA appeals in the Hearing lane.

As explained in previous updates, the Board continues to prioritize AOD appeals and CAVC remands; legacy appeals; and AMA appeals in the Direct Docket lane. Appeals from all six Board dockets are assigned to VLJs for adjudication using a case distribution algorithm, which ensures active appeals are assigned in priority order, while ensuring that appeals are decided across all lanes.

AMA was intended to reduce the Board's remand rate by closing the record, and it has succeeded. In FY 2020, approximately 44.6% of the Board's legacy appeals issues were remanded compared to only 31.2% of AMA appeals issues.

Since the implementation of AMA, the Board is meeting its 365-day timeliness goal for processing Direct Docket appeals. In FY 2020, 12,421 Direct Docket appeals were dispatched with average days to complete (ADC) of 225 days. In FY 2021, through the end of December 2020, the Board completed 3,111 Direct Docket appeals with an ADC of 311 days.

Through the end of December 2020, the average days pending (ADP) for an appeal in the AMA Evidence Submission docket was 297 days, and the ADP for the AMA Hearing Docket was 381 days. The ADP for Evidence Submission and Hearing dockets is currently affected by the prioritization of the 365-day average timeliness goal of Direct Docket cases and the Legacy Appeals Resolution Plan. As VBA is working to resolve the remaining legacy appeals including remand decisions, the Board is evaluating Veteran choice and modeling behavior and timeliness to inform future year targets for

AMA Evidence and Hearing Docket appeals. The Board continues to inform the VSO community of current ADC for each Board lane and also provides the data for other stakeholders on its external website, [www.bva.va.gov](http://www.bva.va.gov).

The Board's Office of Quality Review (QR) and the Office of Knowledge Management (KM) have provided training for VLJs and attorneys both on the fundamentals of AMA appeals and potential approaches to complex legal issues inevitably created by modernization. This training has continued, despite the COVID-19 pandemic, through the preparation of multiple online tools and resources for judge and attorney use in properly implementing and applying the AMA.

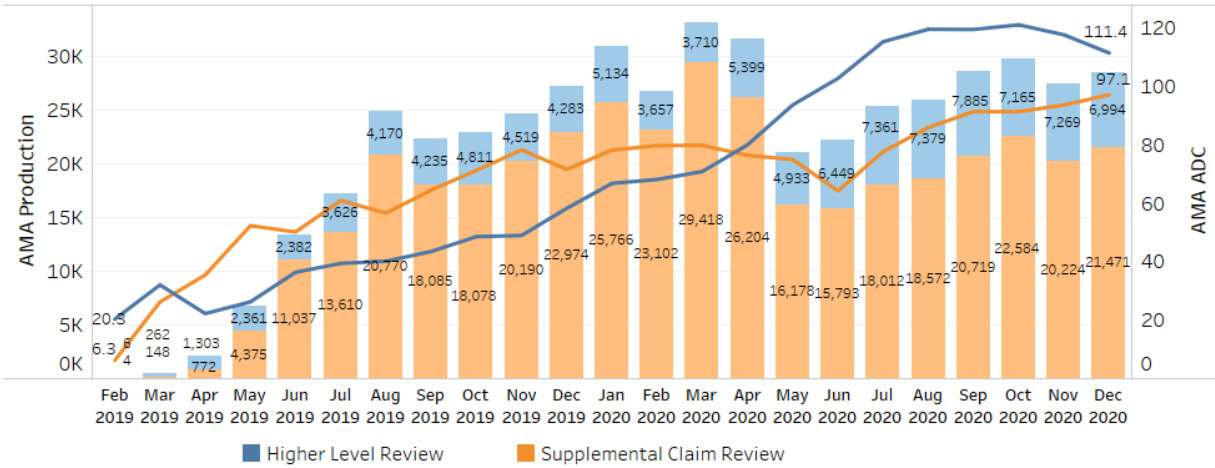
With implementation of AMA and as previously reported in the August 2020 report, VBA has two distinct C&P workloads—legacy appeals (mostly remands) and AMA decision reviews. VBA's current goal is to reduce the C&P legacy remand inventory to a working inventory, as defined in section 3(a)(1).

VBA projects it will require approximately 1,700 dedicated FTE to reduce the pending VBA remand inventory to a working inventory level while maintaining timeliness goals in its AMA lanes. As of November 30, 2020, the Decision Review Operations Centers (DROC) at St. Petersburg and Seattle are authorized a total of 818 FTE to process compensation HLR claims, duty-to-assist error corrections (returned due to errors in assisting claimants with obtaining evidence needed to support their claims), Board AMA full grants and Board AMA remand decisions.

VBA's goal is to maintain processing timeliness of an average of 125 days to complete AMA workload (*i.e.*, HLRs and supplemental claims). Overall average timeliness for completing AMA workload at VBA from AMA implementation on February 19, 2019, through December 31, 2020, was approximately 78.7 days, which measures below the 125-day goal for ADC.

For the same period, ADC for HLRs was approximately 85.2 days with 105,294 completions. ADP for HLRs was 73.4 days for a pending inventory of 29,945 claims. For supplemental claims, ADC was 76.9 days with 388,086 completions and ADP was 134.5 days for a pending inventory of 67,905. The "AMA Completions and ADC Month-to-Date" graph in Figure 4 below provides the monthly breakdown for completions and ADC for HLRs and supplemental claims. The "AMA Pending Inventory and ADP" graph in Figure 4 provides the monthly breakdown for pending inventory levels and ADP for HLRs and supplemental claims.

AMA Completions and Average Days to Complete (ADC) Month-to-Date (MTD)



AMA Pending Inventory and Average Days Pending (ADP)

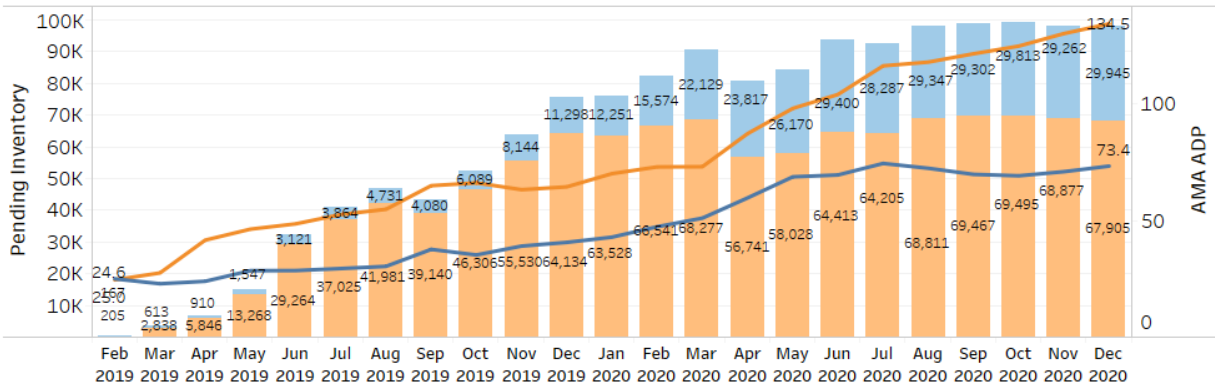


Figure 4. VBA Monthly AMA Completions and Inventory – February 2019 through December 2020

During FY 2020, overall average timeliness for completed AMA work was 79.9 days. ADC for HLRs was approximately 88.3 days with 65,520 completions. ADP for HLRs was 69.8 days for a pending inventory of 29,302 claims. For supplemental claims, ADC was 77.8 days with 255,006 completions, and ADP was 121.6 days for a pending inventory of 69,467.

VBA continues to review data, manage risks and model multiple scenarios to allocate resources to timely process claims under the modernized decision review process. Additionally, VBA’s Compensation Service and Pension and Fiduciary (P&F) Service, along with OAR, collaborate to ensure claims processors have the necessary guidance, training materials and systems functionality to process claims in an efficient manner that aligns with the 125-day ADC timeliness goal. For example, electronic notification of the statutory duty-to-assist is now available on the proposed supplemental claim form, which is anticipated to reduce development time to manually send these statutory letters and expedite the processing of these claims.



Specific to the other VBA benefit programs:

Insurance Service has established internal goals to complete HLRs and supplemental claims in an average of 30 days or less. From July 1, 2020, through December 31, 2020, Insurance completed 6 HLRs within an average of 10.5 days and completed 7 supplemental claims with an average of 29.8 days.

Education Service has established internal goals to complete HLRs in an average of 45 days or less and supplemental claims in an average of 60 days or less. From July 1, 2020, through December 31, 2020, Education Service completed 434 HLRs with an average of 21.6 days and completed 5,595 supplemental claims with an average of 11.5 days.

VR&E strives to complete HLRs within an average of 90 days and supplemental claims within an average of 125 days. From July 1, 2020, through December 31, 2020, VR&E completed 111 HLRs with an average of 87.9 days and completed 38 supplemental claims with an average of 36.2 days.

LGY's timeliness requirement is 7 days per VBA's Guaranteed Loan Processing Manual, M26-1, Chapter 8, Appeals. From July 1, 2020, through December 31, 2020, LGY completed 45 HLRs with an average of 19.2 days and 34 supplemental claims with an average of 20.5 days.

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

NCA tracks timely processing on a SharePoint site. NCA is adequately staffed to handle the new appeals system claims volume.

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

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

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

The Board continues to build upon its robust reporting capabilities developed for the AMA process. The Board's Office of Quality Review has designated FY 2021 as a baseline year for AMA decision accuracy and foundation for FY 2022 goals. In addition, the Board works closely with VEO to capture Veteran survey results that allows the Board to evaluate program efficiency. The Board has committed to setting timeliness goals for the remaining AMA lanes (Evidence and Hearing). This will help drive resource planning and allocation, as well as improve Veteran awareness of docket selection

goals and outcomes. AMA metrics, progress on goals and overall efficacy is routinely monitored through various management forums, dashboards and reports.

