



**Department of Veterans Affairs (VA)  
Board of Veterans' Appeals**

**Annual Report  
Fiscal Year (FY) 2019**



# Table of Contents

|   |           |
|---|-----------|
| Board Senior Leadership .....   | 4         |
| Veterans Law Judges .....   | 4         |
| Introduction.....   | 5         |
| <b>PART I Activities of the Board of Veterans' Appeals in FY 2019 .....</b> | <b>7</b>  |
| <b>Mission .....</b>  | <b>7</b>  |
| <b>Board Structure in FY 2019.....</b>                                      | <b>7</b>  |
| <b>FY 2019 – A Year of Values-Based Successes .....</b>                     | <b>9</b>  |
| <i>FY 2019 Modernization .....</i>  | <i>9</i>  |
| <i>Appeals Modernization .....</i>  | <i>9</i>  |
| <i>AMA Process.....</i>   | <i>9</i>  |
| <i>Appeals Modernization Supporting Regulations.....</i>                    | <i>10</i> |
| <i>Action for Veterans in 2019 and Improved Efficiency.....</i>             | <i>11</i> |
| <i>Decisions .....</i>  | <i>11</i> |
| <i>Hearings.....</i>  | <i>12</i> |
| <i>Specialty Case Team.....</i>   | <i>14</i> |
| <i>Quality Review .....</i>   | <i>15</i> |
| <i>Training .....</i>   | <i>15</i> |
| <i>Service to Veterans.....</i>   | <i>16</i> |
| <i>Veterans Service Organization Forums, Inventory, and Training.....</i>   | <i>16</i> |
| <i>Coordination with Administrations and Other Staff Offices.....</i>       | <i>17</i> |
| <i>Outside Medical Office Workgroup and Coordination.....</i>               | <i>18</i> |
| <i>Technology.....</i>  | <i>18</i> |
| <b>The Board's Strategic Plan and Priorities for FYs 2019 and 2020.....</b> | <b>20</b> |
| <i>Veteran-Centric Service Strategy and Efficiencies.....</i>               | <i>20</i> |
| <i>Coordinated Takedown of Legacy and AMA Inventory .....</i>               | <i>20</i> |
| <i>Increase the Number of Veterans Served and Optimize Accuracy .....</i>   | <i>21</i> |
| <i>Employee Engagement .....</i>  | <i>22</i> |
| <i>Workforce Planning.....</i>  | <i>22</i> |
| <b>PART II Statistical Data .....</b>                                       | <b>23</b> |
| <i>FY 2019 Information.....</i>   | <i>23</i> |
| <i>Legacy Appeals.....</i>  | <i>25</i> |
| <i>Projections for FYs 2020 and 2021 .....</i>                              | <i>27</i> |
| <i>Additional Information.....</i>  | <i>31</i> |

# Board Senior Leadership

(as of the end of FY 2019)

## Chairman

Cheryl L. Mason

## Vice Chairman

David C. Spickler

## Deputy Vice Chairman

Kimberly H. Osborne   Kenneth A. Arnold   Kimberly P. McLeod   Robert C. Scharnberger

## Chief Counsel

Allison H. Highley

## Veterans Law Judges

Karen J. Alibrando  
Keith W. Allen  
Dorilyn M. Ames  
Marjorie A. Auer  
Kathy A. Banfield  
Lisa M. Barnard  
Matthew W. Blackwelder  
David A. Brenningmeyer  
Derek R. Brown  
Cynthia M. Bruce  
Bethany L. Buck  
Sonnet B. Bush  
Angel Caracciolo  
Theresa M. Catino  
Vincent C. Chiappetta  
Lana K. Chu  
Vito A. Clementi  
Kelly B. Conner  
Cherry O. Crawford  
John J. Crowley  
Lauren B. Cryan  
Evan R. Deichert  
Paula M. DiLorenzo  
Nathaniel J. Doan  
William H. Donnelly  
Michael W. Donohue  
Rebecca A. Feinberg  
Caroline B. Fleming  
John W. Francis  
Mary C. Graham  
Kristi L. Gunn  
Donnie R. 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  
John Z. Jones  
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  
James L. March  
Michael D. Martin  
Simone B. Mays  
Kerri M. Millikan  
Jacqueline E. Monroe

Victoria H. Moshiaswili  
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  
Anthony C. Scire', Jr.  
Holly L. Seesel  
George R. Senyk  
Alexandra P. Simpson  
Deborah W. Singleton  
Mike Skaltsounis  
Cynthia A. Skow  
Tanya A. Smith  
Mary S. Sorisio  
Paul Sorisio  
Gayle E. Strommen  
Matthew Tenner  
Claudia Trueba  
Estella I. Velez  
Helena M. Walker  
Glenn A. Wasik  
Yvette R. White  
David L. Wight  
Jessica J. Zissimos

**Department of Veterans Affairs  
Board of Veterans' Appeals  
FY 2019 Veterans Law Judges**



# Introduction

The Board of Veterans' Appeals (Board) is an agency within the Department of Veterans Affairs (VA). Its mission is to conduct hearings and issue timely decisions for Veterans and other appellants in compliance with the law, 38 United States Code (U.S.C.) § 7101(a). The Board is responsible for making final decisions on behalf of the Secretary regarding appeals for Veterans' benefits and services from all three administrations - Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), and National Cemetery Administration (NCA)—as well as the Office of General Counsel (OGC) that are presented to the Board for appellate review. The Board's jurisdiction extends to all questions in a matter involving a decision by the Secretary under the 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 appeals are made by the Board

based on the entire record in the proceeding and all applicable provisions of law and regulation. 38 U.S.C. § 7104(a).

