



Department of Veterans Affairs (VA)

Board of Veterans' Appeals

**Annual Report
Fiscal Year (FY) 2018**

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Board Senior Leadership

(as of the end of Fiscal Year 2018)

Chairman

Cheryl L. Mason

Vice Chairman

David C. Spickler

Deputy Vice Chairman Deputy Vice Chairman

Kimberly Osborne

VACANT

Executive Director

Merrick Krause

Chief Counsel

VACANT

Chief Veterans Law Judges

Keith W. Allen
Bethany L. Buck
Cynthia R. Bruce

Theresa M. Catino
Cherry O. Crawford
John Z. Jones
James L. March

Robert C. Scharnberger
Anthony C. Scire
Claudia Trueba

Veterans Law Judges

Karen J. Alibrando
Dorilyn M. Ames
Marjorie A. Auer
Kathy A. Banfield
Lisa M. Barnard
Matthew W. Blackwelder
Derek R. Brown
Sonnet B. Bush
Angel Caracciolo
Vincent Chiappetta
Lana Chu
Vito A. Clementi
Kelly B. Conner
Barbara B. Copeland
John Crowley
Paula M. DiLorenzo
Nathaniel J. Doan
Rebecca A. Feinberg
Caroline B. Fleming
John W. Francis
M. Caryn Graham
Kristi L. Gunn
Donnie Hachey
Kristin A. Haddock
Jonathan G. Hager
Milo H. Hawley

Stacey R. Heneks
Michael A. Herman
Linda A. Howell
Jennifer R. Hwa
Marti N. Hyland
Amy C. Ishizawar
Anne E. Jaeger
Dana R. Benjamin-Johnson
Michelle L. Kane
Susan L. Kennedy
Ryan T. Kessel
Michael E. Kilcoyne
B. Tom Knope
Kelli A. Kordich
Jonathan B. Kramer
Simone C. Krembs
Nathan J. Kroes
Michael S. Lane
Mary E. Larkin
Eric S. Leboff
Michael D. Lyon
Andrew C. MacKenzie
Anthony J. Mainelli
Michael D. Martin
Simone B. Mays
Kerri M. Millikan
Jacqueline E. Monroe
Victoria Moshiashwili
Bobby R. Mullins

Thomas H. O'Shay
Michael A. Pappas
Kalpana M. Parakkal
Jeffrey D. Parker
Ursula R. Powell
Lesley A. Rein
James G. Reinhart
Steven D. Reiss
Tara L. Reynolds
Harvey P. Roberts
Howard N. Schwartz
Holly L. Seesel
George R. Senyk
Alexandra P. Simpson
Deborah W. Singleton
Mike Skaltsounis
Tanya A. Smith
Mary S. Sorisio
Paul Sorisio
Gayle E. Strommen
Matthew Tenner
Estella I. Velez
Helena M. Walker
Glenn A. Wasik
Yvette White
David L. Wight
Jessica J. Zissimos

Department of Veterans Affairs
FY 2018 Veterans Law Judges



Department of Veterans Affairs
Board of Veterans' Appeals Veterans Law Judges



Introduction

The Board of Veterans' Appeals (Board) is the agency within the Department of Veterans Affairs (VA) responsible for making final decisions on behalf of the Secretary for appeals for Veterans' benefits and services from all three administrations and the Office of General Counsel (OGC) that are presented to the Board for appellate review. The Board's mission is to conduct hearings and issue timely decisions for Veterans and other Appellants in compliance with the requirements of law. 38 United States Code (U.S.C.) § 7101(a). The Board's jurisdiction extends to all questions in a matter involving a decision by the Secretary under a law that affects a provision of benefits by the Secretary to Veterans, their dependents, or their Survivors. 38 U.S.C. §§ 511(a); 7104(a). Final decisions on such appeals are made by the Board based on the entire record in the proceeding and upon consideration of all evidence and applicable provisions of law and regulation. 38 U.S.C. § 7104(a).

In addition to fulfilling its statutory mission, the Board is committed to the Department's Core Values: Integrity, Commitment, Advocacy, Respect, and Excellence (ICARE). After the end of each FY, the Chairman is required to prepare a report on the activities of the Board during that FY and the projected activities of the Board for the current and subsequent FYs. 38 U.S.C. § 7101(d)(1).

This Annual Report includes two parts:

- Part I provides a discussion of Board activities during FY 2018 and projected activities for FYs 2019 and 2020;
- Part II provides statistical information related to the Board's activities during FY 2018 and projected activities for FYs 2019 and 2020.

PART I

Activities of the Board of Veterans' Appeals in FY 2018

The Board was established in 1933 and operates by authority of, and functions pursuant to, Chapter 71 of Title 38, U.S.C. The Board consists of a Chairman, a Vice Chairman, and such number of Members as may be found necessary to conduct hearings and dispose of appeals properly before the Board in a timely manner. 38 U.S.C. § 7101(a). Members of the Board, also known as Veterans Law Judges (VLJ), are appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman. 38 U.S.C. § 7101A(a)(1).

Board Structure in FY 2018

In FY 2018, the Board prepared to implement the Veterans Appeals Improvement and Modernization Act of 2017 (AMA) by increasing its full time equivalent (FTE) staff while streamlining its organizational structure. At the beginning of the FY, the Board's organizational structure consisted of four main components, the Office of the Chairman, Office of the Chief Counsel, Appellate Operations, and Resource Management and Planning.

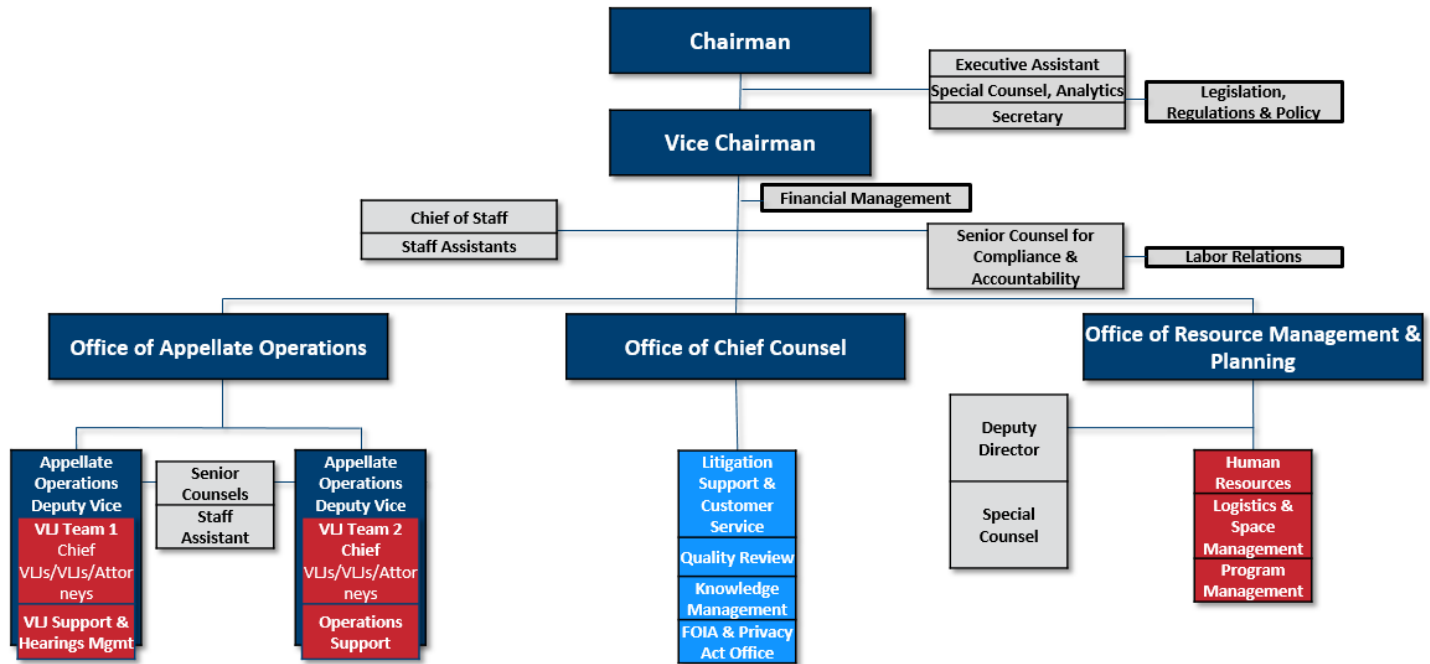
The Office of the Chairman is led by the Board's Chairman and Vice Chairman. The Chairman (EX) is appointed by the President, by and with the advice and consent of the Senate, for a term of 6 years, and is directly responsible to the Secretary. 38 U.S.C. § 7101(a). The Vice Chairman (Senior Executive Service (SES)/VLJ) is a Member of the Board who is designated by the Secretary and serves as the Board's Chief Operating Officer. *Id.*

The Board's Chief Counsel (SES), formerly the Principal Deputy Vice Chairman, oversees Quality Review, Knowledge Management (KM), Litigation Support, Customer Service, Freedom of Information Act, Privacy Act, and Records Management.

By the end of FY 2018, Appellate Operations consisted of 92 VLJs, approximately 806 attorneys and 43 law clerks who prepare tentative written decisions for VLJ review and signature. Appellate Operations has been led by a Deputy Vice Chairman (SES/VLJ).

In FY 2018, the Board's Resource Management and Planning branch was led by a SES who supervised Financial Management, Data Analytics, Logistics, Human Resources, and Labor and Employee Relations.