VBA has no substantive updates since the February 2020 report. VBA's implementation of AMA has concluded, and the program is successful; therefore, VBA has no further updates.

VHA established a small, centralized Claims and Appeals Modernization Office (CAMO) inside VHA Central Office, as well as an executive AGC, to oversee claims and appeals modernization. VHA CAMO is working with AGC, affected program offices, other VHA stakeholders, the Board, VBA, the Office of Information and Technology (OIT) and OGC to create and enhance systems and processes to monitor quality and efficiency of modern appeal operations and VHA adherence to claim processing revisions made as a result of AMA. VHA CAMO and AGC are also assessing the feasibility of developing and implementing Enterprise-wide health care benefit appeal procedures, consistent with AMA and other legal authorities.

Each respective program office in VHA continues to manage its own internal processes, oversight and accountability, and data. CAMO is working with VHA offices to aggregate VHA data to establish adequate metrics and revise current goals for the new system.

Prior to AMA, approximately 3% of NCA denial decisions required appeal activity. Post AMA, the total number of requests for Supplemental Claims and HLRs is only 1% of total denials. NCA improved the process for scheduling and completing informal conferences which will dramatically improve the timeliness.

## **Plan Elements**

The following sections provide information on each element of the comprehensive plan as required in sections 3(b) through 4(a)(2) of the Act.

### **Sections 3(b)(1) & (2) – Resource and Personnel Requirements**

*(1) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans' Appeals, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.*

*(2) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—*

*(A) period in which the Administration and the Board are concurrently processing—*

*(i) appeals of decisions on legacy claims; and*

*(ii) appeals of decisions on non-legacy claims under the new appeals system; and*

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

The Board continues to monitor resource and personnel requirements as it receives and adjudicates cases from both legacy and AMA appeals systems. As of December 31, 2020, there were 160,928 legacy appeals remaining in the Department, 120,421 of which were located at the Board, 1% higher than the Board's projection. As of December 2020, approximately 77% of the Board's staff were dedicated to its primary mission of writing and signing decisions under both systems, with another 8% of staff directly supporting appellate operations (*i.e.*, case intake, hearing scheduling and case dispatch). As of the end of December 2020, the Board had 100 VLJs, 847 decision-writing attorneys, and 276 appellate operational support and administrative staff. For FY 2021, the Board projects to remain at a relatively constant FTE level, allowing the Board to evaluate the impact of the AMA workload and the resolution of legacy appeals on pending inventory levels, timeliness of appeals decisions and pending hearings requests to help drive the Board's gap analysis and inform future resourcing requirements.

In the February 2020 update, the Board projected that AMA adjudications would account for at least 10% of resources associated with attorney and VLJ workflow in FY 2020, with the remainder dedicated to processing legacy appeals. In FY 2020, the estimated resources dedicated to administering AMA appeals was 17% and 83% for legacy. The Board continues to monitor actuals compared to plan, including receipts, production and inventory, and use that data to inform resource planning.

As previously reported, VBA hired 605 FTE in FY 2019 to assist in the reduction of legacy appeals inventory and adjudicate AMA claims. This hiring effort increased available resources which allowed for substantial reductions in legacy appeals inventory while also maintaining an average of 125 ADC in AMA lanes. In FY 2020, VBA designated 2,118 FTE toward the processing and oversight of legacy appeals and administering decisions under AMA. VBA mostly eliminated its NOD and Form 9 stage inventories in July 2020 and will significantly reduce its remand inventory by the end of Q2, FY 2021. Due to VBA's significant reduction in its legacy appeals inventory in FYs 2020 and 2021, VBA will reduce its processing workforce from 2,100 to approximately 1,700 with a goal of completing the transition of employees before the end of FY 2021.

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

VHA's Office of Community Care/Payment Operations Management, which is responsible for most VHA appeals, has consolidated appeals processing at select sites and has dedicated staff to appeals processing. VHA will use current and future appeals data and execute time studies to better determine the number of FTE needed to manage appeals under both the legacy and new systems.

VHA's CAMO partners with other VHA business lines to establish more streamlined appeals processes in their functional areas, as well as increased transparency and accountability.

NCA delineated personnel to address legacy appeals and AMA Supplemental Claims and HLRs. As the inventory of legacy appeals depletes, personnel will be assigned other workloads. NCA would use Caseflow if the system could be integrated with NCA software.

### **Section 3(b)(3) – Legal Authorities for Hiring and Removing Employees**

*(3) Identification of the legal authorities under which the Administration or the Board may—*

*(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and*

*(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.*

The Board and VBA have no substantive updates to prior reports. Both VBA and the Board will continue to monitor resource requirements and adjust plans as necessary pursuant to applicable legal authorities as originally provided.

VHA has no substantive updates to prior reports.

NCA has proposed Appeals Team position realignment due to reductions in incoming appellate mail.

### **Section 3(b)(4) – Estimated Time for Hiring Employees**

*(4) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees.*

The Board continues to onboard new personnel. Due to COVID-19, the Board began onboarding new employees virtually in May 2020. This process has been working well, and the Board virtually onboarded 149 new employees between May 10, 2020, and

December 8, 2020. As of December 2020, the Board has 1,193 cumulative FTE and has 19 applicants who have accepted tentative offers for future employment.

As previously noted, VBA has a goal of reducing its processing workforce from 2,100 to approximately 1,700 FTE before the end of FY 2021, in conjunction with VBA's reduction in legacy appeals inventory, and the resulting reduced need for processing manpower. In furtherance of this effort, VBA has already begun reallocating resources from appeals processing to other VBA priorities. As of December 31, 2020, OAR has reallocated 178 FTE.

VHA has no substantive updates to prior reports.

The NCA Appeals Team is properly sized.

### **Section 3(b)(5) – Higher-Level Adjudicator Training and Experience Requirements**

*(5) A description of the amount of training and experience that will be required of individuals conducting higher-level reviews under section 5104B of title 38, United States Code, as added by section 2(g).*

VBA has no substantive updates to prior reports. VBA completed all required HLR adjudicator training development and has no further updates to this report.

VHA and NCA have no substantive updates to prior reports.

### **Section 3(b)(6) – Estimated Percentage of Higher-Level Adjudicators Who Were Decision Review Officers**

*(6) An estimate of the percentage of higher-level adjudicators who will be employees of the Department of Veterans Affairs who were Decision Review Officers on the day before the new appeals system takes effect or had experience, as of such date, comparable to that of one who was a Decision Review Officer.*

VBA has had no substantive updates since the November 2018 report. VBA's implementation of AMA was successful.

VHA and NCA have no substantive updates to prior reports.

### **Section 3(b)(7) – Decision Review Officer Functions in New System**

*(7) A description of the functions that will be performed after the date on which the new appeals system takes effect by Decision Review Officers who were Decision Review Officers on the day before the date the new appeals system takes effect.*

As previously reported in the August 2020 report, VBA established a Decision Review Officer (DRO) position description integrated project team (IPT). The IPT performed a

job task analysis to design and craft a new position description applicable to the modernized decision review process. The job task analysis confirmed that the core duties of the position remain similar to the former DRO position. However, the updated position description will reflect modernized notification requirements and responsibilities related to the adjudication of HLRs.

In coordination with updating the DRO position description, VBA has evaluated the DRO performance standards for necessary updates, including critical rating elements. The performance standards will align with the decision review process under AMA while also considering the residual legacy appeals from the old system. The target implementation date for the updated DRO position description and performance standards is Q2, FY 2021.

VHA and NCA have no substantive updates to prior reports.

### **Section 3(b)(8) – Training Identification and Timeline**

*(8) Identification of and a timeline for—*

*(A) any training that may be required as a result of hiring new employees to carry out the new appeals system or to process appeals of decisions on legacy claims; and*

*(B) any retraining of existing employees that may be required to carry out such system or to process such claims.*

The Board provides comprehensive training to all new decision-writing attorneys and law clerks during their first 12 weeks at the Board. As of FY 2021, all legal training was moved under the direct responsibility of a Deputy Vice Chairman. Administrative support staff are trained by their managers. The Board's KM Office provided initial training on AMA, and the Board will continue to identify and provide Board-wide training on AMA. KM also provided targeted and interactive training for the Mail and Intake Branch and will develop training for all other administrative staff that covers both legacy and AMA appeals based upon need.

The Board closely monitors trends in the types of errors identified by its QR office and uses the data to pivot and provide training and guidance. The Board has also collaborated with OGC to foster a dialogue between VLJs and OGC appellate litigation staff to better understand emerging litigation trends at the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit. In addition, the Board is currently developing a new training initiative that will provide a forum for VLJs to discuss AMA issues with QR and the Clerk of the Board.

VBA's benefit offices assessed the training needs of employees assigned to process claims under the new decision review process and legacy appeals system. The necessary training has been incorporated into the National Training Curriculums for impacted business lines with the exception of LGY.

LGY is developing AMA refresher training for all Loan Production staff, which LGY anticipates delivering by February 1, 2021. The training objectives include review of the HLR and supplemental claims processing and highlight of the proper appeals modernization workflow to ensure Veterans obtain their appeal rights. LGY added an appeals modernization training course to TMS in FY 2020 for LGY Specially Adapted Housing (SAH) agents. SAH Policy staff will conduct refresher training during FY 2021 as part of regular annual training requirements.