The Board is committed to the Department's Core Values: Integrity, Commitment, Advocacy, Respect, and Excellence (ICARE). These values are integral to fulfilling the Board's statutory mission.

The Board is also dedicated to fulfilling the Secretary's prime directive of providing excellent Customer Service to Veterans. This includes aligning strategic direction, improved business processes, technology, and data to form a people-centric, results-driven, and forward thinking organization.

After the end of each fiscal year (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 2019 and projected activities for FYs 2020 and 2021;
- **Part II** provides statistical information related to the Board's activities during FY 2019 and its projected activities for FYs 2020 and 2021.

# PART I

## Activities of the Board of Veterans' Appeals in FY 2019

### Mission

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 Members sufficient 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 on the recommendation of the Chairman. 38 U.S.C. § 7101A(a)(1).

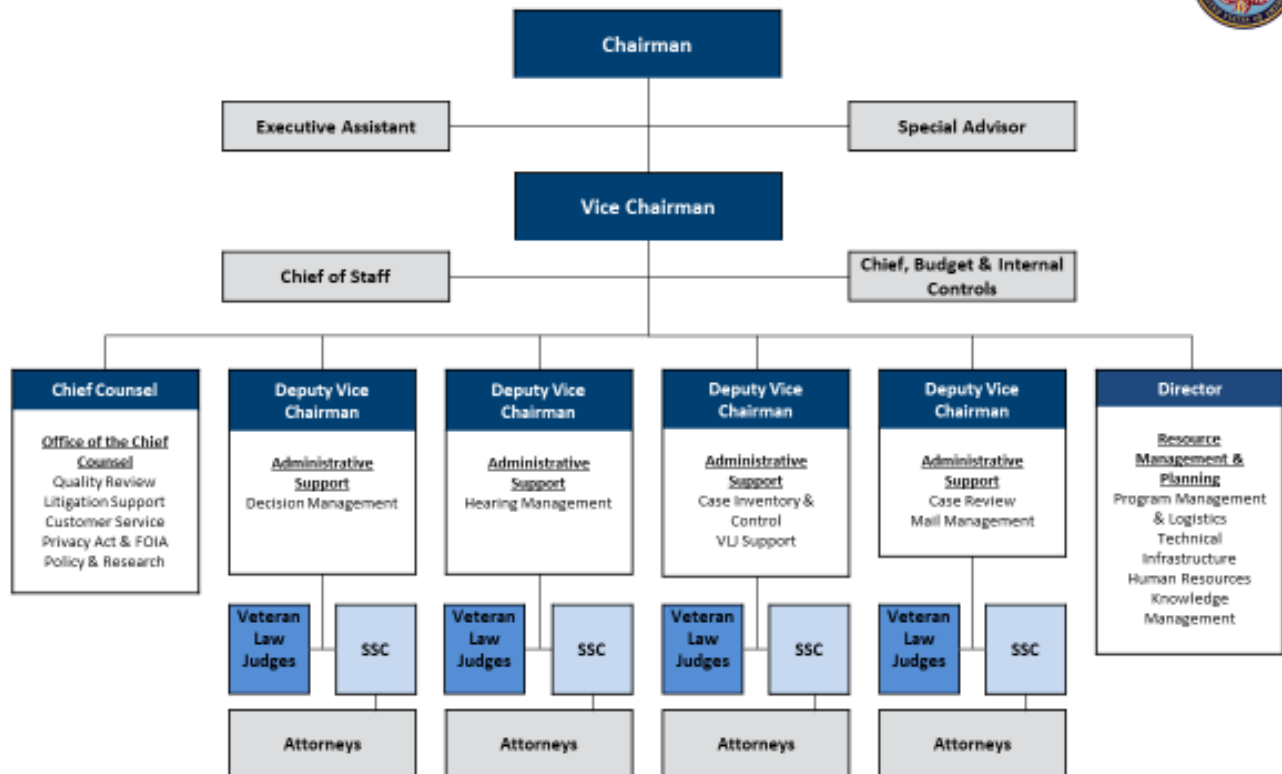
### Board Structure in FY 2019

In FY 2019, the Board implemented the *Veterans Appeals Improvement and Modernization Act of 2017* (AMA) and increased full time equivalent (FTE) staff while streamlining its organizational structure. The Board fully staffed a new leadership structure that enhanced greater decision output and accountability within the organization. The Board's organizational structure consisted of four main components: the Office of the Chairman, the Office of Appellate Operations, the Office of the Chief Counsel, and the Resource Management and Planning Division.

The Office of the Chairman is led by the Board's Chairman with the support of the Vice Chairman. The Chairman is appointed by the President for a term of 6 years and is confirmed by the Senate. The Chairman is directly accountable to the Secretary. 38 U.S.C. § 7101(a). The Vice Chairman is a member of the Senior Executive Service (SES) who is designated by the Secretary and serves as the Board's Chief Operating Officer. *Id.* Both the Chairman and the Vice Chairman are Board Members and Veterans Law Judges.

The Vice Chairman oversees the Office of Appellate Operations, the Office of Chief Counsel, the Resource Management and Planning Division, the office of the Chief of Staff, and the office of the Chief of Budget and Financial Management. Under the restructure, the Office of Appellate Operations was split into four sections, each headed by a Deputy Vice Chairman (DVC), a member of the SES. Each DVC oversees the appeals adjudication work accomplished by approximately 96 Veteran Law Judges and nearly 800 attorneys supporting those judges. Additionally, each DVC is directly responsible for the following operational support activities: 1) Decision Management; 2) Hearing Management; 3) Case Inventory and Control and VLJ Support; and 4) Case Review and Mail Management. Finally, as part of the leadership restructure, Supervisory Senior Counsel (SSC) were designated to serve as first-line supervisors over all decision-drafting attorneys at the Board.