Board of Veterans' Appeals



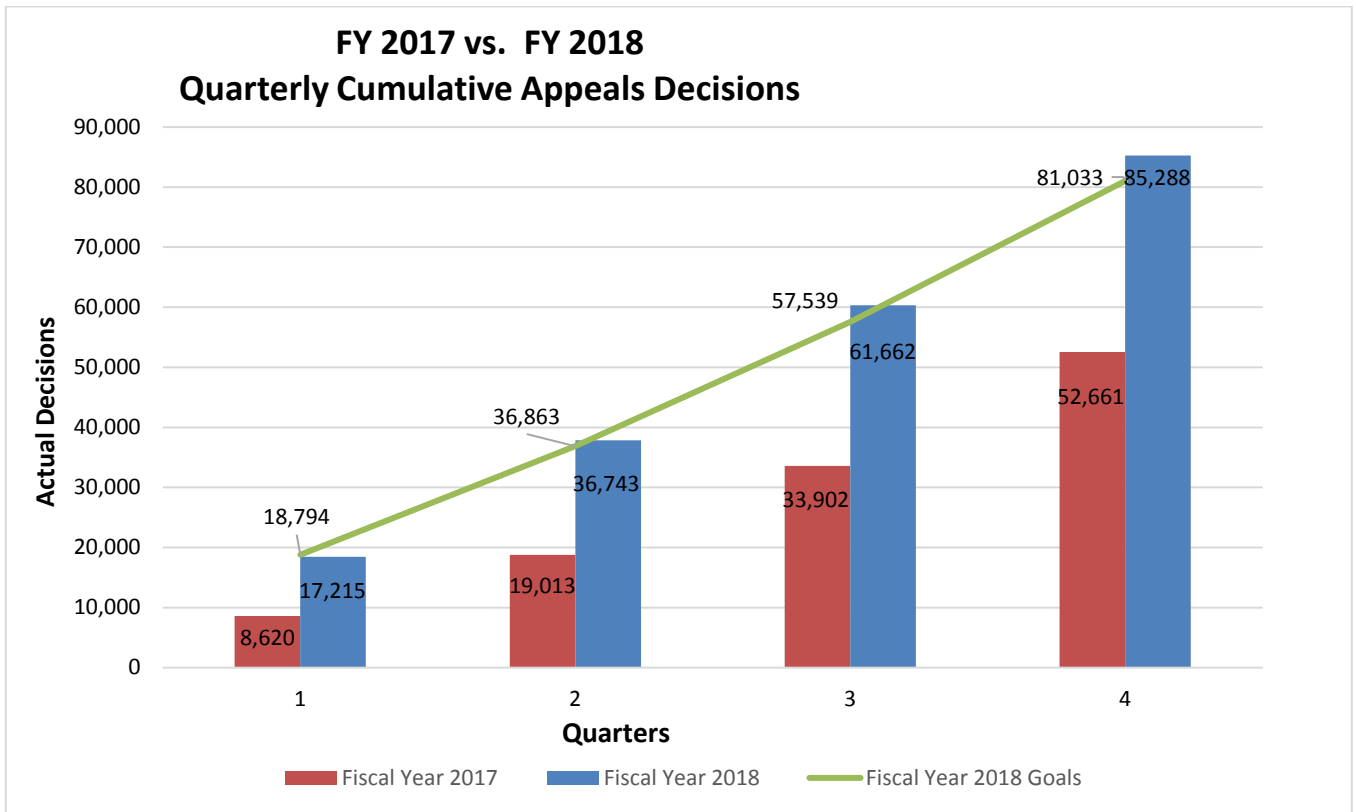
FY 2018 – Defining a Year of Success

Success at the Board is defined through action, service, and modernization and FY 2018 saw significant and measurable results for Veterans and their families.

Action for Veterans in 2018 and Improved Efficiency

Decisions

The Board issued 85,288 decisions to Veterans, a historic record for any year in the Board’s history. In comparison to 52,661 decisions dispatched during FY 2017, this represents an increase of approximately 62 percent.



The Board achieved dramatically improved decision production efficiency in FY 2018. Increased utilization of overtime and increased productivity of Board staff led to a significant increase in value for both Veterans and taxpayers. During FY 2018, the number of decisions per FTE increased by 47 percent, from an average of approximately 62.69 decisions per FTE during FY 2017 to an average of approximately 92.67 decisions in FY 2018. This resulted in a reduction of the average cost per case by approximately 28 percent, from approximately \$2,484 in FY 2017 to approximately \$1,782 in FY 2018. The amount of voluntary overtime also increased by approximately 64 percent, from 24,368 hours in FY 2017 to 40,049 hours in FY 2018. There was a commensurate increase in output, as the number of decisions worked on overtime increased by 67 percent, from 2,784 decisions in FY 2017 to 4,642 decisions in FY 2018. These metrics clearly demonstrate the impact of the individual contributions and commitment of the Board staff to Veterans and their families.

Hearings

The Board offered a total of 24,046 hearings in FY 2018 and held 16,424; representing a one percent decrease in the number of hearings held compared to FY 2017. This decrease was due to an increase in the percentage of cancellations and no-shows. Hearings were conducted face-to-face at a VA facility (known as “Travel Board” hearings), in-person at the Board’s location in Washington, D.C. (known as “Central Office” hearings), or through video teleconference (known as “Video Hearings”) between the Board and a VA facility. The Board held 71 percent of hearings by video. At the end of the FY, the Board had 75,946 hearing requests pending. The Board continues to encourage more widespread use of Video Hearings to reach Veterans and other Appellants at Regional Offices (RO).

Personnel

The Board serves as a telework model for other offices within the Department with its Telework Program. This program enables the Board to recruit and retain attorneys, including military spouses, as an employer of choice. In connection with this program, the Board successfully implemented several data security safeguards, such as encryption software for Board laptops. Each telework participant agrees to abide by the rules of the Program, which include strict safeguards to protect sensitive data. In FY 2018, the Program was expanded to allow attorneys in the Board's Office of Appellate Operations who have successfully completed 18 months at the Board to apply to participate in the Board's Remote Telework Program. Remote employees are permitted to work from home, permitted to move out of the D.C. metro area, and are only required to report to the Board's offices up to a maximum of four times per year. 676 Board employees have telework agreements, with 431 Board employees (almost half of the Board's workforce) working at an alternative location to the office one or more days per week. As of the end of FY 2018, there are 258 remote teleworkers. Each month, more employees become eligible for telework and enroll in the program. Thus far, this approach has been effective for increasing productivity, employee retention, and morale. This program allowed the Board to grow the workforce without expanding space requirements.

In response to the growing number of appeals over the past 5 years, the Board doubled in size, creating potential challenges in attracting and hiring talented employees. In FY 2018, the Board onboarded 242 new staff, primarily decision drafting attorneys and law clerks, bringing the Board to over 1,000 FTE for the first time in Board history. The Board pursued innovative hiring practices in this growth, such as hiring recent law school graduates, some still awaiting bar results, and training them in the specialized field of Veterans' benefits law.

The Board is committed to hiring military spouses. This year, the Board went through a formal vetting process and was selected to join the Department of Defense (DOD) Military Spouse Employment Partnership (MSEP). The MSEP is a career program connecting military spouses with affiliated employers who have committed to recruit, hire, promote, and retain military spouses in fulfilling careers. Military spouses experience a 23 percent unemployment rate due, in part, to the frequent required moves. Due to the Board's robust telework program, the Board has provided fulfilling, engaging legal employment to military spouses.

Employee Engagement

The Board made strides in improving its organizational culture and climate through several initiatives in FY 2018. Specifically, the Board held regular award ceremonies to recognize employees for their dedicated service to Veterans, celebrate individuals who went above and beyond their normal duties in service of Veterans, and acknowledge attorneys' achievements in decision drafting through writing awards. The Board implemented a new career mentoring program in FY 2018. This program matched more experienced Board employees with less experienced Board employees to provide guidance, knowledge-sharing, and learning opportunities. The mentors and mentees meet at least once per month at a time and setting of their choosing.

Training opportunities are also provided as part of the program for all participants. The program proved to be very successful, with 48 mentors and 79 mentees volunteering to participate, and surveys indicated that both mentors and mentees have benefitted from the experience.

The Veterans Service Forum additionally impacted Employee Engagement at the Board. This group brings VA's mission back to Board staff. Events included participation with Honor Flight activities, guest speakers to include a prisoner of war from the Vietnam war, information published in the Board's newsletter concerning military terms, and Board-wide celebrations of Veterans on important commemoration holidays such as Veterans Day and Memorial Day.

Quality

In FY 2018, the Board challenged employees to maintain high levels of quality, and through these efforts, achieved an accuracy rating of approximately 93.6 percent for decisions issued. FY 2018 also saw the launch of a new iteration of the Board's accuracy rate measurement system based on a new sampling methodology and new case review standards. Relying on the new formula, the Board began case review of a random sampling of signed, but not dispatched, decisions and remands per month in October 2017. As the Board's output grew over the course of the year, the sample was adjusted in September 2018 to maintain statistical validity. The new case review standards focus on improved customer service to Veterans. The Board's Quality Review staff continues to identify quality deficiencies and address them through appropriate follow-up training for VLJs and attorneys.

Training

In FY 2018, the Board focused on methods to increase the quality of appellate decisions while maintaining a high level of output. Knowledge Management (KM) at the Board created targeted training for all employees based, in part, on trends gleaned from the Board's quality review process, as well as outcomes in cases from the Court of Appeals for Veterans Claims (CAVC) and the United States Court of Appeals for the Federal Circuit (Federal Circuit). Specifically, KM presented comprehensive training for Board counsel and VLJs, including courses on topics such as: dependency and indemnity compensation, substitution, and accrued benefits; earlier effective dates and clear and unmistakable error; increased disability ratings for knee claims; determining Veteran status and understanding service records; increased disability ratings for skin; increased disability ratings for the spine and associated neurological impairments; and character of discharge. KM also partnered with VA's Office of the General Counsel Ethics Specialty Team to provide public filers with live ethics training. Finally, KM ensured that Board staff completed all VA-required on-line training courses (such as privacy and security awareness, etc.), which are designed to support a strong management workforce and certified the active standing of all attorney staff members.