As previously reported, each of VHA's appeals processing program offices adapted and disseminated VBA and the Board's explanatory and training materials to the unique needs of their workforce. VHA's AGC and CAMO are also assessing the feasibility of developing and implementing Enterprise-wide health care benefit appeal procedures, consistent with AMA and other legal authorities.

NCA has no substantive updates to prior reports.

### **Section 3(b)(9) – Costs of Training**

*(9) Identification of the costs to the Department of Veterans Affairs of the training identified under paragraph (8) and any additional training staff and any additional training facilities that will be required to provide such training.*

As discussed in previous updates, the Board does not anticipate additional training costs resulting from AMA.

VBA has had no substantive updates since the May 2018 report. VBA will no longer provide updates to this section of the report since VBA met the reporting requirements.

VHA and NCA have no substantive updates to prior reports.

### **Section 3(b)(10) – Modifications to Information Technology Systems**

*(10) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.*

All IT system enhancements necessary for a Minimal Viable Product (MVP) to support AMA have been deployed.

The Enterprise Program Management Office manages and maintains VA's core claims processing system, the Veterans Benefits Management System (VBMS). The VBMS team continues to be on track to meet all milestones and deliverables. The team has provided numerous enhancements in support of AMA and delivered increased functionality with the September 2019, December 2019, and May 2020 VBMS

Releases. The most recent VBMS release of increased functionality was early November 2020.

Caseflow is intended to replace VACOLS. Development activities for Caseflow have transitioned to OIT under the Benefits and Memorial Services portfolio. Engineering and development teams for Caseflow and VBMS continue to work very closely together, in conjunction with business teams from the Board, to develop a fully integrated solution to meet the needs of AMA.

Caseflow has added expanded functionality since deployment of its initial capability, including Motions to Vacate for AMA, improved automatic case distribution and bulk assignment functionality. OIT continues to learn and discover Enterprise-wide needs for basic system functional capabilities and integration to support processing appeals in AMA and is working to develop functionalities to address these needs across the Department.

Following the lead and the vision of the Board, OIT collaborated with Board leadership and staff to deliver the Board's request to utilize existing tele-health technology to make virtual tele-hearings a reality and incorporate this technology into Caseflow. Generation 1 technology testing was conducted between July 2019 and September 2019. Generation 2 technology was deployed into production in May 2020, allowing for nationwide access to virtual hearing technology within Caseflow Hearing. Generation 2 technology allows integration into Caseflow, including a one-click solution for recording Virtual Hearings.

In November 2019, VEText functionality was added to Caseflow Hearing, enabling hearing reminders to be sent to appellants through text message. Due to COVID-19, VEText functionality to support hearing communications has been stopped since March 2020. The Board has since started using email to send reminders to appellants for virtual hearings as VEText capability was utilized specifically for hearings at ROs and the CO.

The Appeals Resource Management System (ARMS) was deployed to Production in February 2020 and has transitioned into sustainment as of November 2020. ARMS is a relational database and associated web application that enables the Board to strategically manage resource data and assist in workforce planning efforts. ARMS received a 3-year Authority to Operate (ATO) in January 2020 and delivered all Help Desk requirements, including knowledge articles and ticketing for service issues.

Part of the ARMS development included leveraging Tableau to transform the Board's AMA data into actionable intelligence to support and drive the Board's business processes. Tableau interfaces with Caseflow to display pertinent appeals data and is designed to provide additional human resource information. The Board utilizes Tableau Reporting to track the volume of appeals cases being worked by attorneys and judges and the metrics related to appeals cases. A dashboard allows users to search and



access particular Tableau reports as needed. For historical reference, these Tableau reports are accessed via a SharePoint repository.

VHA determined that significant requirements are necessary before Caseflow can be used to efficiently and effectively manage VHA review and appeals workload or generate VHA workload statistics. VHA will continue to use its current systems to process both legacy and AMA appeals until Caseflow Intake is sufficiently enhanced and a fully integrated system is developed.

### **Section 3(b)(11) – Estimate of Office Space by Phase**

*(11) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including—*

*(A) an estimate of the amount of time the Administration and the Board will require to acquire any additional office space to carry out processing of appeals of decisions on legacy claims and processing of appeals under the new appeals system;*

*(B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and*

*(C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.*

The Board's robust telework program allowed the Board to maintain its physical footprint despite almost doubling FTE over the last 5 years. Prior to COVID-19, the Board adopted several space management efficiencies, including the following: (1) sharing office space for Board personnel who work remotely 50% or more of the time; (2) converting underutilized space to workspace; (3) using memoranda of understanding (MOU) to secure additional space within the building; and (4) implementing flexible telework and remote work programs.

In response to COVID-19, the Board successfully transitioned 99% of its personnel to remote operations without a decrease in decisions issued to Veterans, although the Board's ability to conduct hearings was impacted by pandemic-related public contact closures of ROs and other facilities. The Board's robust telework and remote programs enabled the Board to recruit, onboard, train and retain attorneys, enhance morale and position the Board as an employer of choice. Based on lessons learned from the Board's continuity of operations throughout the COVID-19 pandemic, the Board further substantiated that it has the resources, organizational structure and operational alignment to continue enhanced telework and remote work in the future. These programs help the Board remain mission-focused while maintaining workforce levels. The Board plans to reduce its physical footprint in its leased office space, enabling greater financial stewardship and maintaining a culture of engaged employees by promoting work-life balance.

VBA has had no substantive updates related to office space since the November 2018 report.

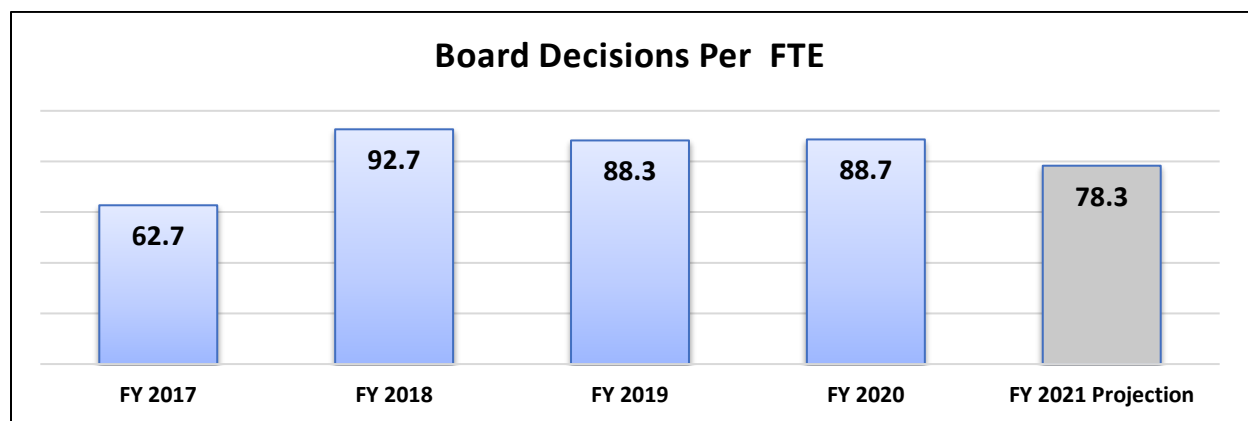
VHA does not anticipate additional office space requirements. If necessary, VHA has a robust telework and virtual work program to meet any additional demands.

NCA has no substantive updates to prior reports.

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

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

Board decision output in FY 2020 was above projected levels, as the Board adjusted resources to conduct a smaller number of hearings and focused more on issuing decisions in the wake of COVID-19 closures. With 102,663 decisions in FY 2020, the Board exceeded its annual output goal of 91,500 decisions by more than 12%. As displayed in Figure 5 below, the number of decisions per FTE also remained high at 88.7, marking 3 consecutive years the Board surpassed 88 decisions per FTE. This high level of efficiency enabled to the Board to sustain a low cost per case in FY 2020 at \$1,817, only about 4% higher than FY 2019.



*Figure 5 – Board Decisions per FTE – FY 2017 through FY 2021 Projection*

The Board's goals for FY 2021 are to adjudicate 93,600 appeals for Veterans. FY 2021 will focus on: (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. With FTE remaining fairly constant, the goal of 93,600 allows for greater resources to be applied to holding hearings but results in a temporary decrease in decisions per FTE (78.3) for FY 2021.

The Board's senior leadership continually monitors output goals and changes in environment to help make decisions about individual employee productivity goals. Individual output goals are related to the Board's overall organizational goals for cases and issues decided and are set to ensure organizational goals can be achieved. The Congress, public and the Veterans expect that the Board will use the resources it is given to efficiently and accurately adjudicate all appeals for as many appellants as possible. For example, in FY 2021, the Board adjusted its attorney production standards from 3.25 decisions per week to 3.00 decisions per week, which considers both employee morale and the Board's organizational goal. After careful analysis of issue per case trends, the Board also adjusted the quota for the number of issues decided per year for attorneys.

VBA projects output for C&P legacy claims using completions (FTE per FY). As previously reported in the August 2020 report, *completions* are actions that move claims to the next stage in the process and may include resolutions, which are actions that end the appeal. Based on 256,795 completed actions in FY 2020, and 21,166 in FY 2021 through December 31, 2020, the actual legacy appeals completions per FTE is 245, which includes 112 resolutions per FTE. In FY 2021, completions per FTE has decreased to approximately 50% as a result of limited actionable inventory due to COVID-19.

Figure 6 below depicts projected AMA review inventory from FY 2021 through FY 2024 (*i.e.*, HLR and Supplemental Claim duty-to-assist errors) and legacy appeals inventory from FY 2020 through FY 2021 based on current staffing and productivity. This model includes numerous factors that could alter forecasts, such as the opt-in rate, refile rate, Board remand rate and allocation of staffing, which is shown in the shift in projections from the August 2020 report.