# Board of Veterans' Appeals Overview



The Board's Chief Counsel, a member of the SES, oversees Quality Review, Litigation Support and Customer Service, the Freedom of Information Act and Privacy Act Office, Policy and Research (P&R), and Records Management.

The Board's Resource Management and Planning Division is led by a Director who supervises: 1) Knowledge Management (KM); 2) Program Management and Logistics; 3) Technical Infrastructure; and 4) Human Resource Liaisons.



## **FY 2019 – A Year of Values-Based Successes**

Success at the Board is defined through service, modernization, and action. FY 2019 saw significant and measurable results for Veterans and their families.

### **FY 2019 Modernization**

FY 2019 was a year of significant modernization beginning with the implementation of AMA in February 2019. In addition to significantly improving decision output per FTE, cost per case, and record-breaking increases in both appellate decision output and hearings held, the Board implemented process changes to enhance efficiencies in the operations that support AMA. These changes furthered the Secretary's priorities of customer service and business systems transformations. The Board improved Veteran experience through the use of updated customer-service oriented technologies and streamlined an unnecessarily complex appeals adjudication process.

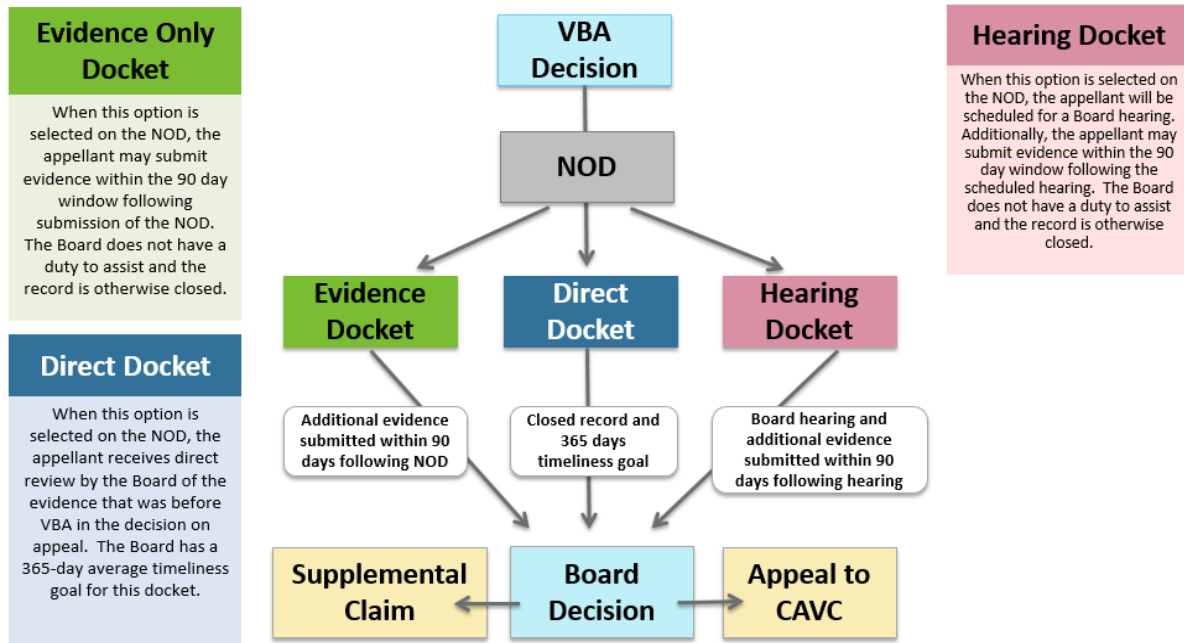
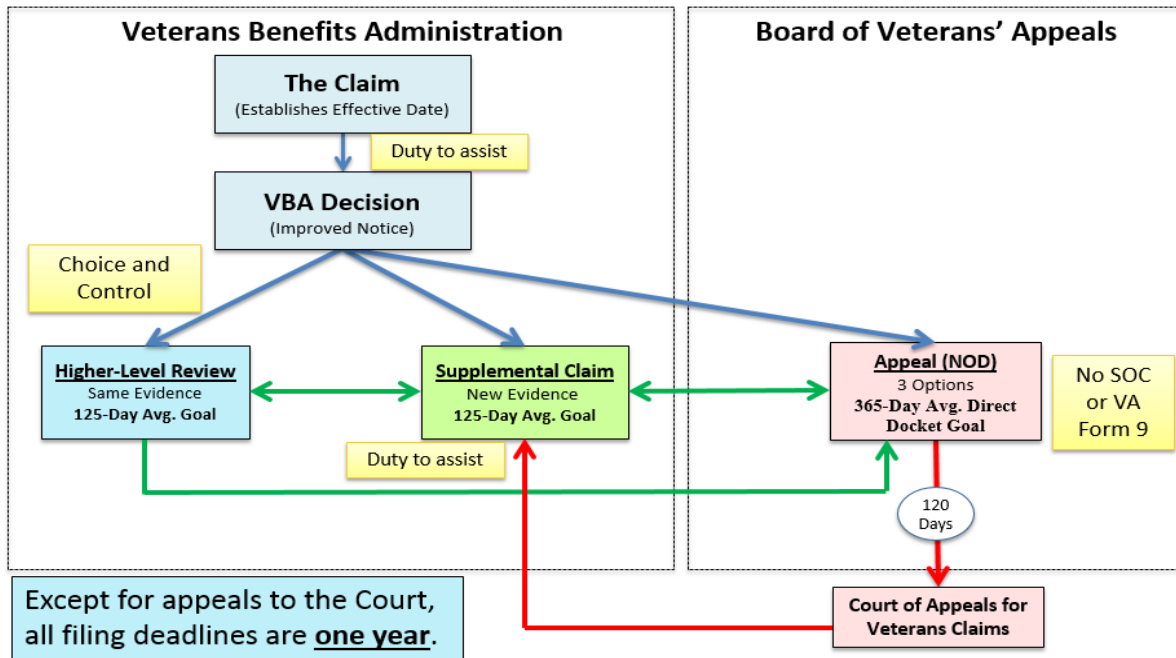
To improve the experience for Veterans, staff, and stakeholders, the Board took a number of specific actions, including: 1) enhancing Caseflow with technological upgrades; 2) streamlining the Board's organizational structure; 3) increasing Veterans Service Organization (VSO) information sharing and inventory tracking, and establishing a formal Memorandum of Understanding (MOU) for co-located VSOs; 4) streamlining hearings and hearing scheduling, 5) testing for virtual hearings; 6) increasing trainings for Board and VSO staff; 7) updating regulations to support and conform AMA activities; and 8) implementing Specialty Case Teams and continuing the One Touch program.