The Board is dedicated to helping employees through the implementation of the AMA and has committed training and IT resources to help Board staff learn new procedures and efficiently deliver faster decisions to Veterans. Staff at the Board are routinely surveyed to see how training can be improved.

The Board continued its comprehensive training program for new attorney hires in FY 2018, referred to as “Bootcamp.” The 3-month training period consists of mentoring, classroom lectures and activities focused on the basics of Veterans Law, instruction on appellate decision drafting structure, research platforms, and other guidance on how claims move through VA and the Board.

Service to Veterans

Veterans Service Organization Forums and Training

The Board continued its outreach and initiative events to Veterans Service Organizations (VSO) by providing regular appeals modernization update discussions, as well as close collaboration with the VSO staff co-located with the Board. The Chairman traveled extensively throughout the year to speak to numerous national and local VSOs and representatives. In addition, through coordination with the United States Digital Service, the Board invited VSOs to participate in technology testing to make sure that new systems function as desired for end users. VSOs are also invited to participate at all in-house trainings that are provided to Board staff.

Coordination with Administrations and Other Staff Offices

During the past year, the Board continued to actively partner with VA stakeholders across the corporate enterprise, including Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), Office of General Counsel (OGC), and other staff offices to better serve Veterans and their families. This level of coordination is essential for supporting efficient VA processes and for making the Veteran experience seamless across different entities at VA. Most notably, all VA offices have closely collaborated to ensure the Department is fully prepared to implement the AMA in February 2019.

In FY 2018, the Board Chairman and VBA’s Undersecretary for Benefits (USB) agreed to collaborate with the shared goal of resolving appeals at the earliest stages of the appeals process. Additionally, the Board initiated collaboration with VHA to provide training and assistance with VHA appeals.

In addition to adjudication-focused training, the Board selects high-performing attorneys, VLJs, and administrative professionals for leadership seminars and programs, such as Leadership VA, and programs offered through the Office of Personnel Management’s Federal Executive Institute. These robust training courses are an integral part of the Board’s commitment to developing future leaders.

The Board is partnering with VHA and OGC to improve the appeals process for VHA-related claims. In support of this effort, the Board detailed a senior attorney to VHA for 90 days to provide dedicated guidance and expertise on appeals processing. The Board also collaborated with VHA to explore opportunities to assist Veterans located in rural communities.

The Board also coordinated with VBA and OGC extensively to test modernization processes through the Rapid Appeals Modernization Program (RAMP), and actively participated in promotion activities to reduce legacy appeals. As will be discussed in detail

below, the RAMP test program gave Veterans with pending legacy appeals the opportunity to opt-in to the new AMA system. Veterans were only able to opt-in if their legacy appeal had not yet been activated at the Board. In coordination with VBA, the Board temporarily suspended activating pending appeals beyond the Board's working docket range, to ensure that as many Veterans as possible were afforded the opportunity to participate in RAMP.

The Board also continued to collaborate with external stakeholders to include VSOs and the private Bar, as well as Digital Service. VSOs are also active participants in research initiatives like the Board's Early Applicability of Appeals Modernization (BEAAM) and RAMP, which tested the AMA in preparation for the FY 2019 implementation.

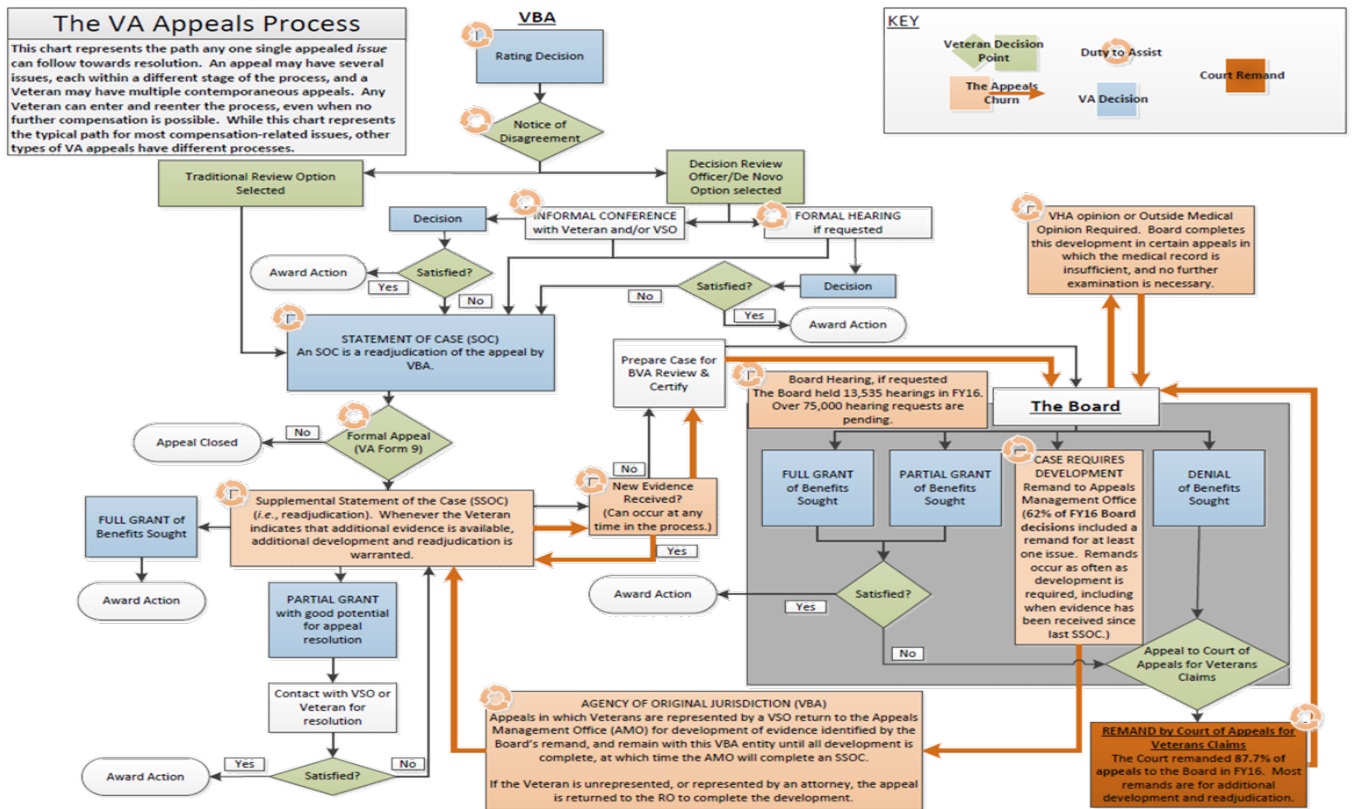
FY 2018 Modernization

FY 2018 was not only a year for record production, but also a year of increased modernization to actively prepare to implement the AMA, which was signed into law by the President in August 2017. The AMA replaces a broken, antiquated appeals system, and streamlines the appeals process at all levels to provide Veterans with a more efficient and transparent appellate experience.

To improve the experience for Veterans, the Board took a number of specific actions, including using Digital Service's Caseflow Reader, streamlining operations in dispatch and litigation support, holding RO trainings around the country, re-instituting surveys, implementing the Appeals Status Tracker where Veterans can see the status of their appeal, and utilizing digital assessment of the hearing docket.

The current appeals process in FY 2018 continues to be a complex, non-linear process, which is set in law and is unique from other appeals processes across Federal and other judicial systems. A feature of the current VA appeals process is a continuous open record that allows a Veteran, survivor, or other Appellant to submit new evidence and/or make new arguments at any point from the beginning to the end of the appeals process. Additionally, the duty to assist throughout the appeals process requires VA to develop further evidence on the Veteran's behalf and pursue new arguments and theories of entitlement. Each time new arguments are presented and evidence is added and obtained, VA usually must adjudicate again with consideration of that evidence, which protracts the timeline for appellate resolution.

The appeals process consists of multiple steps, most of which occur at the Agency of Original Jurisdiction (AOJ), which includes VBA, VHA, National Cemetery Administration (NCA), and OGC. While the vast majority of appeals considered by the Board involve claims for disability compensation, the Board also reviews appeals involving other types of Veterans benefits and services, to include insurance benefits, educational benefits, home loan guaranties, vocational rehabilitation, dependency and indemnity compensation, health care delivery, burial benefits, pension benefits, and fiduciary matters. If an appeal is not resolved at the AOJ level to the Veteran's (or Appellant's) satisfaction, he or she may formally continue that appeal to the Board for a *de novo* review (i.e., new look) and the issuance of a decision on behalf of the Secretary.