Over the first two quarters of FY 2021, VBA expects to reduce legacy inventory in the remand stage by 60% to a working inventory of approximately 17,505. VBA expects to maintain this inventory level despite the anticipated receipt of approximately 40,000 legacy remand decisions from the Board in FY 2021 until eventual elimination of the legacy inventory.

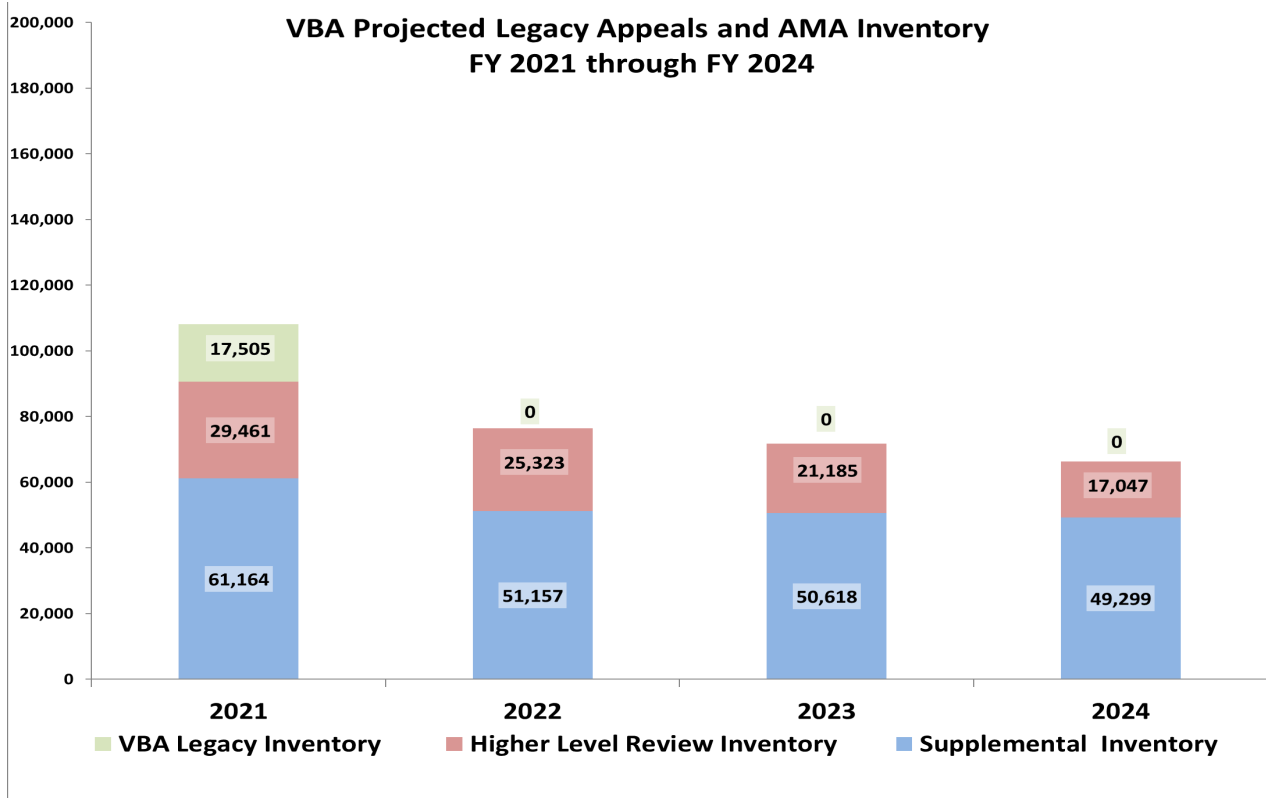


Figure 6. VBA Projected Legacy Appeals and AMA Inventory – FY 2021 through FY 2024

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

In addition to the overall projections noted previously for C&P benefits, other individual benefit offices report on output updates below.

VR&E field staff continue to ensure pending legacy claims are handled in a timely manner. For this reporting period, VR&E reduced actionable pending legacy claims under its jurisdiction from 58 to 45. VR&E field staff are actively working with claimants on the process to opt-in to the new decision review process, if applicable, to reduce the number of legacy appeals moving forward. As a result, no legacy appeals are in the pre-certification to Board phase of the legacy appeal process; the remaining 45 legacy appeals are remand decisions from the Board to the RO for processing. VR&E will continue to actively target remand decisions for completion until all legacy appeals are resolved.

All LGY legacy claims continue to be processed by experienced Loan Specialists in the Atlanta Regional Loan Center (RLC). The processing of HLRs and supplemental claims under the new system are completed by all eight RLCs.

VHA has not ascertained any change in individual employee productivity as a result of AMA rollout, but will continue to monitor the matter.

NCA continues to measure workload and timeliness goals to determine a proposed performance standard.

### **Section 3(b)(13) – Outreach Plan**

*(13) An outline of the outreach the Secretary expects to conduct to inform Veterans, families of Veterans, survivors of Veterans, Veterans Service Organizations, military service organizations, congressional caseworkers, advocates for Veterans, and such other stakeholders as the Secretary considers appropriate about the new appeals system, including—*

- (A) a description of the resources required to conduct such outreach; and*
- (B) timelines for conducting such outreach.*

The Chairman of the Board continues to promote, educate, train and inform Veterans and stakeholders about AMA. The Chairman hired a VSO/Stakeholder Liaison and a Director of Strategic Communications to enhance outreach efforts. Prior to COVID-19, the Chairman regularly traveled across the country to engage with various VSOs and stakeholders; participate in speaking engagements; attend conferences and training events; and visit various VA sites. Since COVID-19, she continued to participate in outreach efforts virtually. Additional information regarding the Chairman's outreach activities is available in Appendix A.

As previously noted, the Board uses the VSignals customer experience survey with Veterans who have an active appeal at the Board. A Board-customized survey dashboard allows the Board to track specific comments and observations about Board correspondence, decisions and hearings. The Board receives a monthly report on customer experience trends, as well as free text comments, and hired full-time staff to manage strategic engagement and customer experience and implement service recovery recommendations. Since July 1, 2020, there has been a 15% response rate (13,366 responses received from 87,342 surveys sent).

The Chairman and the Under Secretary for Benefits regularly communicate and share information with Veterans, advocates and other stakeholders through LinkedIn, Twitter, Facebook and YouTube.

VBA completed its outreach activities associated with implementation of the modernized decision review process. For a list of outreach activities conducted in support of AMA implementation, see Appendix D of the November 2018 report. VBA will continue to provide information on the decision review process to Veterans and other stakeholders through its regularly scheduled outreach activities. VBA continues to assist and inform Veterans about review options using its suite of outreach products: posters, brochures, fact sheets and an informational video. These promotional materials are available on VA's external website: <https://benefits.va.gov/benefits/appeals.asp>.

VBA looks to understand and measure the Veterans experience to identify opportunities to improve internal processes with feedback received from its three VSignals customer experience surveys. The first is centered on the process for filing a request for decision review, with the last two centered on the decision review lanes managed by VBA: the HLR and the Supplemental Claim Lanes. The surveys provide VBA an opportunity to ensure customer experiences are considered as VBA seeks to improve the overall AMA process.

VBA began administering weekly surveys and implemented a real-time dashboard in July 2020. Through December 31, 2020, VBA experienced a 22.1% response rate (14,812 responses received from 66,939 surveys sent). The dashboard provides insights into several categories of survey data, providing a tool to analyze the survey responses by drilling down through filters to look at specific data. For example, VBA uses the dashboard to understand: individual score responses and scores mapped over time, the types of assistance received and resources used during the course of a decision review and the methods survey respondents used to file their decision review.

In July 2020, VBA began collecting supplemental data through service recovery and process improvement contacts to an identified number of survey respondents. Each week, a team of specially trained VBA employees call survey respondents to hear about their customer experience and ask follow-up questions when the experience was not a positive one. These calls provide VBA the opportunity to recover a negative service experience for the respondent while also allowing VBA to understand where the HLR or Supplemental Claim processes can be improved.

VHA and NCA have no substantive update to prior reports.

### **Section 3(b)(14) – Timeline for Policy Updates**

*(14) Timelines for updating any policy guidance, Internet Websites, and official forms that may be necessary to carry out the new appeals system, including—*

*(A) identification of which offices and entities will be involved in efforts relating to such updating; and*

*(B) historical information about how long similar update efforts have taken.*

As previously reported, the Board continued to develop new procedures since implementation of AMA, including the Clerk of the Board operations. This occurs in sync with technological updates, training and standard operating procedures. Improvements to the Board's external website, [www.bva.va.gov](http://www.bva.va.gov), are ongoing, focusing on revisions to ensure Veterans, family members and representatives have access to clear, concise and useful information. This information includes weekly metrics, the current docket date and information about appeals modernization. The website also includes a link to the appeals status tracker on VA.gov, which may be found at <https://www.va.gov/claim-or-appeal-status/>. A new addition to the website is a video that explains what happens during a Board hearing. This video directly responds to ongoing concerns from Veterans

and their representatives that they were unsure what would happen during a hearing. This video can be found at:  
[https://www.youtube.com/watch?v=UDI3C\\_ytJt8&feature=youtu.be](https://www.youtube.com/watch?v=UDI3C_ytJt8&feature=youtu.be).

VBA confirms that all policy and procedural guidance on AMA decision reviews is current. VBA will continue to review policy and procedural guidance for process improvements through its regular maintenance protocols.

