

APPEALS REFORM TERMINOLOGY

CHEAT SHEET

<p>Appeals Reform</p>	<p>“Appeals Reform” refers to the Veterans Appeals Improvement and Modernization Act of 2017, signed into law on August 23, 2017. This legislation intends to provide veterans and their families increased choice in handling disagreements with VA decisions and to reduce the backlog of claims and appeals at the Veterans Benefits Administration and the Board of Veterans’ Appeals. Official implementation is scheduled for February of 2019.</p>
<p>Higher-Level Review</p>	<p>The Higher-Level Review lane allows veterans to have their claim re-adjudicated by a different, more experienced employee at the Regional Office. These adjudicators conduct a “de novo” (i.e. anew; from the beginning) review based on the same evidence of record available at the time the prior decision was made. Veterans <u>cannot</u> submit additional evidence in the higher-level review lane. Veterans will be required to submit VA Form 20-0996: Application for Higher-Level Review, in order to request this appeal option.</p>
<p>Supplemental Claim</p>	<p>The Supplemental Claim lane allows for a veteran’s previously considered claim to be re-adjudicated with the submission of new and relevant evidence. To initiate a supplemental claim, veterans are required to submit VA Form 20-0995: Veterans Supplemental Claim Application.</p>
<p>Notice of Disagreement</p>	<p>Veterans who select the Notice of Disagreement lane can appeal an unfavorable decision—including those from the higher-level review lane, or the supplemental claims lane— directly to the Board of Veterans’ Appeals. Veterans must choose one of the three “dockets” listed below when completing the Notice of Disagreement on VA Form 10182.</p>
<p>Direct Review Docket</p>	<p>The Direct Review Docket is an option for veterans who wish to take their appeal directly to the Board of Veterans’ Appeals, but do not wish to have a hearing or submit new evidence. In this docket, the Board’s decision will be based on the same evidence of record considered during adjudication at the Agency of Original Jurisdiction. VA has set a 365-day goal for issuing decisions in the direct docket.</p>
<p>Evidence Docket</p>	<p>The Evidence Docket is for veterans who wish to submit additional evidence to support their claim, but do not want to attend a hearing before the Board of Veterans’ Appeals. Veterans can submit this</p>



	evidence along with their Notice of Disagreement or within 90 days following its submission.
Hearing Docket	The Hearing Docket is for veterans who wish to have a hearing before a Veterans Law Judge at the Board of Veterans' Appeals. These hearings can take place in Washington D.C. or via videoconference. In this docket, veterans are able to submit new and relevant evidence both at the hearing and within 90 days following the hearing.
New and Relevant Evidence	All evidence submitted to VA must be "new and relevant" for it to be considered during adjudication. "New" describes information that VA did not have prior to issuing their last decision. "Relevant" refers to information that could prove or disprove something about a case. This is comparable to the "new and material" evidentiary threshold of the Legacy system, although VA has indicated it will be more liberal.
Legacy	The Legacy system refers to the previous version of the veterans' claims and appeals process. Those who file claims prior to the February 2019 Appeals Reform implementation date are automatically entered into the Legacy system. However, veterans have the opportunity to opt in to Appeals Reform within one year of receiving an initial decision, or within 60 days of receiving a Statement of the Case or a Supplemental Statement of the Case.
Duty to Assist	VA has a duty to assist veterans in gathering information that may support their claim. Under Appeals Reform, VA's duty to assist only applies to initial filings and appeals in the Supplemental Claims lane.
RAMP	The Rapid Appeals Modernization Program (RAMP) was a pilot program designed to test the new appeals system launched by VA in November 2017. Initially, RAMP was only available to veterans by invitation. However, VA opened RAMP to all veterans with pending appeals in April of 2018.
Effective Date	The effective date of a claim refers to the start date for payment of disability benefits. Often, the effective date is the day a veteran files his or her claim for disability compensation or increased rating. Generally speaking, veterans are able to maintain their effective date under Appeals Reform if they file an appeal in these new lanes within one year of an unfavorable decision.
Switching 'Lanes'	Under the reformed VA appeals system, veterans are able to switch between the different appeal options, or "lanes." For example, if a veteran receives an unfavorable decision in the Higher-Level Review lane, he/she may switch to the Supplemental Claims lane if new and relevant evidence is submitted. Veterans can also change their request for a certain review option any time prior to VA issuing a decision on their claim.