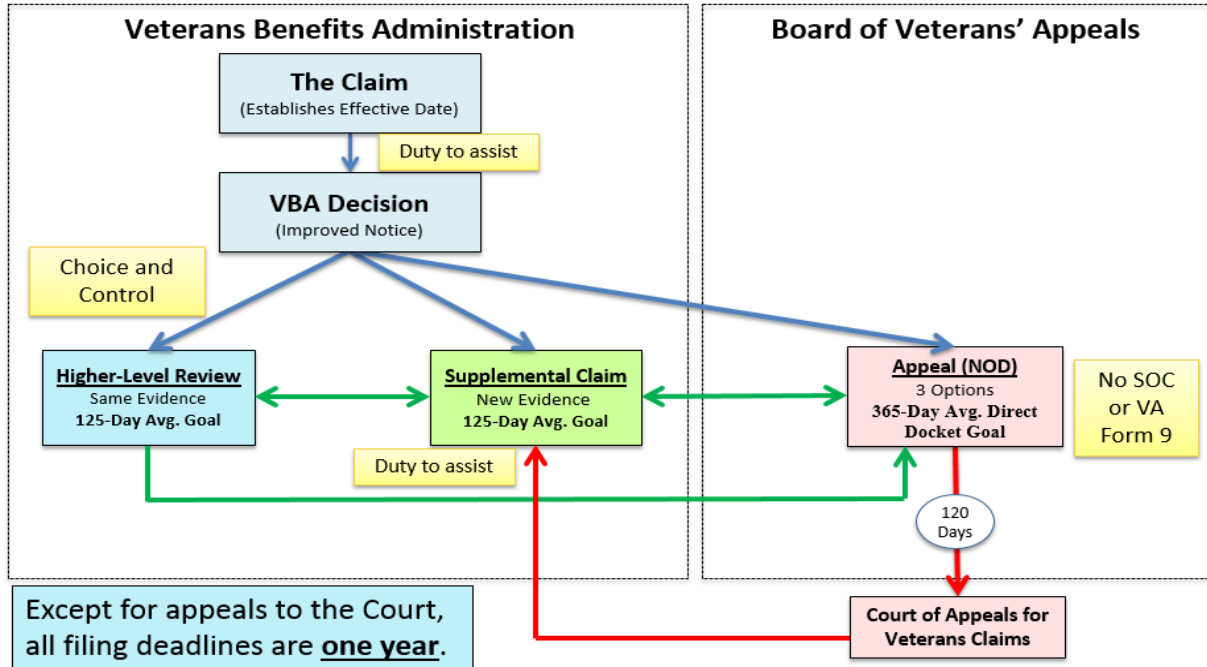
Appeals Modernization

Through a combination of the unique collaborative effort by VA and external stakeholders, VSOs and Congress, a new, simpler appeals system was designed. The AMA was signed into law by President Trump in August 2017, and in FY 2018, the Board championed the preparation required for implementation.

The new law overhauls VA's current appeals process; provides Veterans, their families, and their survivors with increased choice in handling disagreements with VA's decisions; and includes safeguards to ensure claimants receive the earliest effective date possible for their claims. This law is the most significant statutory change to affect VA appeals in decades.

The new process creates three options, referred to as lanes, for claimants dissatisfied with the initial decisions on their claim. Claimants may seek a higher-level review of the decision based on the same evidence presented to the initial claims processors; they may file a supplemental claim that includes the opportunity to submit additional evidence; or they may appeal directly to the Board. Veterans appealing to the Board may elect one of three appeal options: direct review of the evidence that the AOJ considered; an opportunity to submit additional evidence without a hearing; or they may elect to have a hearing before a VLJ, which includes the opportunity to submit additional evidence.

New Process

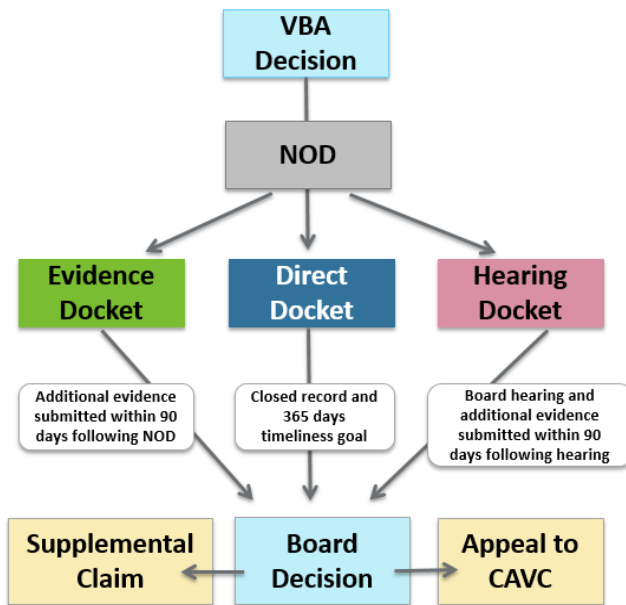


Evidence Only Docket

When this option is selected on the NOD, the appellant may submit evidence within the 90 day window following submission of the NOD. The Board does not have a duty to assist and the record is otherwise closed.

Direct Docket

When this option is selected on the NOD, the appellant receives direct review by the Board of the evidence that was before VBA in the decision on appeal. The Board has a 365-day average timeliness goal for this docket.



Hearing Docket

When this option is selected on the NOD, the appellant will be scheduled for a Board hearing. Additionally, the appellant may submit evidence within the 90 day window following the scheduled hearing. The Board does not have a duty to assist and the record is otherwise closed.

The Board also took additional steps toward more efficient adjudication of legacy appeals through various initiatives. Supporting innovations include: full rollout of the interactive decision template (IDT); implementation of a specialty case program; introduction of the One Touch program; development of a model to assist with key goals and milestones for reducing legacy appeals; and continued partnership with Digital Service to re-engineer processes and implement technological upgrades promoting more efficient decision production.

In FY 2018, the Board focused on preparing to implement this new appeals process, including conducting two separate test programs.

Rapid Appeals Modernization Program (RAMP)

On November 1, 2017, with the Board's support, VBA launched RAMP as a means to give Veterans with pending appeals the opportunity to have their decisions reviewed in the new Higher-Level Review or Supplemental Claim lanes. Participating Veterans were afforded the benefits of the new AMA system before full implementation. Throughout FY 2018, Veterans elected to participate in RAMP in increasing numbers.

Veterans who remained dissatisfied with the decision they receive under RAMP can file a Notice of Disagreement (NOD) with the Board within 1 year of notification of their RAMP decision. The Board held these NODs in a queue until October 1, 2018, when the Board began to adjudicate RAMP appeals. Participation in RAMP will allow the Board to identify and address potential issues and risks relating to implementation of the new framework through a phased test of processes and technology. At the end of FY 2018, the Board had received 362 appeals of RAMP decisions. This included 105 appeals in the direct lane, 62 appeals in the evidence lane, and 195 appeals in the hearing lane.

Board's Early Applicability of Appeals Modernization (BEAAM)

On May 1, 2018, the Board implemented a small-scale research program, BEAAM, in conjunction with Digital Service to test the Board's readiness for appeals modernization. A core goal of the research effort was to allow Veterans to describe their experiences with the appeals process first hand. Given that BEAAM was a small-scale research program, this program provided qualitative information rather than quantitative data. The research team conducted more than 50 hours of interviews with Veterans in the first 2 months of BEAAM, providing valuable insights into how Veterans and representatives would make choices under the new framework, and allowing VA to refine and update implementation activities to improve Veteran experiences.

The Board and Digital Service partnered with representatives from VSOs (namely, Paralyzed Veterans of America, the California Department of Veterans Affairs) and the National Organization of Veterans' Advocates, Inc., to identify 35 Veterans and dependents who were dissatisfied with a recent claim decision. Participants opted in by requesting review under RAMP within VBA or choosing any of the three dockets at the Board under the AMA. From May to June 2018, representatives identified Veterans and submitted materials for participation in the program. In July, the Board began adjudicating cases in which Veterans selected the Board's direct docket. The Board has dispatched all direct docket cases. Hearings have been held for the Veterans who selected the Board hearing docket. The Board began adjudicating BEAAM cases on the evidence docket once the 90-day period for evidence submission expired, which occurred in October 2018.

BEAAM provided preliminary information about Veterans' choices and experiences. The results from this research program will inform the Board's decisions regarding AMA implementation, to include modifying processes, procedures, policies, and trainings. Although the BEAAM research program has not concluded, the Board has gained early insight and feedback from representatives and Veterans. The preparations, drafting of decisions, holding of hearings, and early interviews with Veterans have provided the Board

with valuable feedback and insight that will greatly inform VA's plans for AMA implementation.

Technology

The Board continues to leverage technology where possible to gain efficiencies in appeals processing. The Board is collaborating with Digital Service to develop and maintain Caseflow, which is replacing the primary IT system supporting the Board, Veterans Appeals Control and Locator System (VACOLS). In FY 2018, Digital Service prioritized delivering the necessary functionality to ensure that Caseflow will be ready to implement the AMA in February 2019. To achieve this, Caseflow focused its development on three primary pieces of processing functionality (e.g., Caseflow Intake, Caseflow Queue, and Caseflow Hearing Schedule) as well as the Veteran-facing appeal status tracker to provide Veterans with insight into the new process. Caseflow Reader, a new software tool for viewing Veterans' case files, was released to all Board employees in the first quarter of FY 2018. This new application allows attorneys and VLJs to review thousands of documents in Veterans' e-folders more efficiently by enabling new, faster workflows for review and annotation of documents. This application has resulted in improved performance and reliability of file review conducted by the Board's legal staff.

The Board also implemented a new Interactive Decision Template (IDT). This template replaces the nearly 20-year-old template used to draft all Board decisions. The IDT automatically retrieves data from the Board's case management software and allows attorneys to populate important and relevant language into each appellate decision, allowing attorneys and VLJs to focus their attention on legal research and drafting. The IDT also ensures consistency and brevity of all Board decision and encourages the use of clear and concise language to ensure all Board decisions are understandable to Veterans.

Efficiencies

In addition to significantly improving both decisions per FTE and also cost per case, the Board leveraged opportunities to implement changes to enhance efficiencies in its operations in order to provide better customer service to Veterans. The Board actively pursued several business process improvements aimed at streamlining the complex appeals adjudication process.

For example, the Board began a specialized case program in March 2018. Under this new program, cases dealing with certain specialized areas of law are adjudicated by a group of attorneys with specialized training. This specialization allows these highly trained attorneys to more efficiently adjudicate unusual or complex issues.

In the spring of 2018, the Board also rolled out a new One Touch program to expedite the processing of legacy hearing cases with clear dispositions. Under this program, when a VLJ holds a hearing on a case that is within the Board's current working docket range and the outcome of the appeal is immediately clear, the VLJ can activate the case for adjudication. Previously, these cases were returned to the case storage queue pending assignment to a VLJ, a process that could add months to the adjudication of that Veteran's appeal.