### *Appeals Modernization*

In February 2019, the Board, through strong collaboration, achieved the successful and on-time implementation of the AMA. This required close coordination among stakeholders to successfully establish and update a number of changes to VA processes, regulations, technology, and other supporting lines of business.

### *AMA Process*

AMA 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: 1) a direct review of the evidence that the Agency of Original Jurisdiction (AOJ) considered; 2) an opportunity to submit additional evidence without a hearing; or 3) they may elect to have a hearing before a Veterans Law Judge, which includes the opportunity to submit additional evidence. The charts below show the AMA process.



*Appeals Modernization Supporting Regulations*

VA Regulations supporting the framework of AMA were published in a proposed rule in the Federal Register on August 10, 2018, and the public comment period closed on October 9, 2018. The Office of Management and Budget (OMB) approved the regulations on December 21, 2018, and VA submitted the Final Rule to the Federal Register the same

day. The Final Rule was published January 18, 2019, and the regulation became effective on February 19, 2019.

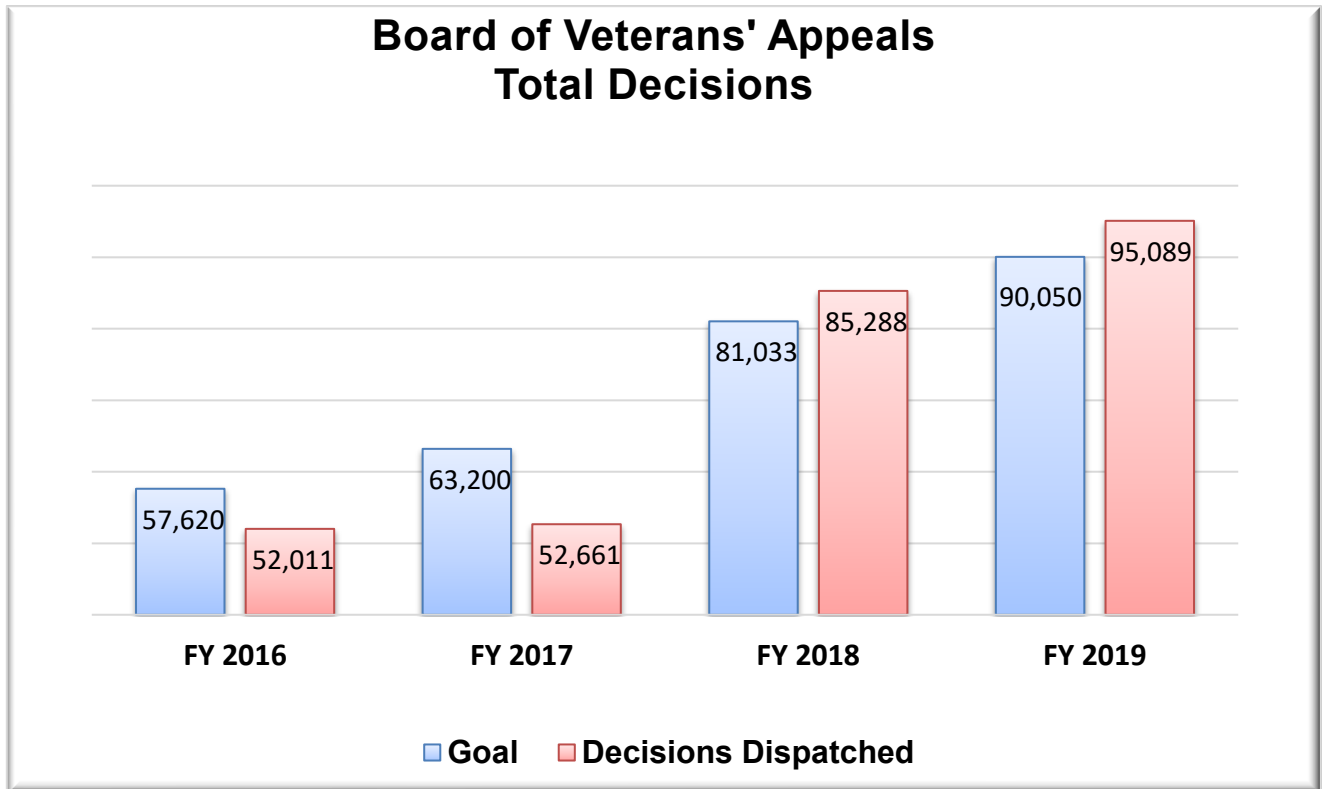
The following forms in support of AMA were formally approved by OMB and became effective February 19, 2019:

- VA Form 20-0995, Decision Review Request: Supplemental Claim;
- VA Form 20-0996, Decision Review Request: Higher-Level Review; and
- VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement).