VHA's AGC and CAMO continue to work with affected VHA program offices, the Board and OGC to revise internal policies and directives, as needed. VHA continues to work on an updated version of VHA Directive 1032, *Health Benefits Appeals Processing*, and has published VHA Notice 2021-01, *The Appeals Modernization Act in the Veterans Health Administration*, to provide interim guidance while Directive 1032 is updated. VHA published Directive 1041, *Appeal of VHA Clinical Decisions*, on September 28, 2020. VHA's AGC and CAMO are also assessing the feasibility of developing and implementing Enterprise-wide health care benefit appeal procedures, consistent with AMA and other legal authorities.

NCA has no substantive updates to prior reports.

### **Section 3(b)(15) – Timeline for Promulgating Regulations**

*(15) A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.*

VBA previously communicated in the August 2019 report that the Final Rule was published on January 18, 2019, and the regulations became effective on February 19, 2019. VBA continues to review regulations for necessary updates for process improvements.

VHA published its proposed Appeals Modernization regulation AQ44(P) in February 2020 and is working to publish the final rule.

NCA has no substantive updates to prior reports.

### **Section 3(b)(16) – Outline of “Opt-In” Circumstances**

*(16) An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to have their appeals reviewed under the new appeals system.*

The Board continues to process opt-in requests consistent with statutory and regulatory requirements. Opt-In requests are adjudicated as early-AMA appeals. VBA, VHA and NCA have no substantive updates to prior reports.

**Section 3(b)(17) – Key Goals & Milestones for Reducing Legacy Appeals**

(17) A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one-year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.

VA’s Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals and has 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. As displayed in Figure 7 below, the plan resulted in a 50% decrease in FY 2020 in the number of pending appeals (347,975 to 174,688). The Department’s goal is to resolve legacy appeals by the end of CY 2022. The Board projects additional reductions of 71% by the end of CY 2022.

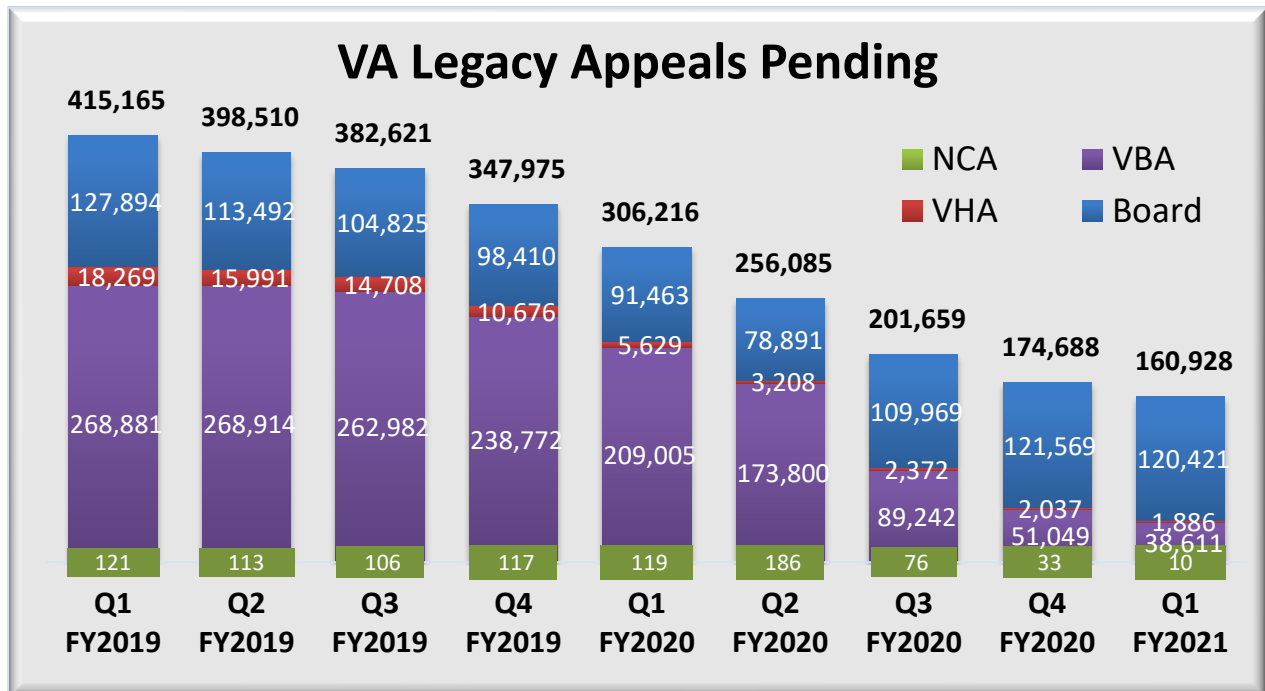


Figure 7. VA Legacy Appeals Pending by Quarter – FY 2019 through Q1 FY 2021

The Board continues to make progress in reducing the number of legacy appeals. Legacy appeals pending peaked at 158,251 at the end of February 2018, and continued to decrease until May 2020. At that time, as expected under the Legacy Appeals Resolution Plan, the Board began to see an increase in the number of legacy appeals, which continued until November 2020 as VBA increased its certification rate for Form 9 and remand cases to the Board, as evidenced in Figure 8 below. The number of legacy



appeals at the Board is now projected to begin to level off and decrease as VBA's certification of legacy cases declines as FY 2021 progresses.

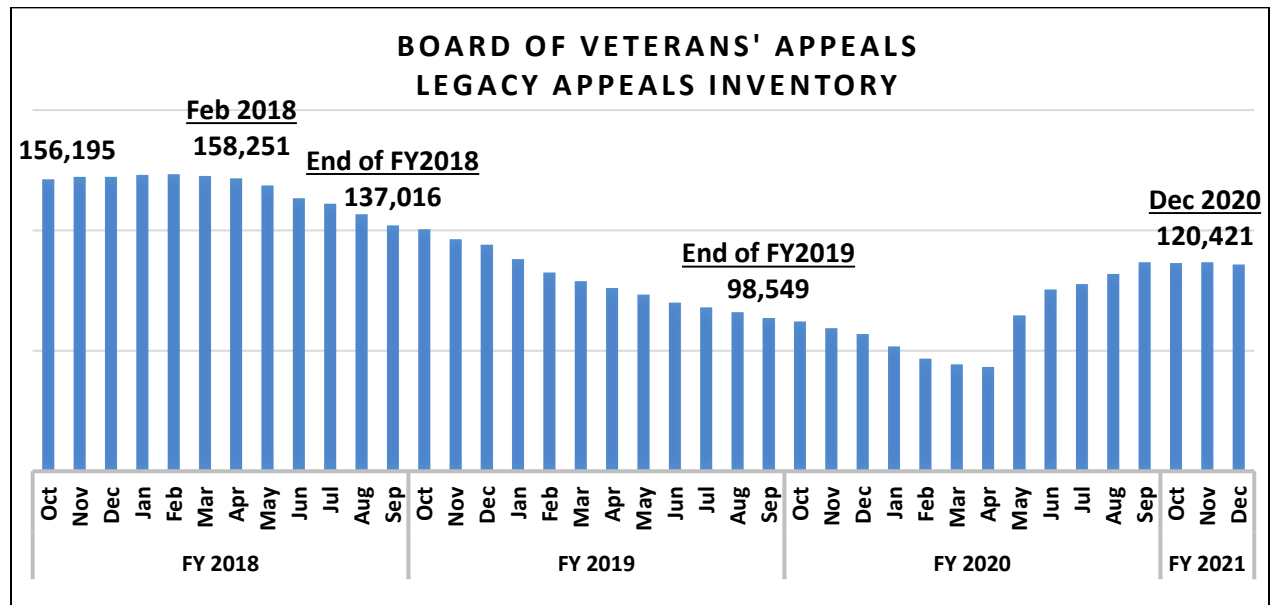


Figure 8. Board Legacy Appeals Inventory – October 2018 through December 2020

In October 2019, VA finalized a plan to resolve legacy appeals by the end of CY 2022. As previously stated, this may be impacted by VBA's new defined working inventory level that shifts cases to the Board quicker, longer lasting effects of COVID-19 such as the inability to conduct in-person hearings at some ROs, and some reluctance to opt-into virtual tele-hearings. These projections include a variety of factors and assumptions, such as Veteran appeal rates; legacy appeal receipt rates from VBA, VHA and NCA; preference with respect to what type of appeal a Veteran selects; Veteran refile rates; Board remand rates; output; and FTE levels. Any trends identified in these assumptions that lead to changes in the model can affect what is currently forecasted. See Figure 1 (page 4). Board of Veterans' Appeals Legacy Inventory Drawdown.

The Board must adjudicate post-remand legacy appeals in addition to new appeals received in docket order. The Board's remand rate for legacy appeals has ranged from approximately anywhere from 38.8% to 46.4% from FY 2015 to FY 2020, as reflected in Table 2 below. Since February 2020, 1 year after the last rating decision is issued under the legacy system, no new legacy appeals have been received by VBA.

Table 2. Board Legacy Dispositions – FY 2015 through FY 2020

Board Legacy Decisions*					
FY	Decisions	Allowed	Remanded	Denied	Other
2015	55,713	31.0%	46.4%	19.1%	3.5%
2016	52,011	31.8%	46.0%	18.0%	4.2%
2017	52,661	29.9%	43.5%	21.6%	5.0%
2018	85,288	35.8%	38.8%	20.9%	4.6%
2019	93,571	35.8%	39.0%	20.8%	4.5%
2020	85,461	33.8%	40.6%	20.3%	5.3%

\*The historical reporting system for Board decisions with multiple issues identifies the disposition of an appeal based on the following hierarchy: allowance, remand, denial or other (e.g., dismissals). When there is more than one disposition involved in a multiple issue appeal, the “reported disposition” for Board Statistical Reports will be categorized based on the disposition hierarchy noted above.