Additionally, the Board is pursuing new ways of doing business more efficiently. For example, the Board hired a group of 13 law student summer interns to test the feasibility of using paralegal or legal interns to conduct initial case review. Using a model like 'document review' in the private legal sector, these interns reviewed the case file, tagging and indexing relevant evidence, prior to review of the file by the Board's attorney and VLJ staff. This initial review by law student interns permitted the Board's legal professionals to focus their time on legal analysis and decision drafting, more intellectually rigorous tasks requiring a higher-level of education and expertise.

The summer intern program was a success. These law students were able to review 1,072 cases in 12 weeks, resulting in improved efficiency of case review by Board attorneys and VLJs. Because of this success, the Board in late FY 2018 procured a contract for additional case review support. Under this contract, case reviewers will conduct the initial file review more economically. Because of their initial review, highly trained Board attorneys and VLJs will be able to focus their time and resources on the specialized tasks of legal analysis and adjudication.

The Board pursued numerous additional initiatives, include centralizing all internal procedures into one document repository, process mapping to streamline internal processes, and continuing to leverage technology to modernize appeals processing. Throughout FY 2018, the Board focused on the Chairman's three priorities of service, action, and modernization, which define Board 2.0. The achievements and successes of the Board in these three areas resulted in historic results and realigned resources for efficiency and growth. Board 2.0 will continue to focus on pride in the Board's mission and accountability. The improvements of Board 2.0 have positioned the Board to launch AMA.

The Board's Strategic Plan and Priorities for FYs 2019 and 2020

FY 2018 was a landmark year for the Board, and successfully set the stage for both implementation of the AMA in February 2019, and continued improvements for production, efficiencies, employee engagement, and workforce planning. Other factors will also help shape priorities and the operating environment, which are described below.

Veteran-Centric Service Strategy and Efficiencies

The Board will focus on both adjudicating the pending legacy appeals and implementing appeals modernization through FYs 2019 and 2020. To meet these goals, the Board will continue to align its resources with the primary mission of deciding appeals and holding hearings. Building on efficiencies gained during FY 2018, the Board has set a goal of providing 90,050 decisions to Veterans and their families during FY 2019.

In FY 2019, the Board will continue a proactive and Veteran-centric strategy to increase the number of Veterans served, increase efficiency in the appeals system, and leverage intra-Departmental partnerships to improve both the Veteran experience and the employee experience. The Board will participate in change management activities to support the large-scale change associated with implementation of the AMA in February

2019. The Board will utilize a multi-pronged approach to effectively serve Veterans and their families in the processing of appeals.

The Board will also continue to measure and compare Veteran satisfaction with legacy appeals versus RAMP/AMA appeals. To measure Veteran experiences with filing Board appeals, hearings, and decisions, the Board has developed three surveys that target feedback about both legacy and RAMP/AMA appeals. The new surveys will be distributed following: (1) docketing letters, (2) hearings, and (3) decisions. The Board will use collected data to identify opportunities to improve overall customer experience as well as provide comparisons of Veteran satisfaction under each appeals system.

Appeals Modernization

In FY 2019 the Board is preparing for the complete and successful implementation of AMA in February 2019. As discussed above, implementation of the AMA will provide Veterans and their families with more efficient adjudication of appeals and will respect their choices. After AMA is launched in February of 2019, the Board will begin to adjudicate appeals in all three of the new lanes.

The Board will work closely with Digital Service to ensure all required technology is in place prior to February 2019. Digital Service developed Caseflow as an agile process in which new functions are added to the system as they are completed. To date, the applications deployed to production by Digital Service include Caseflow Certification, eFolder Express, Caseflow Dispatch, Caseflow Reader, Caseflow Hearing Schedule, and Caseflow Queue.

Increase the Number of Veterans Served and Optimize Accuracy

The Board's goal of FY 2019 is to adjudicate 90,050 appeals for waiting Veterans, a new historic record for any fiscal year in the Board's history. The Board will reach this historic goal by using a multi-pronged strategic approach and leveraging existing resources by concentrating on the following:

► **Internal training:** The Board is actively training staff to prepare for AMA and will continue to update training activities as regulations are finalized early in the FY. This training will not only help ensure all new staff are fully prepared but will also build on training activities started in FY 2018, in support of the new statutory framework and upcoming regulations. Training materials were authored by a core group of subject matter experts on appeals modernization and consider how the AMA will impact each respective group within the Board. Trainings were provided to all legal and administrative professionals at the Board. Once final regulations for the AMA are published, any changes to the proposed rules will be incorporated into the training materials and additional training will be conducted on an ongoing basis.

► **Strengthening partnerships across the VA enterprise:** As in previous years, the Board will continue to collaborate with VBA, VHA, OGC, NCA, Office of Information and Technology (OIT), Veterans Experience Office (VEO), VSOs, and other stakeholders on a frequent basis to collect Veteran feedback discuss ways

to improve the quality of services provided to Veterans.

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

Employee Engagement

The Board will improve morale by creating an environment that encourages pride in one's work and understanding the positive impact on the individuals the Board serves. The Board will continue to build trust and foster an open, communicative relationship with staff and Union partners to address these issues. The Board will continue to evaluate attorney performance standards and will work with Union partners to ensure work-life balance while serving as many Veterans as possible. For example, in FY 2019, the Board will revise its attorney production standards to allow an attorney to be considered fully successful or exceptional by how many decisions or by how many issues they produce, instead of how many decisions they produce. To guarantee Board employees are equipped to serve Veterans, the Board will continue its existing training program for both current staff and new attorneys and will assess and adjust training programs based on feedback received from new employees and VLJs, as well as from VBA, VHA, OGC, and CAVC stakeholders.

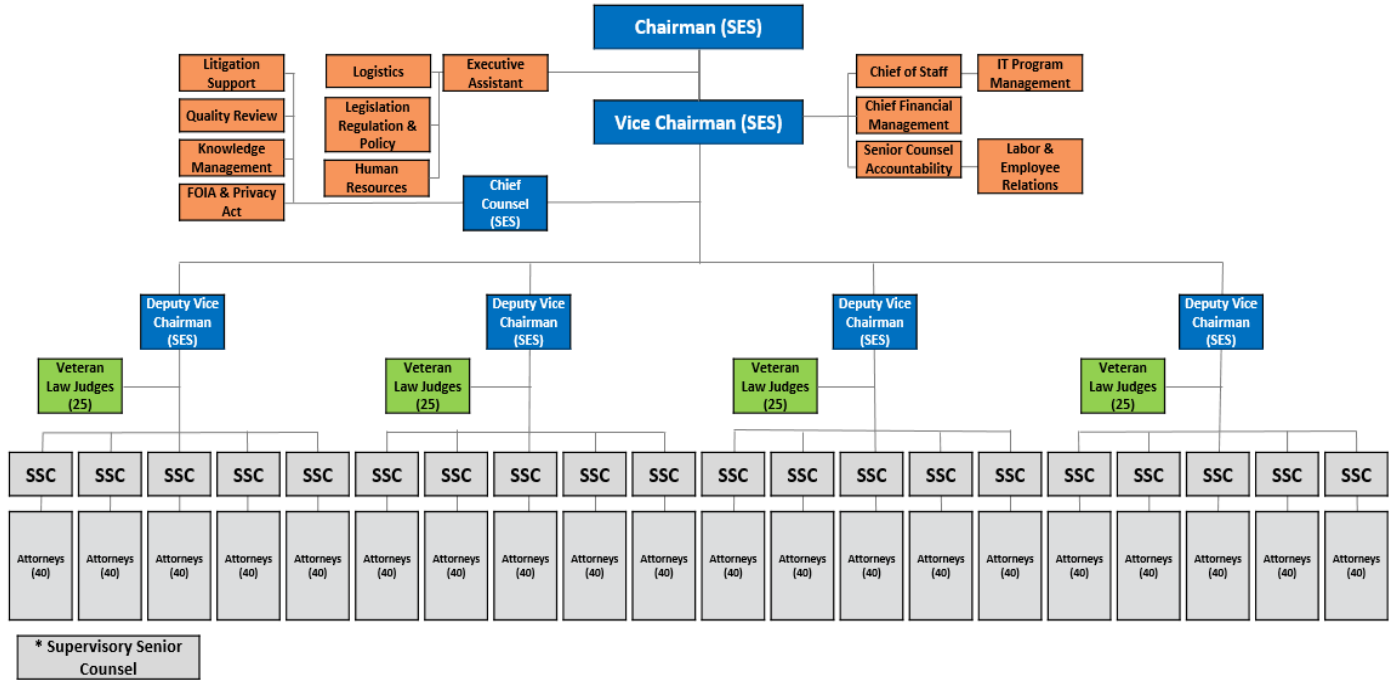
Workforce Planning

The Board continues to attract high-caliber attorneys and administrative professionals because the mission to serve Veterans is one that is particularly desirable to those seeking a career in public service. The Board has a workforce plan to recruit, hire, and train new employees. The Board started FY 2018 with 933 FTE and ended the FY with 1,040 FTE. The Board's FY 2019 hiring plan projects hiring to approximately 1,125 FTE and sustaining that FTE level throughout the year to fulfill its core mission of delivering timely decisions to Veterans.

In addition to staffing and retention activities, the Board will transition into a more accountable and efficient organizational structure during FY 2019. This change will better position the Board's resources to provide better supervisor to staff ratio, so that the Board is prepared for implementation of the AMA. In FY 2018, most of the Board's legal staff was supervised by ten Chief VLJs (Chiefs). These Chiefs were VLJs that had additional responsibilities as first line supervisor of many attorneys and VLJs. In response to the growing number of appeals and hearing requests, in FY 2019 the Board will return all ten of these Chiefs to full-time duties as VLJs. The Board's staff of attorneys will be supervised by Supervisory Senior Counsel, and the VLJs will be supervised by four Deputy Vice Chairman (SES). This new structure will allow all 96 of the Board's highly trained VLJs to devote their time and attention solely to adjudicating appeals for Veteran.