### Action for Veterans in FY 2019 and Improved Efficiency

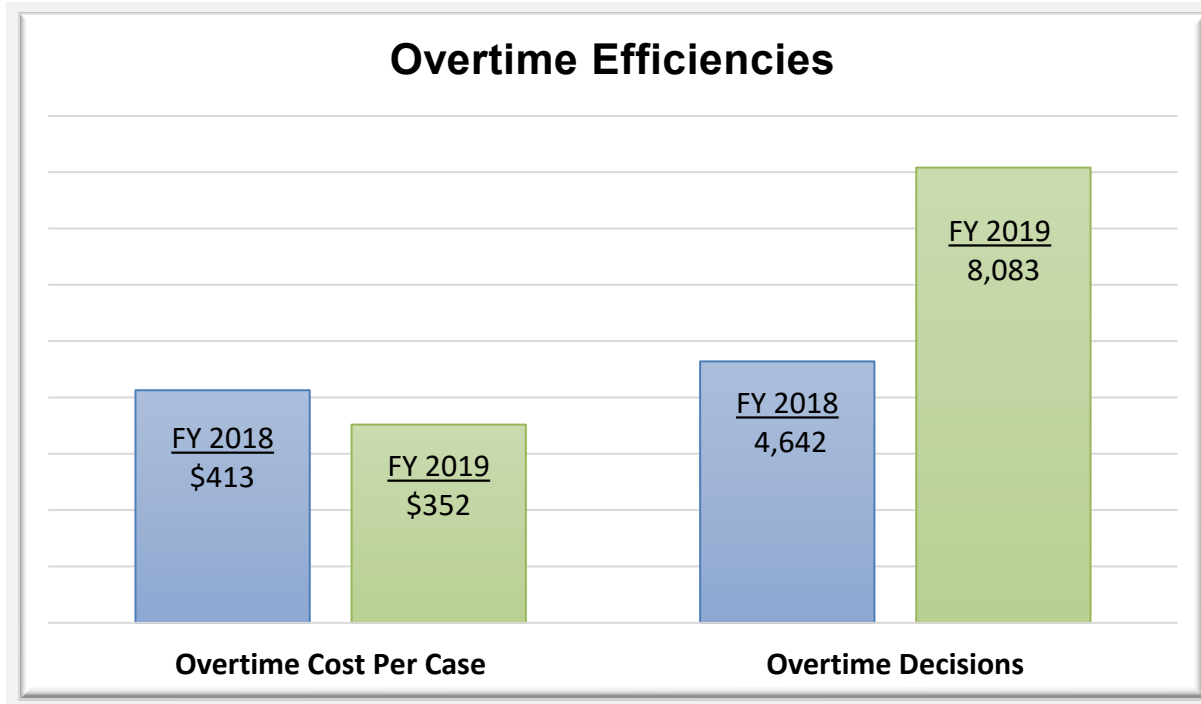
#### Decisions

FY 2019 was another year for record decision output at the Board shown in the chart below. The Board issued 95,089 decisions to Veterans, marking two consecutive years that the Board significantly exceeded goals. The Board not only achieved its FY 2019 goal of 90,050 decisions, it surpassed the goal by 5,039. As a result, FY 2019 production improved by approximately 11 percent over FY 2018 production of 85,288 decisions.



During FY 2019, the number of decisions per FTE remained high at approximately 88.3 decisions per FTE, marking two consecutive years the Board surpassed 88 decisions per FTE. The high ratio of decisions to FTE resulted in a two percent reduction of the average cost per case, from \$1,782 in FY 2018 to \$1,747 in FY 2019.

The Board also realized increased efficiencies associated with voluntary paid overtime as described in the chart below. While the amount of overtime increased by approximately 40 percent, from 40,049 hours in FY 2018 to over 56,000 hours in FY 2019, there was a significant increase in output, as the number of decisions worked on overtime increased by 74 percent, from 4,642 decisions in FY 2018 to 8,083 decisions in FY 2019. As a result, the average cost per overtime case dispatched decreased 14.7 percent in FY 2019, from approximately \$413 in FY 2018 to \$352 in FY 2019.



Overall, increased utilization of voluntary overtime and increased decision output of Board staff led to a significant increase in value for both Veterans and taxpayers.

### Hearings

The Board increased the total number of scheduled hearings from 24,046 in FY 2018 to a total of 36,461 in FY 2019. Additionally, the Board transitioned nationwide hearing scheduling from the Veterans Benefits Administration to the Board in April 2019 to ensure that it could better reduce the number of legacy hearings, implement AMA hearing requests, and meet its commitment to schedule all hearings in docket order. In FY 2019, the Board held a record number of hearings and significantly increased output from 16,424 held in FY 2018 to a total of 22,743 in FY 2019. This represents more than a 38 percent increase compared to the prior year. Hearings were conducted face-to-face at a VA facility (known as "Travel Board" hearings), in-person at the Board's Washington, D.C. location (known as "Central Office" hearings), or through video teleconference (known as "Video Hearings") between a Board Veterans Law Judge in Washington, D.C. and the Veteran and his/her Representative at a separate VA location. The Board held approximately 67 percent of hearings by video. Additionally, in FY 2019, the Board decreased the number of pending legacy appeals hearings from 75,946 to 61,791, a nearly 19-percent decrease.