The Board continues to reassess its forecasting model for the resolution of legacy appeals by gathering data regarding Veterans’ preferences in the modernized system and COVID-19 impacts to hearings. Such reassessment will enable the Board to ensure the accuracy of the model’s outputs and its utility in VA’s appeals modernization forecasting.

As stated in section 3(a)(1), VBA eliminated the majority of its legacy inventory in the NOD and Form 9 stages in FY 2020 and plans to reduce the legacy inventory in the remand stage to a working inventory in FY 2021. OAR currently has 818 FTE that are authorized to administer decisions in the AMA system—specifically HLRs and duty-to-assist error corrections identified under the HLR and the Board lanes. The remaining appeals production employees in RO appeal teams nationwide and the DROC in Washington, DC (totaling approximately 1,000 FTE) are allocated towards the processing of legacy appeals.

As of February 19, 2019, upon receipt of a Statement of the Case (SOC) or Supplemental SOC, Veterans may elect to opt-in to an AMA Decision Review lane, rather than remain in the legacy appeals process. From implementation through December 31, 2020, appellants have opted 12,561 legacy appeals into AMA. Opt-ins from the legacy process continue at a rate of several hundred per month, with 384 received in December 2020.

Specific to other VBA benefit programs:

As previously stated, as of December 31, 2020, there are four legacy fiduciary appeals pending at fiduciary hubs and 586 pension legacy appeals pending at PMCs. P&F

Service will continue to utilize resources in PMCs and fiduciary hubs and anticipates processing all remaining legacy appeals by the end of FY 2021.

As of December 31, 2020, Insurance Service has 10 legacy remand appeals pending.

VR&E started a systematic review and action plan on legacy appeals in February 2018. VR&E regularly issued instructions for processing targeted legacy appeals quarterly to ensure VR&E's role in the legacy appeals system is completed in a timely manner. As a result, the number of actionable legacy appeals under VR&E's jurisdiction has reduced from 58 as noted in the August 2020 report to 45 as of December 31, 2020. All 45 are remand decisions to the RO from the Board for action.

LGY processed all remaining legacy appeals in the NOD and Form 9 stages under the legacy system. As of December 31, 2020, 11 remand decisions from the Board remain pending.

VHA has made progress drawing down legacy appeal inventory, reducing it to 1,851 by December 31, 2020. VHA continues to reassess resource requirements and streamline processes with the goal of eliminating legacy appeals inventory in FY 2021.

NCA continues to process the remaining 13 legacy cases.

### **Section 3(b)(18) – Risk Factors**

*(18) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.*

Updates are provided to risks as necessary; however, where there are none, no updates are provided. The Department has identified the following risks and mitigation strategies:

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

**Risk:** As previously reported, a modernized IT solution for VHA claims processing and management is currently not available. VHA adjudication records are maintained in different repositories, in different formats, are not always accessible to authorized individuals who may have a business need and are not easily accessed by Veterans and other claimants.

**Mitigation:** VHA will continue to use current IT capabilities until necessary processes and modifications are complete. Because each program office utilizes different IT systems, VHA will not have one standardized system for processing all health care benefit appeals.

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

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

Mitigation: The Board continues to allocate resources in an efficient manner to administer both systems, with a focus on completing AMA direct docket appeals within an average of 365 days and resolving legacy appeals by the end of CY 2022. Resource reallocation, including targeted overtime, detail assignments and acting VLJ positions, can be deployed to mitigate this risk.

Risk: The Board may experience a decline in its workforce through attrition.

Mitigation: The Board will continue enhanced recruitment activity.

Risk: Current statutes may constrain VBA's ability to scale its workforce to address reduced workload once the inventory of legacy appeals, including approximately 33,000 pending legacy appeal remand decisions, has been exhausted.

Mitigation: VBA will use any appropriate, applicable legal authority to remove employees only as a last resort. VA anticipates using more routine workforce management methods, such as employee attrition or reassignment, to address staffing changes resulting from the elimination of legacy appeals. The residual risk is low.

Risk: For VHA, a baseline of metrics for the new system is not yet established, and it is unclear whether current staff will meet demand. At this time; however, VHA does not anticipate that additional staff will be needed.

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

Risk: Staffing changes at NCA may be required to address claimant demand and post-AMA process changes.

Mitigation: NCA will continue to assess if personnel changes are necessary.

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

Risk: The Board's hiring actions may be delayed due to human resources support levels.

Mitigation: As of December 2020, the Board has a cumulative FTE of 1,193, and projects to remain at a relatively constant FTE level for FY 2021. The Board will continue to maximize use of available human resources support to complete any hiring actions.

## **5. Training and Experience Required of Higher-Level Adjudicators (Section 3(b)(5))**

Risk: HLR caseload may exceed VHA anticipation.

Mitigation: VHA will continue to monitor incoming claims and reviews under the new system and will either expand the universe of HLR adjudicators beyond team leads and first-level supervisors or hire additional staff, if necessary.

Risk: At NCA, HLR Adjudicators may be specialized in other areas.

Mitigation: NCA will cross-train, as necessary.

## **6. Estimated Percentage of Higher-level Adjudicators who were Decision Review Officers (Section 3(b)(6))**

VBA has no updates to prior reports.

## **7. Decision Review Officer Functions in new System (Section 3(b)(7))**

VBA has no updates to prior reports.

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

Risk: At the Board, formal training may not be available to some administrative staff in their workplace.

Mitigation: The Board's KM Office has developed and administered targeted and interactive training for Mail and Intake personnel and is developing targeted training modules for the Board's other administrative units to ensure that all employees receive the training. KM provides training materials and FAQs (frequently asked questions) on an internal SharePoint site for reference, including recordings of select trainings for individuals who are unable to attend the live training. As of FY 2021, KM will primarily focus on training of Board administrative staff as all legal training was moved under the direct responsibility of a Deputy Vice Chairman.

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

Risk: At the Board, there may be insufficient training materials and supplies for delivering necessary training or an instructor may not be available.

Mitigation: The Board's KM Office provides course materials electronically. KM team members also collaborate when designing training so that, if a specific instructor is unavailable, another instructor can deliver the training. In addition, KM can reschedule a training if the original instructor is unavailable and utilize virtual training opportunities and resources.

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

Risk: Ongoing resource constraints may impact Department-wide Caseflow development.

Mitigation: VA will provide close collaboration within the Department to ensure optimum resource allocation and prioritization of Caseflow requirements.

## **11. Estimate of Office Space by Phase (Section 3(b)(11))**

Risk: A significant decline in the utilization of the Board's telework and remote programs would result in the Board's inability to provide enough workstations for its staff in its current location.

Mitigation: Before COVID-19, a significant number of Board employees teleworked or worked remotely. There is no indication that this trend will reverse at the Board. Due to the pandemic, approximately 99% of the Board's employees have been working remotely, and it is expected that telework and remote numbers will continue at higher levels for the foreseeable future.

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

Mitigation: VHA will rely on telework and virtual workspace.

## **12. Projections for the Productivity of Individual Employees (Section 3(b)(12))**

Risk: There could be an unanticipated decrease in Board output leading to a risk of not meeting performance goals and decreased service to Veterans.

Mitigation: The Board closely monitors and assesses decision output and hearing scheduling and adjusts to reallocate resources where needed to meet performance goals while utilizing best practices for efficiency. Use of targeted overtime to offset any reductions in decision output could be applied to mitigate the risk. With the implementation email reminders for hearings and the onboarding of a VSO/Stakeholder Liaison, the Board expects fewer hearing cancellations and no-shows.

Risk: Prolonged closures at ROs and subsequent postponement of Veteran's hearings due to the COVID-19 pandemic could impact the Board's inventory of workable cases, eventually impacting overall productivity.

Mitigation: The Board is closely monitoring COVID-19 impacts and has implemented a robust plan to increase hearing output through several courses of action, including expanded virtual tele-hearing capacity and other IT solutions, restructuring the Board's hearing operations and increased coordination with VSO partners. These have been designed to reduce the number of pending hearing requests by expanding remote

access for rural Veterans broadening Veteran options and accessibility and improving the overall Veteran experience.

With the President's April 10, 2020, signing of the VA Tele-Hearing Modernization Act the Board fully implemented a virtual tele-hearing option, allowing Veterans and their representatives to participate in hearings before the Board via voice and video transmission over the internet using non-VA cell phones, tablets and computers. This technology also provides greater access and flexibility to Veterans in rural locations.

Risk: VHA may underestimate or overestimate employee output in terms of processing benefits in the modernized system.

Mitigation: VHA will adjust staffing as needed.

Risk: NCA software systems severely impact adjudication speed.

Mitigation: OIT is working to implement new software.

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

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

Mitigation: The Chairman of the Board participated in several media engagements and interviews as well as multiple stakeholder events and conferences to provide training and information to stakeholders and Veterans about the AMA process. The Board also utilized social media, including Twitter, LinkedIn and Facebook, as well as press releases and blogs to provide information regarding the AMA. Similarly, VBA leadership has given numerous media interviews and conducted online events to build interest in, and support for, the new system. The Chairman is continuing to reorganize the Board's website to provide clear and understandable information on the appeals processes. In addition, the Board hired a VSO/Stakeholder Liaison to coordinate and assist VSOs and various stakeholders with AMA. Continuing education and partnership with VSOs and advocates to assist Veterans in reviewing their options and submitting their decision review requests will further aid in a better understanding of the AMA system. Nationwide outreach efforts by both the Board and VBA explained and clarified the AMA system so that representatives and other stakeholders better understand the new law and related implications.