Board Structure at the Beginning of FY 2019

Board of Veterans' Appeals FY 2019



PART II

Statistical Data

FY 2018 Information

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

38 U.S.C. § 7101(d)(2)(A)

Number of cases formally appealed to the Board (Substantive Appeal (VA Form 9) filed):	62,832
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Number of appeals certified to the Board during FY 2018:	69,160*
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38 U.S.C. § 7101(d)(2)(B)

Cases pending (certified) before the Board at the start of FY 2018:	153,513*
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Cases pending (certified) before the Board at the end of FY 2018:	137,383*
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* Includes certified appeals pending in the field awaiting hearings, as well as cases docketed and actually pending at Board. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board. Case receipts include original appeals, remands, non-VBA receipts, and cases returned by the CAVC.

38 U.S.C. § 7101(d)(2)(C)

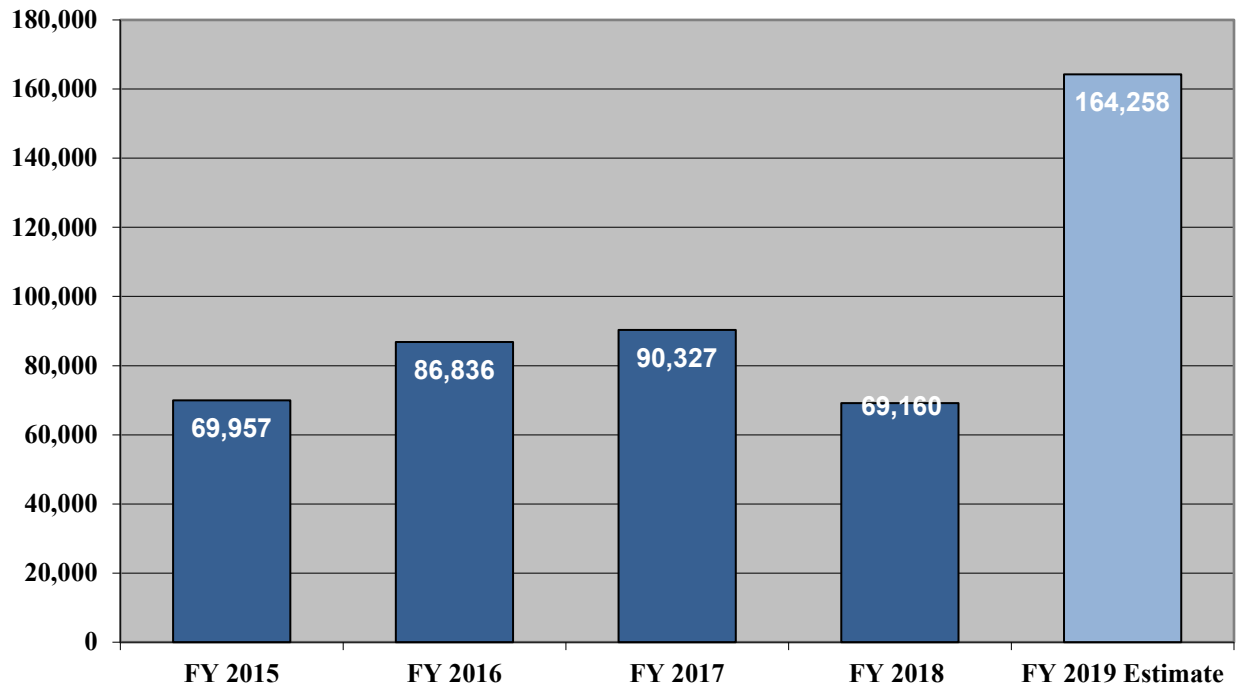
Number of Substantive Appeals (VA Form 9) filed at the AOJ and cases received at the Board during each of the 36 months preceding FY 2018.

Substantive Appeals (VA Form 9) Filed*					Cases Received at Board**			
Month	FY 2015	FY 2016	FY 2017	FY 2018	FY 2015	FY 2016	FY 2017	FY 2018
October	4,759	4,324	5,366	6,339	8,089	5,606	7,338	7,856
November	3,763	3,858	5,210	6,118	4,365	5,220	8,180	6,975
December	3,828	4,328	5,520	5,669	4,577	6,214	7,766	6,137
January	3,476	4,022	5,264	5,870	4,971	5,499	7,635	7,144
February	3,402	4,609	5,090	5,196	4,914	6,653	7,085	6,516
March	4,440	5,532	6,119	6,139	6,376	8,047	7,721	6,254
April	4,290	5,557	5,382	5,368	5,960	7,642	7,815	6,837
May	4,294	6,030	6,197	5,202	5,396	8,338	8,390	5,720
June	4,705	6,107	5,860	5,637	6,595	8,205	7,958	3,069
July	4,646	5,524	5,217	4,387	5,823	7,119	6,590	5,048
August	4,146	6,179	5,264	3,973	6,527	8,911	7,040	3,824
September	4,103	5,726	5,099	2,934	6,364	9,382	6,809	3,780
FY Total	49,670	61,796	65,588	62,832	69,957	86,836	90,327	69,160

* Substantive appeals data was pulled on November 8, 2018. The data are based on when the Form 9 was filed. Data in previous versions of the annual report were based on when the substantive appeal record was created in VACOLS.

** Case receipts include original appeals, remands, non-VBA receipts, and cases returned by the CAVC. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board.

Cases Received at Board* FY 2015 - FY 2019



* Case receipts include original appeals, remands, non-VBA receipts, and cases returned by the CAVC. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board.

38 U.S.C. § 7101(d)(2)(D)

For appeals decided in FY 2018, the average length of time between the filing of an appeal (*i.e.*, Substantive Appeal (VA Form 9)) at the AOJ and the Board’s disposition of the appeal was 1,703 days. As reflected in the chart below, the average time between the time that an appeal was actually received and docketed at the Board to disposition was 300 days. This length of time is due to the Board delaying the certification in order to allow Veterans the maximum window to participate in RAMP. The chart also provides the average processing time between other distinct steps within the multi-step appeals process that take place at the AOJ or VBA level.

Time Interval	Responsible Party	Average Elapsed Processing Time	
Notice of Disagreement Receipt to Statement of the Case*	VBA**	521 days	AOJ
Statement of the Case Issuance to Substantive Appeal (VA Form 9) Receipt*	Appellant	36 days	
Substantive Appeal Receipt to Certification of Appeal*	VBA**	485 days	
Certification of Appeal to Board Receipt of Certified Appeal*	Board	376 days	Board
Receipt of Certified Appeal to Issuance of Board Decision	Board	300 days	
Average Remand Time Factor	VBA**	467 days	AOJ

* These figures include Original appeals only.

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

38 U.S.C. § 7101(d)(2)(E)

The number of members of the Board at the end of FY 2018:	92
The number of professional, administrative, clerical and other personnel employed by the Board in terms of full-time equivalents at the end of FY 2018:	948 <i>(not including 92 members above)</i>

38 U.S.C. § 7101(d)(2)(F)

Number of acting members of the Board during FY 2018:	20
Number of cases in which acting members participated*:	2,928

38 U.S.C. § 7101(c)(2)

Number of acting members of the Board in terms of FTE employees:	6.4**
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* For this report, the number of cases in which acting members participated is defined as the number of dispositions issued by the designated acting members for FY 2018.

** Derived from the number of days worked by acting members throughout the year (1,593 days) divided by the number of working days in the year (250).

Projections for FYs 2019 and 2020

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

38 U.S.C. § 7101(d)(3)(A)

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

FY 2019: Cases certified to the Board: **164,258**

FY 2020: Cases certified to the Board: **161,933**

Note: Appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board. Because AMA implementation will be effective February 14th, 2019, appeals case receipts projections include both legacy and AMA appeals case receipts.

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

38 U.S.C. § 7101(d)(3)(B)

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

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

The following categories are calculated as follows:

FY 2018 decisions (85,288) (divided by)
250 work days = **341.2 decisions per work day**

Cases pending end of FY 2018 (137,383)
+ New cases expected in FY 2019 (164,258) = **301,641 total workload in FY 2019**

Total workload (301,641) (divided by)
Decisions per work day (341.2) = **884.1 work days**

Work days (884.1) (divided by)
250 work days = **3.5 years**

Work years (3.5) x 12 (months) = **42 months***

* 42 months represents the amount of time it would take the Board to decide all appeals in its projected FY 2019 working inventory (current inventory plus projected receipts in 2019).

Veterans Affairs Annual Performance Plan and Report

The VA provides to the President an Annual Performance Plan and Report (APP&R) which details the accomplishments and challenges in providing health care and benefits to Veterans and their eligible dependents in accordance with VA's mission. This report documents our performance across the full array of VA programs. With the FY 2020 / FY 2018 report, the Board intends to begin reporting with its FY 2019 measures the number of issues decided on behalf of Veterans by the Board, as well as the number of Decisions Dispatched per FTE.