With the full implementation of Appeals Modernization, the Board began to receive AMA hearing requests. At the end of FY 2019, the Board had 11,333 AMA hearing requests pending.

The Board also completed the first phase of testing for virtual hearings at the end of FY 2019, which will enable Veterans to participate in appeals hearings without the need to travel to a specific VA location. During the first phase of testing, 68 virtual hearings were held, with a 97 percent satisfaction rate from Veterans. The Board also began the implementation of VEText utilizing existing technology to remind Veterans by text about upcoming hearings. The Board utilized technology and business systems transformation to enhance delivery and access of Veteran-centric forward-looking services.

### *Personnel*

In response to the growing number of legacy appeals and additional requirements for supporting new AMA appeals, the Board doubled its personnel strength during the past several years. To do so, the Board had to attract and hire talented employees to perform this unique and critically important mission to serve Veterans. The Board pursued innovative hiring practices, such as using the military spouse hiring authority to hire military spouses, and hiring recent law school graduates and training them in the specialized field of Veterans' law. In FY 2019, the Board onboarded approximately 250 new staff, primarily decision-drafting attorneys and law clerks. This hiring initiative resulted in the FY 2019 end-strength level of 1,168 personnel onboard—the highest number of employees in Board history.

The Board utilizes a robust telework program and a remote work program in support of its mission. At the end of FY 2019, there were 791 Board employees with telework agreements, 452 Board employees working at an alternative location to the office one or more days per week, and 339 remote work employees. These programs enable the Board to recruit and retain attorneys, including military spouses, enhance morale, and identify the Board as an employer of choice. Remote employees are permitted to work from home and to move outside of the DC metro area once certain requirements are met. They are only required to report to the Board's offices a maximum of four times per year. Both programs allow the Board to expand its workforce within the same physical footprint, thus avoiding the need for and cost of additional space.

As previously noted, the Board is committed to hiring military spouses. According to the Department of Defense (DoD), military spouses experience a 24 percent unemployment rate, which is due in part to frequent moves. The Board's military spouse employment initiative and robust telework and remote plans offer military spouses engaging legal employment. The Board is an active member of the DoD Military Spouse Employment Partnership (MSEP). MSEP is a career program that connects military spouses with affiliated employers who have committed to recruit, hire, promote, and retain military spouses in fulfilling careers. The Board actively promotes hiring military spouses within VA and across the Federal Government.

On July 29, 2019, the Board, as the VA representative, entered into a memorandum of agreement with the U.S. Chamber of Commerce Foundation's Hiring our Heroes to promote best practices for hiring and retaining military spouses across the Federal government. The Chairman routinely meets with Federal agencies to discuss the value

military spouses bring to the workforce and how Federal agencies can utilize the unique talents and perspectives that this demographic brings to the workforce. As part of this conversation, the Chairman discusses best practices for recruiting, hiring, and retaining military spouses. Some examples include encouraging the use of social media to inform and recruit military spouses, using the direct hire authority, and most importantly, becoming an MSEP partner.

### *Employee Engagement*

The Board recognizes that it cannot sustain the historic levels of decision and hearing output on behalf of Veterans and their families unless it continuously improves its organizational culture and climate. This past year, the Board strengthened employee engagement through morning meet-and-greets, weekly informational emails, mentor/mentee programs, monthly newsletters, virtual and in-person suggestion boxes, implementation of employee driven suggestions, and town halls. Additionally, 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 is engaging staff by providing training on both internal and external customer experience, participating in the Veterans Experience Office's (VEO) *Own the Moment* videos and workshops, forming an Employee Engagement/All Employee Survey Advisory Group focused on new initiatives to improve employee engagement, and embracing the groups that currently engage with staff at the Board as a collective and unified effort.

Another example of the Board's engagement is partnering with the Veterans Service Forum (VSF) to provide information to Board staff about military experience and help keep the "focus on the Veteran." VSF activities included providing military competency classes for new Board attorneys, coordinating volunteers to participate in the Annual Wreath Laying at Arlington National Cemetery, organizing an event with the Tragedy Assistance Program for Survivors, and planning Board-wide events to recognize Veterans on important commemoration holidays such as Veterans Day and Memorial Day.

The Board's employee engagement programs are having a positive impact. The Board's response rate for the FY 2019 All Employee Survey (AES) rose by approximately 26 percent from FY 2018 to 85 percent (approximately 19 percent above the VA average). The Board increased its AES data use metric by approximately 33 percent from FY 2018 and its Data Sharing metric by 12 percent.

Board employees took part in a variety of volunteer activities throughout FY 2019, including participation in Honor Flight welcomes and cleaning headstones at National Cemeteries throughout the country during NCA's day of service. The Board will continue to promote these types of volunteer activities, as they connect employees with one another as well as to Veterans and VA's overall mission.

### *Specialty Case Team*

The Specialty Case Team (SCT) is a Board-wide test program in which attorneys, who are

competitively selected for the position, serve as a subject matter expert in one or two statistically rare or complex legal areas within Veterans law. Specially-trained attorneys are critical to ensuring complex cases are handled by legal experts who are experts in the legal nuances of rare or difficult types of cases so that the Board produces the highest quality decisions in the most efficient manner. These experts then develop procedures and model language for use in guiding decision drafting so the next generation of attorneys can adapt to take on these more complex cases in the future. During FY 2019, SCT attorneys completed over 8,300 cases, demonstrating the efficiency of this specialized approach, and averaged nearly one additional signed case per pay period more than a non-SCT attorney.