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

Mitigation: VHA is engaging with internal and external stakeholders, as necessary.

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

Risk: Revising existing AMA policies and/or procedures after full implementation of the law would affect business systems, forms and possibly notification letters.

Mitigation: VA will provide advance notice and strategic coordination with partners, all business lines, and program offices on any revisions to procedures and policies to ensure successful implementation of any future changes.

Risk: Updated VHA policies are not currently published.

Mitigation: VHA program offices have provided the affected workforce interim guidance.

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

Risk: VHA does not have final AMA regulations.

Mitigation: VHA published its proposed Appeals Modernization regulation AQ44(P) in February 2020 and anticipates publication of the final rule. VHA will continue to process health benefits claims and appeals in accordance with AMA statutory authorities.

#### **16. Outline of “Opt-In” Circumstances (Section 3(b)(16))**

VA has no updates from prior reports.

#### **17. Key Goals and Milestones for Reducing Legacy Inventory (Section 3(b)(17))**

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

Mitigation: The Board significantly increased the number of personnel over the past 3 years to adjudicate legacy and AMA appeals. Additionally, the Chairman reorganized the Board structure to put more personnel in Veteran-facing positions that directly deliver results to Veterans and their families. The Board works closely with VBA, VHA and NCA to monitor legacy workload (case receipts, pending remand inventory, etc.) in each Administration, in different queues, to adjust workload and workforce processes, as needed. The Board also utilizes an algorithm to prioritize Advance on the Docket, legacy and AMA direct review appeals. Between May 2020 and September 2020, the Board received an increased number of Legacy appeals from VBA. However, the increase did not impact the Board’s output. The Board exceeded its decision output goal for FY 2020, is currently on track to exceed its goal for FY 2021 and is successfully managing both Legacy and AMA appeals.

Risk: VBA may not be able to eliminate the non-remand legacy appeals inventory by the end of FY 2021, due to appeals processing interruptions caused by the COVID-19



pandemic (e.g., inability to conduct in-person hearings at an RO, conduct in-person compensation examinations and request Federal records from external organizations).

Mitigation: VBA continues to identify and implement measures to assist Veterans and other claimants in the processing of benefit claims and legacy appeals during the pandemic, including utilizing telehealth and acceptable clinical evidence examinations, where appropriate, and providing multiple avenues to conduct formal hearings (e.g., substituting an informal conference in lieu of a formal hearing for legacy appeals and providing virtual hearings as a substitute for formal hearings) for both claims and legacy appeals.

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

Mitigation: VHA is actively monitoring legacy appeal inventory and will realign resources, as necessary.

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

*(a) AUTHORIZATION.—*

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

*(2) REPORTING REQUIRED.—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals system are necessary, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination.*

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

VA launched RAMP in November 2017 to allow eligible Veterans with pending appeals early opportunities to use the new review processes the AMA established. On February 15, 2019, VA discontinued accepting new RAMP elections postmarked after that date in advance of AMA becoming fully effective on February 19, 2019. As of December 31, 2020, over 73,000 Veterans with 88,555 appeals elected to participate in RAMP. These Veterans received decisions significantly faster than in the legacy appeals system. VA completed HLRs in an average of 124 days and supplemental claims in an average of 176 days. Under RAMP, VA paid out over \$513 million in retroactive benefits. As of November 2020, there are 53 RAMP claims left to process. VBA expects to resolve these claims in FY 2021.

The Board adjudicated appeals arising from RAMP as early AMA appeals in a phased-in approach that allowed the Board to identify and address potential issues and risks related to AMA implementation. Since AMA implementation on February 19, 2019, appeals that arise from RAMP are treated as AMA appeals.

## Appendix A – Board of Veterans’ Appeals Outreach

<b>FY-Quarter</b>	<b>Outreach Date</b>	<b>Outreach/Communication Activities</b>
FY 2019-Quarter 4	Jul 27, 2019 <i>VSO</i>	VA participated in DAV Chapter #10 Information Seminar.
FY 2019-Quarter 4	Aug 12, 2019 <i>Stakeholder</i>	The Chairman provided remarks at the National Association of State Directors of Veterans Affairs Conference in Omaha, NE.
FY 2019-Quarter 4	Aug 14, 2019 <i>Stakeholder</i>	VA hosted a teleconference with 4-Corners staff regarding virtual tele-hearings.
FY 2019-Quarter 4	Aug 20, 2019 <i>VSO</i>	The Chairman provided remarks at the National Association of State Women Veterans Coordinators Conference.
FY 2019-Quarter 4	Aug 22, 2019 <i>VSO</i>	The Chairman provided remarks on Appeals Modernization at the Idaho Division of Veterans Services.
FY 2019-Quarter 4	Aug 24, 2019 <i>VSO</i>	VA leadership participated in The American Legion’s 101st Annual National Convention.
FY 2019-Quarter 4	Sep 11, 2019 <i>Media</i>	VA issued a press release: VA Achieves Historic Goal Delivering More Than 90,000 Appeals Decisions to Veterans in FY 2019, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5312">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5312</a> .
FY 2019-Quarter 4	Sep 13, 2019 <i>Stakeholder</i>	VA leadership participated in the National Organization of Veterans Advocates Fall Conference. The Chairman spoke on a panel and discussed Appeals Modernization.
FY 2019-Quarter 4	Sep 25, 2019 <i>VSO</i>	The Chairman participated in a television interview with Government Matters where she discussed Appeals Modernization.
FY 2020-Quarter 1	Oct 3, 2019 <i>VSO</i>	The Chairman’s representative attended the PA Department of Military & Veterans Affairs training session and spoke about Appeals Modernization.
FY 2020-Quarter 1	Oct 6, 2019 <i>VSO</i>	The Chairman provided remarks at the Florida Department of Veterans’ Affairs training.
FY 2020-Quarter 1	Oct 9, 2019 <i>Media</i>	VA issued a press release: VA Board of Veterans’ Appeals Makes History with Record Breaking Year in 2019, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5332">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5332</a> .
FY 2020-Quarter 1	Oct 15-18, 2019 <i>VSO</i>	The Chairman’s representative spoke at the Oregon Department of Veterans Affairs about Appeals Modernization.
FY 2020-Quarter 1	Oct 25, 2019 <i>VSO</i>	The Chairman’s representative provided remarks at the New Jersey Association of Veterans Service Officers training.
FY 2020-Quarter 1	Oct 29-30, 2019 <i>VSO</i>	The Chairman spoke about Appeals Modernization at the Arizona Department of Veterans Services Conference.
FY 2020-Quarter 1	Oct 29, 2019 <i>Media</i>	VA issued a press release: VA Finalizes Plan to Resolve Legacy Appeals by the End of 2022, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5345">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5345</a> .
FY 2020-Quarter 1	Nov 19, 2019 <i>Stakeholder</i>	VA provided 4-Corners staff a briefing on the Legacy Appeals Resolution Plan.
FY 2020-Quarter 1	Nov 19, 2019 <i>Stakeholder</i>	The Chairman met with U.S. Senator Michael Bennett (CO) to discuss Virtual Hearings, and how Veterans in Colorado could benefit from this emerging technology.

FY 2020-Quarter 1	Dec 3, 2019 <i>Media</i>	The Board released a Blog on Vantage Point regarding Virtual Hearings, available at: <a href="https://www.blogs.va.gov/VAntage/68964/veterans-see-virtual-hearings-board-veterans-appeals-early-2020/">https://www.blogs.va.gov/VAntage/68964/veterans-see-virtual-hearings-board-veterans-appeals-early-2020/</a> .
FY 2020-Quarter 1	Dec 4, 2019 VSO	The Chairman's representatives provided remarks at the Texas Veterans Commission training.
FY 2020-Quarter 1	Dec 9, 2019 <i>Media</i>	VA issued a press release: VA Board of Veterans' Appeals Plans Virtual Hearings in 2020, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5372">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5372</a> .
FY 2020-Quarter 2	Jan 14, 2020 VSO	The Board hosted a quarterly VSO meeting for co-located VSOs. Representatives from VBA also presented.
FY 2020-Quarter 2	Jan 21, 2020 <i>Media</i>	VA issued a press release regarding resolution of legacy appeals, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5385">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5385</a> .
FY 2020-Quarter 2	Jan 22, 2020 <i>Stakeholder</i>	The Chairman and VBA provided an introductory brief on appeals to new Senate Veterans' Affairs Committee staff.
FY 2020-Quarter 2	Jan 28, 2020 <i>Stakeholder, VSO</i>	While in Arizona, the Chairman met with Senator McSally's staff, as well as local state VSOs (AZ Dept. of Veterans Services, American Legion, United AZ Veterans). The Chairman gave an update on appeals and the Board.
FY 2020-Quarter 2	Feb 10, 2020 VSO	VSO Briefing on FY 2021 Budget - hosted by VACO.
FY 2020-Quarter 2	Feb 24, 2020 VSO	The Chairman spoke about the Board of Veterans' Appeals and Appeals Modernization at the NACVSO Leadership and Legislative Summit.
FY 2020-Quarter 2	Feb 26, 2020 VSO	The Chairman spoke to NASDVA about the Board of Veterans' Appeals and Appeals Modernization, including virtual tele-hearings.
FY 2020-Quarter 2	Mar 2, 2020 <i>Media</i>	VA issued a press release regarding VLJ employment, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5396">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5396</a> .
FY 2020-Quarter 2	Mar 9, 2020 VSO	The Chairman spoke at the American Legion's 2020 Conference about the Board of Veterans' Appeals and Appeals Modernization.
FY 2020-Quarter 2	Mar 25, 2020 VSO	The Chairman participated with other VA Senior Officials and the Secretary of Veterans Affairs in an Intergovernmental Affairs Conference call for a COVID-19 briefing update surrounding core service delivery functions as the Department continues preparation/response to the pandemic.
FY 2020-Quarter 2	Mar 31, 2020 VSO	The Board hosted a VSO update call where the Board gave COVID-19 updates and did a deep dive into the Board's virtual tele-hearing plan.
FY 2020-Quarter 3	Apr 2, 2020 <i>Stakeholder</i>	The Chairman presented to VHA's Federal Recovery Consultants and gave a brief overview of the Board, appeals and Appeals Modernization.
FY 2020-Quarter 3	Apr 3, 2020 <i>Media</i>	VA issued a press release regarding extending financial, benefits and claims relief to Veterans, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5412">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5412</a> .