Existing APP&R Measures for FY 2019:

- Appeals Adjudicated
- Pending Inventory
- Percent of appeals decided with at least one remanded issue
- Hearings Held

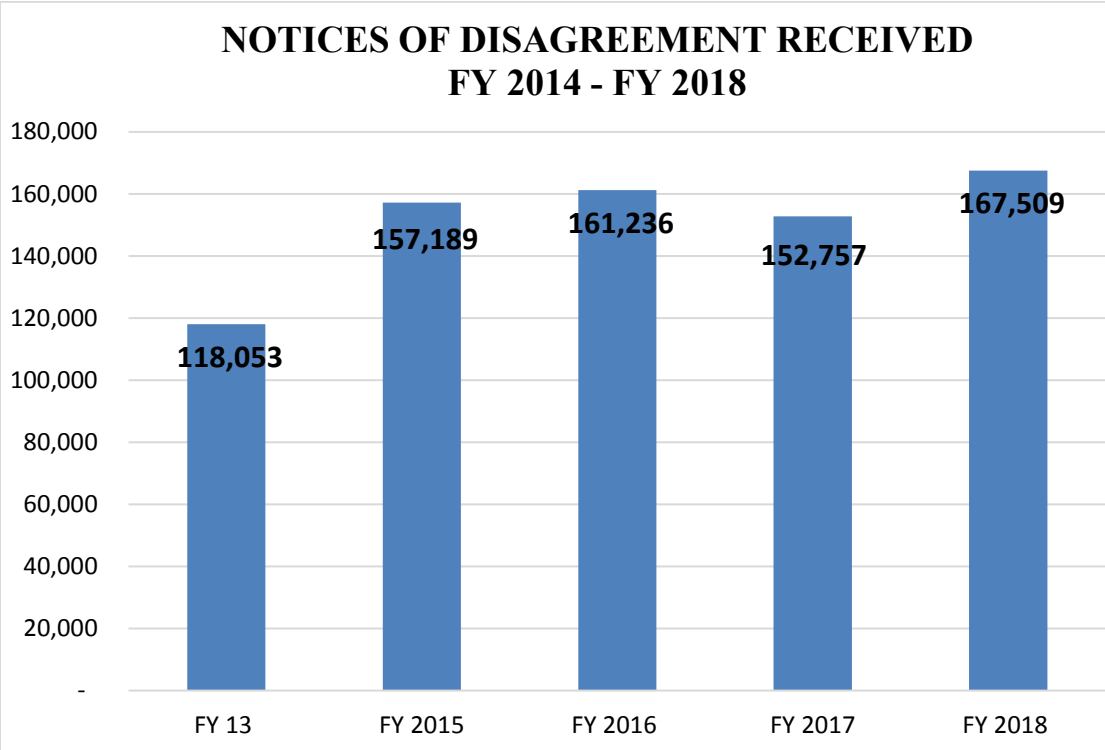
New Additions to FY 2019 APP&R Measures:

- Number of Issues Decided (Adjudicated)
- Decisions Dispatched per FTE

ADDITIONAL INFORMATION

Potential Board Workload in VBA

Number of Notices of Disagreement Received in the Field				
Month	FY 2015	FY 2016	FY 2017	FY 2018
October	13,023	14,729	13,551	15,181
November	10,182	12,670	11,734	13,493
December	10,763	12,523	11,073	12,373
January	10,939	12,955	11,732	14,334
February	11,122	14,027	11,839	13,579
March	13,709	15,038	13,672	15,070
April	14,064	13,885	11,798	13,551
May	13,872	13,631	13,639	13,127
June	15,318	13,172	12,830	15,359
July	15,328	12,143	12,376	14,348
August	15,023	13,888	15,161	15,002
September	13,837	12,575	13,352	12,092
FY Total	157,189	161,236	152,757	167,509



**Board of Veterans' Appeals
Board Dispositions by VA Program FY 2018**

APPEAL PROGRAM	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Burial Benefits	5	3.82%	4	3.05%	118	90.08%	4	3.05%	131	0.15%
Compensation	29,703	36.27%	32,089	39.18%	16,473	20.11%	3,636	4.44%	81,901	96.03%
Education	79	21.92%	90	24.26%	185	49.87%	17	4.58%	371	0.43%
Insurance	0	0.00%	1	12.50%	4	50.00%	3	37.50%	8	0.01%
Loan Guaranty	1	3.03%	14	42.42%	15	45.45%	3	9.09%	33	0.04%
Medical	234	34.51%	184	27.14%	196	28.91%	64	9.44%	678	0.79%
Pension	101	10.84%	258	27.68%	500	53.65%	73	7.83%	932	1.09%
VR&E	5	7.94%	23	36.51%	28	44.44%	7	11.11%	63	0.07%
Other Programs	13	17.57%	17	22.97%	38	51.35%	6	8.11%	74	0.09%
BVA Original Jurisdiction	8	8.60%	0	0.00%	60	64.52%	25	26.88%	93	0.11%
NCA Burial Benefits	1	5.00%	2	10.00%	15	75.00%	2	10.00%	20	0.02%
Fiduciary	1	50.00%	1	50.00%	0	0.00%	0	0.00%	2	0.00%
Multiple Program Areas	338	34.70%	414	42.51%	187	19.20%	35	3.59%	974	1.14%
Unspecified Program Area	3	37.50%	1	12.50%	2	25.00%	2	25.00%	8	0.01%
GRAND TOTAL	30,492	35.75%	33,098	38.81%	17,821	20.90%	3,877	4.55%	85,288	100%

**Board of Veterans' Appeals
Board Dispositions by Representation FY 2018**

REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
American Legion	4,286	34.53%	4,817	38.80%	2,792	22.49%	519	4.18%	12,414	14.56%
AMVETS	122	36.53%	122	36.53%	74	22.16%	16	4.79%	334	0.39%
Disabled American Veterans	7,618	33.70%	9,062	40.08%	4,988	22.06%	940	4.16%	22,608	26.51%
Military Order of the Purple Heart	140	34.57%	159	39.26%	84	20.74%	22	5.43%	405	0.47%
Paralyzed Veterans of America	79	38.16%	66	31.88%	34	16.43%	28	13.53%	207	0.24%
Veterans of Foreign Wars	2,176	36.38%	2,286	38.22%	1,180	19.73%	339	5.67%	5,981	7.01%
Vietnam Veterans of America	342	35.63%	410	42.71%	133	13.85%	75	7.81%	960	1.13%
State Service Organizations	5,391	35.17%	5,949	38.81%	3,305	21.56%	684	4.46%	15,329	17.97%
Attorney	6,840	44.61%	5,658	36.90%	2,142	13.97%	693	4.52%	15,333	17.98%
Agent	723	38.79%	733	39.32%	329	17.65%	79	4.24%	1,864	2.19%
Other	377	34.62%	423	38.84%	218	20.02%	71	6.52%	1,089	1.28%
Wounded Warrior Project	76	32.34%	83	35.32%	61	25.96%	15	6.38%	235	0.28%
No Representation	2,322	27.22%	3,330	39.04%	2,481	29.09%	396	4.64%	8,529	10.00%
GRAND TOTAL	30,492	35.75%	33,098	38.81%	17,821	20.90%	3,877	4.55%	85,288	100.00%

Board Decisions*					
Fiscal Year	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%	20.9%	38.8%	4.6%

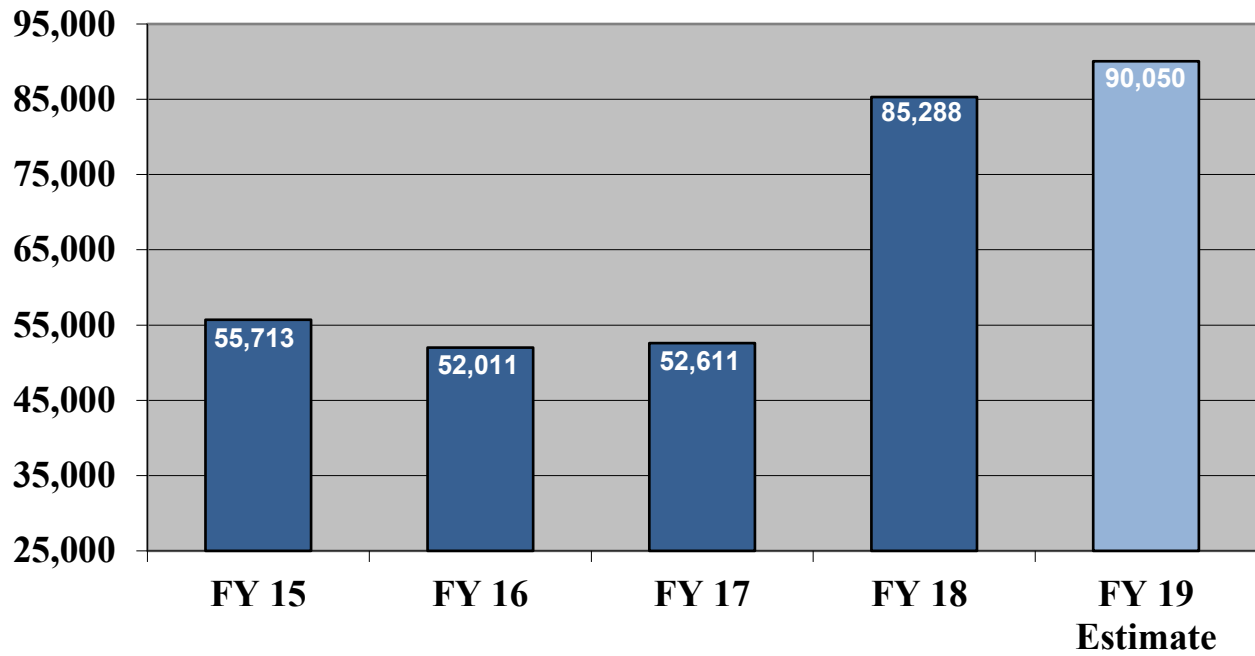
* The historical reporting system for Board decisions with multiple issues identifies the disposition of an appeal based on the following hierarchy: allowance, remand, denial, or other (i.e., dismissals). When there is more than one disposition involved in a multiple issue appeal the “reported disposition”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

The revised hierarchy method shown below attempts to be more precise. As discussed above, the Board has historically used a hierarchy to report appeals decided which identified the disposition of an appeal as either an allowance, remand, denial, or “other” (i.e., a dismissal), based on that hierarchy. This historical method of reporting did not capture every appeal containing a remanded issue, because those appeals with one or more allowed issue and one or more remanded issue would be counted as an allowance, rather than a remand. One of the reasons statutory reform of the current VA appeals process was necessary was the appeals churn in the system. The open record and ongoing duty to assist means that numerous appeals are remanded from the Board to the AOJ, typically VBA. In FY 2018, the Board dispatched 85,288 appeals. Of those appeals, 16,729 were allowances with no remanded issues, 17,821 were denials, and 3,877 were “other” dispositions, such as dismissals, for a total of 38,427 appeals decided with no remanded issues. There were 46,861 appeals decided with at least one remanded issue (13,763 allowances with at least one remanded issue + 33,098 remands). This number of appeals with at least one remanded issue, divided by the total number of appeals decided, equals an approximate 55 percent remand rate (46,861/85,288).