### *Quality Review*

The Board's Office of Quality Review (QR) has a case review system that aims to identify objective errors that fall outside the bounds of judicial discretion in a uniform and consistent manner. The standard of review is "clear and unmistakable error." QR applies this standard to both legacy and AMA appeals. It bases its findings and conclusions on a statistically significant number of legacy and AMA appeals, which are randomly selected from the total number of completed Board appeals. As the AMA did not change the substantive law regarding entitlement to Veterans benefits and services, the Board does not anticipate that the QR process will be altered by the change in law.

QR also reviews 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). QR also disseminates summaries of recent precedent case law to all legal staff.

In FY 2019, the Board continued to challenge employees to maintain high levels of quality and achieved an accuracy rating of approximately 91.4 percent for legacy decisions issued. While 0.6 percent short of the Board's goal, the Board was still able to achieve a high quality rate, despite experiencing major changes in FY 2019. These changes included an organizational leadership restructure, the implementation of AMA while continuing to adjudicate legacy appeals, and hiring and training significant numbers of new staff in all divisions.

In response, in late FY 2019 the Board implemented a bimonthly reporting plan for QR with a focus on trends to enable enhanced training by the KM team on an agile basis for all staff.

### *Training*

In FY 2019, the Board onboarded a new Training Officer to oversee the KM department to ensure Board employees receive the appropriate training needed to give Veterans legally accurate and timely decisions. KM developed information trainings, provided critical accountability checks, and assisted with legal research to best ensure the issuance of quality and timely appellant decisions. In addition, KM created targeted and agile training for employees based on identified QR trends. Training is adjusted as needed from the Board's quality review process, as well as outcomes in cases from CAVC and the Federal Circuit. KM presented training for Board counsel and Veterans Law Judges on topics such as: 1) Gulf War claims; 2) Reduction, Restoration, and Severance; 3) § 1151 Claims; 4) Increased Ratings (IR); and 5) IR Skin Training. KM also partnered with VA's Office of

the General Counsel Ethics Specialty Team to provide public filers with live ethics training. Finally, KM helped ensure that all Board staff completed all VA-required online training courses (such as privacy and security awareness, etc.) that are designed to support a strong management workforce, and it certified the active standing of all attorney staff members.

The Board continues to provide large-scale trainings and information technology resources to help all Board staff learn new AMA procedures and efficiently deliver decisions to Veterans as quickly as possible. These trainings: 1) reinforce the difference in the appellate process between the legacy system and AMA; 2) highlight VBA claims processing; and 3) describe when additional evidence may be submitted, how claims arrive at the Board, how remands are handled, and how the docketing of appeals will be handled.

KM and P&R partnered to create KM/Caseflow/P&R Listening Tours. These trainings were divided among different legal and administrative branches at the Board and provided an opportunity to gather feedback about working AMA appeals with a focus on AMA functionality in Caseflow. Since AMA implementation, KM adjusted trainings to address identified AMA issues.

Recent Board-wide trainings, which address substantive legal issues and are provided to all Board legal staff by KM and QR, included guidance on how to address AMA in specific areas of Veterans law. These trainings, which inform Board legal staff of best practices for a given area of law, address recent changes in Veterans' law and how it is impacted by AMA. KM also partnered with the Change Management Team to ensure that the trainings held on AMA policy guidance were informative and appropriate for Board staff. In addition, 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 2019. This program is 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. To promote continuous learning, KM provided additional mentoring for attorneys who have been at the Board less than two years and require additional support.