FY 2020-Quarter 3	Apr 8, 2020 <i>Media</i>	VA issued a press release regarding appeals production, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5414">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5414</a> .
FY 2020-Quarter 3	Apr 30, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Florida Dept. of Veterans Affairs (FDVA) via the virtual hearing room. She discussed Board updates related to COVID-19 and demonstrated how easy/accessible virtual tele-hearings are. The Board received feedback from FDVA.
FY 2020-Quarter 3	May 1, 2020 <i>Media</i>	VA issued a press release regarding expanded access to virtual tele-hearings, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5436">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5436</a> .
FY 2020-Quarter 3	May 6, 2020 <i>Stakeholder</i>	The Chairman and VBA's Under Secretary for Benefits participated in a briefing with Rep. Steube regarding appeals processing times and how appeals modernization is helping Veterans.
FY 2020-Quarter 3	May 7, 2020 <i>Media</i>	VA issued a press release regarding the Department's plan on returning to pre-COVID-19 operations, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5443">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5443</a> .
FY 2020-Quarter 3	May 7, 2020 <i>VSO</i>	The Chairman presented to the New York State Division of Veterans' Services and gave an update on appeals. The Chairman also discussed virtual tele-hearings and encouraged representatives to choose this option.
FY 2020-Quarter 3	May 7, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Texas Veterans Commission (TVC) through the virtual hearing room, discussed Board updates related to COVID-19 and demonstrated how easy/accessible virtual tele-hearings are. The Board received feedback from TVC.
FY 2020-Quarter 3	May 15, 2020 <i>Stakeholder</i>	The Chairman presented to the Judge Advocate General LLM (Master of Law) group (in conjunction with CAVC). She gave a brief Board overview and discussed legacy appeals and AMA appeals.
FY 2020-Quarter 3	May 21, 2020 <i>Media</i>	The Chairman participated in an interview with Government Matters, where she discussed the Board's response to COVID-19 and Appeals Modernization.
FY 2020-Quarter 3	Jun 9, 2020 <i>Media</i>	The Chairman participated in an interview with the Partnership for Public Service where she discussed the Board, Appeals Modernization and the Board's response to COVID-19.
FY 2020-Quarter 3	Jun 17, 2020 <i>Stakeholder</i>	The Chairman presented to the Federal Circuit Bar Association where she discussed the Board's relationship with CAVC, to include Appeals Modernization updates.
FY 2020-Quarter 3	Jun 19, 2020 <i>Stakeholder</i>	The Chairman hosted a VSO briefing for the Minnesota Department of Veterans Affairs through the virtual hearing room, discussed Board updates related to COVID-19 and demonstrated the ease of accessibility of virtual tele-hearings.
FY 2020-Quarter 3	June 23, 2020 <i>Stakeholder</i>	The Chairman participated in a Women Veterans Initiative event with the Acting Deputy Secretary where she discussed the Board, Appeals Modernization and Board updates related to COVID-19.

FY 2020- Quarter 4	July 8, 2020 <i>Stakeholder Engagement</i>	The Chairman presented to the Center for Women Veterans Virtual Partners Meeting. She gave a brief overview of the Board, appeals and Appeals Modernization.
FY 2020 Quarter 4	July 14, 2020 <i>Media</i>	VA released a new Quick Start Guide for Modernized Veteran Appeals Decision Reviews, available at: <a href="https://www.blogs.va.gov/VAntage/76497/quick-start-guide-modernized-veteran-appeals-process-now-available/">https://www.blogs.va.gov/VAntage/76497/quick-start-guide-modernized-veteran-appeals-process-now-available/</a>
FY 2020, Quarter 4	July 21, 2020 <i>Stakeholder</i>	The Board hosted a virtual tele-hearing briefing for the 4 Corners. The 4-Corners were briefed in the Virtual tele-hearing room, and were given Board updates, including any Appeals Modernization updates.
FY 2020, Quarter 4	August 4, 2020 <i>Stakeholder</i>	The Chairman presented to LTC U.S. Army Margaret Berryman from the Army War College Fellowship Brief. She provided a brief overview on the Board, its history and the appeals process.
FY 2020, Quarter 4	August 4, 2020 VSO	The Chairman presented at the NACVSO Accreditation Training. She gave a brief overview of Board updates as well as updates on virtual tele-hearings and Appeals Modernization.
FY 2020, Quarter 4	August 12, 2020 VSO	The Chairman presented to MOAA on the Board and Appeals Modernization updates.
FY 2020, Quarter 4	August 14, 2020 VSO	The Chairman hosted a VSO briefing through the virtual hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated how easy/accessible virtual hearings are.
FY 2020, Quarter 4	August 27, 2020 <i>Media</i>	The Board issued a press release on reaching the number of decisions goal early available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5509">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5509</a> .
FY 2020 Quarter 4	September 2, 2020 <i>Media</i>	The Board issued a blog about virtual tele-hearings available at: <a href="https://www.blogs.va.gov/VAntage/78459/board-bringing-hearings-veterans-virtually/">https://www.blogs.va.gov/VAntage/78459/board-bringing-hearings-veterans-virtually/</a> .
FY 2020, Quarter 4	September 8, 2020 VSO	The Chairman hosted a VSO briefing for the Michigan Department of Veterans Affairs through the virtual tele-hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated how easy/accessible virtual tele-hearings are.
FY 2020, Quarter 4	September 10, 2020 VSO	The Chairman hosted a VSO briefing for the Michigan Veterans Affairs Agency through the virtual tele-hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated how easy/accessible virtual tele-hearings are.
FY 2020, Quarter 4	September 21, 2020 <i>Stakeholder</i>	The Chairman participated in the ADEPSECVA Women's Veterans Forum where she discussed appeals, Appeals Modernization, the Board and the Board's response to COVID-19.
FY 2020, Quarter 4	September 23, 2020 <i>Media</i>	The Board issued a press release on reaching a historic number of appeals, available at: <a href="https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5525">https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5525</a> .

FY 2020, Quarter 4	September 29, 2020 <i>Stakeholder</i>	The Chairman participated in the CapCon HillVets Annual event where she discussed Board updates, including COVID-19 operations, virtual tele-hearings and Appeals Modernization.
FY 2021 Quarter 1	October 1, 2020 <i>Media</i>	An article on appeals modernization, the Board and virtual tele-hearings which was published in the Nebraska Lawyer magazine, available at: <a href="https://cdn.ymaws.com/www.nebar.com/resource/resmgr/nebraslawyer_2017plus/2020/octobernovember/TNL-0920b.pdf">https://cdn.ymaws.com/www.nebar.com/resource/resmgr/nebraslawyer_2017plus/2020/octobernovember/TNL-0920b.pdf</a> .
FY 2021 Quarter 1	October 7, 2020 VSO	The Chairman hosted a Board Town Hall, where she discussed the Board's current state, Appeals Modernization, numbers for FY 2020 and what is to come in FY 2021.
FY 2021 Quarter 1	October 14, 2020 VSO	The Chairman provided remarks at the CACVSO fall training conference where she discussed the Board, Appeals Modernization, virtual tele-hearings and other updates.
FY 2021, Quarter 1	October 22, 2020 <i>Stakeholder</i>	The Chairman presented at the CAVC Bar Conference where she discussed Appeals Modernization, virtual tele-hearings and the state of the Board during the pandemic.
FY 2021, Quarter 1	October 23, 2020 VSO	Chairman Mason presented at the National Organization of Veterans' Advocates Fall Virtual Conference where she discussed Appeals Modernization, virtual tele-hearings and the state of the Board during the pandemic.
October 27, 2020	Media	The Chairman participated in the "Behind the Service" podcast, where she discussed her career and life as a military spouse as well as Board operations and goals available at: <a href="https://www.behindtheservicepodcast.com/podcast/episode/c03b6ee1/va-board-of-appeals-with-chairman-cheryl-mason">https://www.behindtheservicepodcast.com/podcast/episode/c03b6ee1/va-board-of-appeals-with-chairman-cheryl-mason</a> .
FY 2021, Quarter 1	November 19, 2020 <i>Stakeholder</i>	The Chairman presented at the American Bar Association panel on Adjudication during the pandemic. She discussed the Board's response to COVID-19 as well as Appeals Modernization and virtual tele-hearings.
FY 2021, Quarter 1	December 4, 2020 <i>Media</i>	The Chairman recorded a podcast for the Racing for Heroes podcast, where she discussed Board operations and goals as well as AMA and virtual tele-hearings.
FY 2021, Quarter 1	December 4, 2020 <i>Stakeholder</i>	The Board participated in the VA Health Care Live event where the Chairman briefed on Appeals Modernization, virtual tele-hearings and COVID-19 operations. Board staff answered questions.