Decisions - Revised Hierarchy							
Fiscal Year	Decisions	Allowed	Allowed (no remanded issue)	Allowed (with at least one remanded issue)	Remanded	Denied	Other
2018	85,288	30,492	16,729	13,763	33,098	17,821	3,877
	%	35.75%	19.61%	16.14%	38.81%	20.90%	4.55%

Issues Decided						
Fiscal Year	Issues Decided	Allowed (not new & material)	Allowed (new & material)	Denied	Remanded	Other
2018	253,450	38,964	9,608	70,708	117,282	16,888
	%	15%	4%	28%	46%	7%

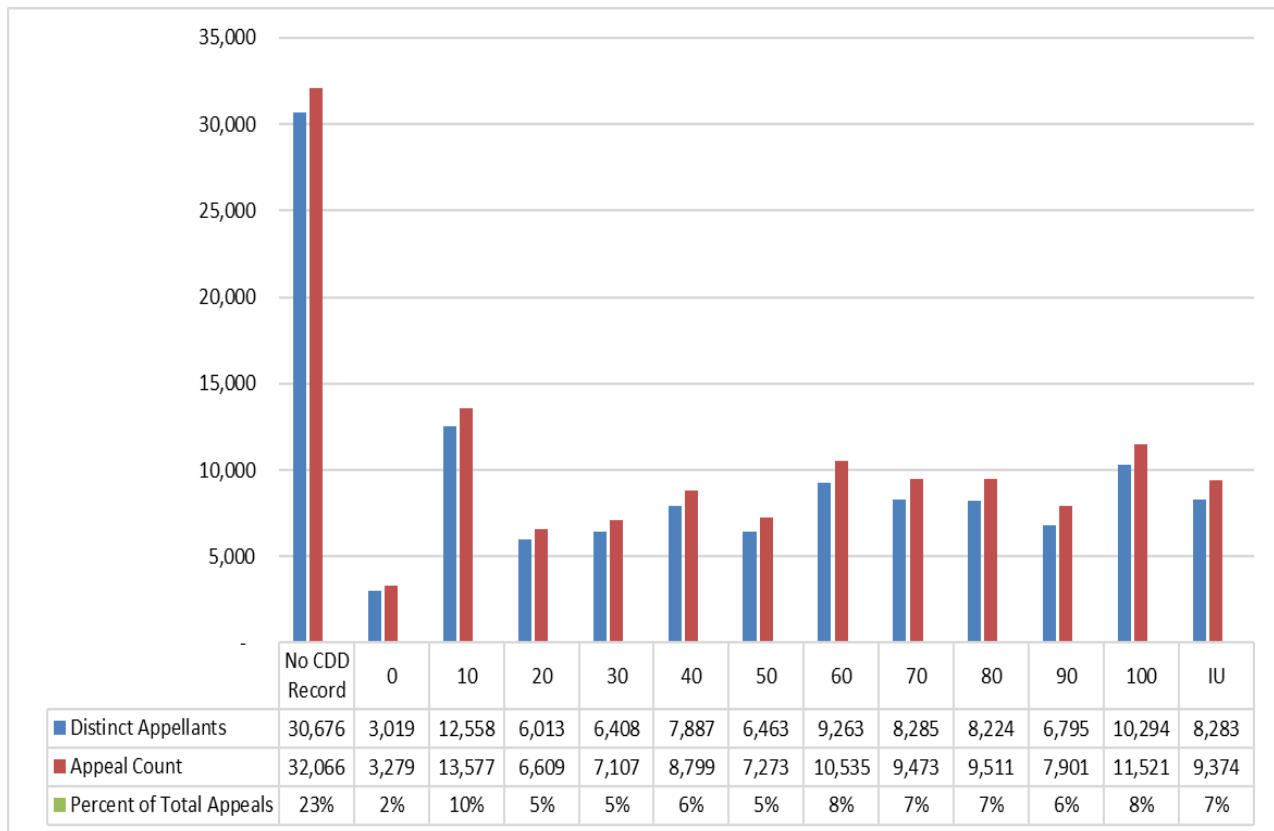
BOARD DECISIONS FY 2015 to FY 2019



Combined Degree of Disability for Existing Benefits*

Veterans/Appellants may receive disability compensation ratings ranging from noncompensable (0 percent) to 100 percent. This information reflects, at the end of FY 2018, the combined disability rating for the Appellants with appeals pending. As of September 30, 2018, the Board's inventory contained 124,168 total distinct Appellants and 137,025 appeals.

Note: This inventory of appeals only counts certified appeals in advanced status, Board active appeals, and remands returned not activated and does not include action types such as motions for reconsideration, vacates, or Board Clear and Unmistakable Error (CUE) motions. Below is a breakdown of these two figures by combined degree of disability.



* Board of Veterans' Appeals pending inventory as of September 30, 2018. Inventory includes appeals that are: certified in advance status; activated at the Board; and remands returned to the Board.

Board Operating Statistics

	FY 2015	FY 2016	FY 2017	FY 2018
Decisions	55,713	52,011	52,661	85,288
Number of cases formally appealed to the Board (Substantive Appeal (VA Form 9) filed) *	49,670	61,796	65,588	62,832
Received at Board/Certified to the Board**	69,957	86,836	90,327	69,160
Cases Pending***	81,022	115,847	153,513	137,383
Hearings				
VACO	563	753	866	278
Video	7,609	8236	10,673	11,660
Travel Board	4,566	4,546	5,087	4,485
TOTAL	12,738	13,535	16,626	16,423
Decisions per FTE	86.3	78.80	62.69	92.67
Board FTE	645	660	840	920
Board Cycle Time****	295	253	263	455
Cost per Case	\$1,851	\$2,117	\$2,484	\$1,782

* Substantive appeals data was pulled on November 8, 2018. The data is based on when the Form 9 was filed. Data in previous versions of the annual report was based on when the substantive appeal record was created in VACOLS.

** Case receipts include original appeals, remands, CAVC, and non-VBA receipts. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board.

*** Pending figures include certified appeals pending in the field awaiting Board hearings, as well as cases pending before the Board.

**** Beginning in FY 2015, the Board reported Board Cycle Time beginning with certification (Form 8) in the field, excluding VSO time. In prior years, Cycle Time only included time beginning with physical case receipt.

Statutory Requirements

38 U.S.C. § 7101(d)(2)(A): the number of cases appealed to the Board during that year
62,832 - Number of cases formally appealed to the Board (substantive Appeal (VA Form 9) filed)
69,160* - Number appeals certified to the Board during FY 2018
38 U.S.C. § 7101(d)(2)(B): the number of cases pending before the Board at the beginning and at the end of that year;
153,513* - Cases pending (certified) before the Board at the start of FY 2018
137,383* - Cases pending (certified) before the Board at the end of FY 2018
38 U.S.C. § 7101(d)(2)(C): the number of such cases which were filed during each of the 36 months preceding the current fiscal year
177,054 - Substantive Appeals (VA Form 9) Filed in FY 2015 through FY 2017
247,120* - Appeals Certified to the Board during FY 2015 through FY 2017
38 U.S.C. § 7101(d)(2)(D): the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the preceding fiscal year
1,073 days
38 U.S.C. § 7101(d)(2)(E): the number of members of the Board at the end of the year and the number of professional, administrative, clerical, stenographic, and other personnel employed by the Board at the end of the preceding fiscal year
92 - Members of the Board at the end of FY 2018
948 - The number of professional, administrative, clerical, and other personnel employed by the Board in terms of full-time equivalents at the end of FY 2018
38 U.S.C. § 7101(d)(2)(F): the number of employees of the Department designated under subsection (c)(1) to serve as acting members of the Board during that year and the number of cases in which each such member participated during that year
20 - Number of acting members of the Board during FY 2018
2,928** - Number of cases in which acting member participated
38 U.S.C. § 7101(d)(3)(A): an estimate of the number of cases to be appealed to the Board
164,258*** - Estimated number of cases that will be appealed to the Board in FY 2019
161,933*** - Estimated number of cases that will be appealed to the Board in FY 2020
38 U.S.C. § 7101(d)(3)(B): an evaluation of the ability of the Board (based on existing and projected personnel levels) to ensure timely disposition of such appeals as required by section 7101(a) of this title [38 USCS § 7101(a)].
The indicator used by the Board to forecast its future timeliness of service delivery is the Board's "response time" on appeals. By considering the Board's most recent appeals processing rate and the number of appeals that are currently pending before the Board, the Board response time projects the average time that will be required to render decisions on that group of pending appeals. For response time computation, the term "appeals pending before the Board" includes appeals at the Board and those that have been certified for Board review. The following categories are calculated as follows:
<u>FY 2018 decisions (85,288) (divided by)</u> 250 work days = 341.2 decisions per work day
Cases pending end of FY 2018 (137,383) = 301,641 total workload in FY 2018 + <u>New cases expected in FY 2019 (164,258)</u>
<u>Total workload (301,641) (divided by)</u> Decisions per work day (341.2) = 884.1 work days
<u>Work days (884.1) (divided by)</u> 250 work days = 3.5 years
Work years (3.5) x 12 (months) = 42.0 months

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

* Includes certified appeals pending in the field awaiting hearings, as well as cases docketed and actually pending at Board. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board. Case receipts include original appeals, remands, non-VBA receipts, and cases returned by the CAVC.

** For this report, the number of cases in which acting members participated is defined as the number of dispositions issued by the designated acting members for FY 2018.

*** Appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board. Because AMA implementation will be effective February 14th, 2019, appeals case receipts projections include both legacy and AMA appeals case receipts.