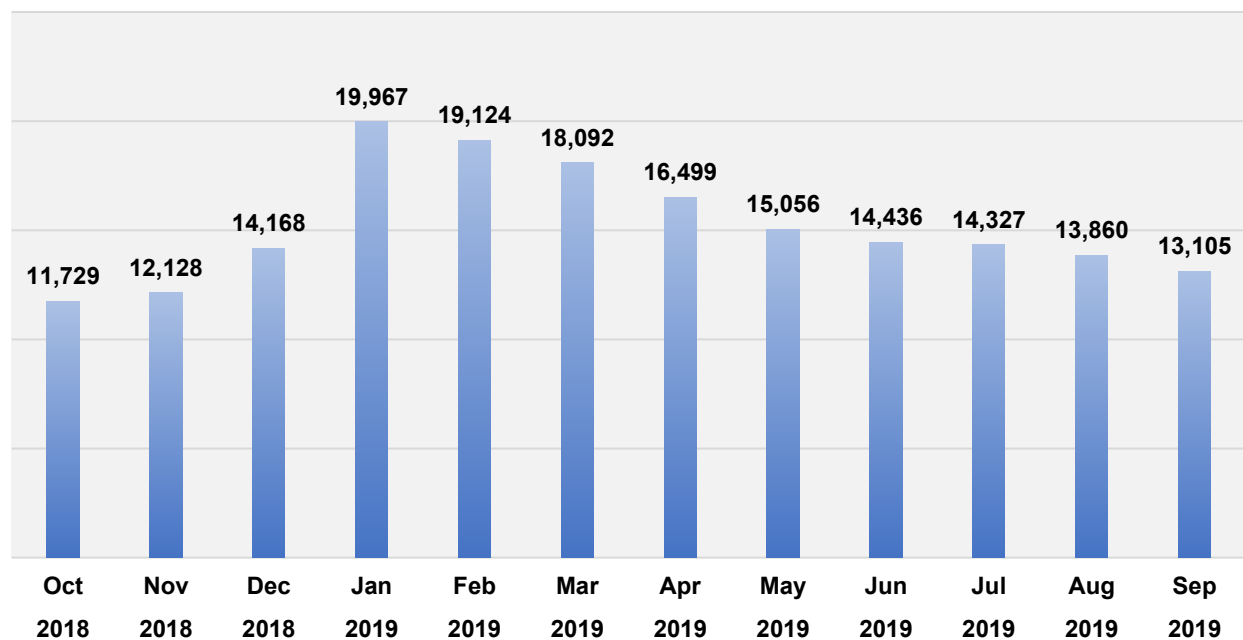
## **Service to Veterans**

### *VSO Forums, Inventory and Training*

In FY 2019, the Board continued its significant outreach to VSOs by providing: 1) regular appeals modernization update discussions and close collaboration with the VSO staff co-located with the Board; 2) weekly inventory tracking and inventory age information for each VSO; and 3) ongoing in-house training activities. In addition to direct support activities, the Board signed a new MOU in FY 2019 to help standardize activities and support co-located VSOs who work at the Board's location.



### Legacy Appeals Pending at Veterans Service Organizations (Original & Post Remand Appeals)



The Board saw a significant increase in legacy appeals pending with VSOs in December 2018 and in January 2019, and it took active steps to reduce outstanding inventory as depicted in the chart above. The Board collaborated with co-located VSOs to encourage increased efficiencies in Informal Hearing Presentation preparation and supported two co-located VSOs with their written brokering program. This collaboration resulted in the creation of new inventory tracking reports and the reduction of the number of pending legacy appeals with VSOs from approximately 20,000 to 13,100, which represents a 34 percent-decrease in appeals pending over a nine-month period.

In addition, through coordination with the VA Office of Information and Technology (OIT), the Board invited VSOs to participate in technology testing to make sure that new systems function as desired for stakeholders. The Chairman also traveled throughout the country to speak at numerous national and local VSO conferences and representatives' trainings. These activities helped ensure active communication and collaboration between the Board and VSO partners.

#### *Coordination with Administrations and Other Staff Offices*

During the past year, the Board partnered with VA stakeholders across the enterprise to better serve Veterans and their families. Partners include, but are not limited to: VBA, VHA, NCA, OGC, and VEO. This active coordination is essential to support efficient VA processes and helps to make the Veteran experience seamless across VA. All VA offices closely collaborated to ensure that the Department and external stakeholders were fully prepared to implement the AMA in February 2019.

The Board led VA's appeals modernization process and actively collaborated across the enterprise to prepare the Department for the implementation of AMA. Specific efforts included ensuring the timely announcement of proposed AMA regulations and quick turn-

around responses to stakeholders. The Board also collaborated with VBA and OGC extensively to review the new processes implemented under AMA through the end of the Rapid Appeals Modernization Program testing phase. This testing supported the successful implementation of AMA and the functions of related technologies in February 2019.

The Board's collaboration with VBA and VHA directly contributed to the reduction of pending appeals inventory throughout the Department by more than 77,000 cases in FY 2019, almost doubling the 45,000-case decrease of FY 2018. The Board was instrumental in forming a work group with Office of Enterprise Integration (OEI), VBA, VHA, NCA, OGC, and OIT to implement the Department's legacy resolution plan.

Similarly, the Board worked closely with VBA's Compensation Service Office of Training to produce joint trainings related to the adjudication of appeals for Veterans benefits. These trainings include the sufficiency of medical opinions and how to accurately evaluate functional limitations of the knee and spine, and they were delivered in a conversational podcast style to over five thousand employees.

The Board coordinated with external stakeholders, including VSOs, Veterans Advocates, and the Office of Personnel Management (OPM). In addition to adjudication-focused training, the Board selected high-performing attorneys, Veterans Law Judges, and administrative professionals for leadership seminars and programs, such as Leadership VA and programs offered through the OPM Federal Executive Institute. These robust training courses are an integral part of the Board's commitment for the development of future leaders.

### *Outside Medical Office Workgroup and Coordination*

In certain circumstances, the law requires VA to assist Veterans in their claims for benefits by obtaining medical opinions. Previously, the Board requested this action. However, AMA does not allow the Board to request VHA opinions or Independent Medical Examinations. Rather, the AOJ must obtain the opinion. See 38 U.S.C. § 5109. To prepare for this transition, the Board led a working group consisting of leaders from the Board, VHA, OGC, and VBA.

The results of the workgroup and the partnership between the Board and VHA were as follows:

- Reduction of staffing in the Board's Outside Medical Office by approximately 50 percent, allowing staffing resources to be redirected to AMA appeals and to the draw down of legacy appeals;
- Completion of 1348 medical opinions, 105 more completed medical opinions than in FY 2018; and
- Projected completion of initial VHA medical opinions by early FY 2020.

### *Technology*

The Board is leveraging technology to gain efficiencies in appeals processing. This demonstrates the Board's commitment to business system transformation and technology modernization to deliver people-centric, result-driven, forward-looking results to Veterans.

In FY 2019, the Board implemented Caseflow (e.g., Caseflow Intake, Caseflow Queue) and hearing scheduling (Caseflow Hearing Schedule) in support of AMA activities. Basic functionality for both of these modules was available for initial AMA implementation, with general improvements and reporting functionality added over the course of FY 2019. After initial Caseflow implementation, the Board transitioned from receiving development support from U.S. Digital Services to OIT. The Board and OIT are managing the ongoing transition from the Veterans Appeals Control and Locator System (VACOLS) to Caseflow. As a result of this collaboration, OIT provided the Board with significant enhancements in Caseflow, which contributed to the Board's record-breaking decision output.

The Board is improving the Interactive Decision Template (IDT). This template replaced the nearly 20-year-old template used to draft Board decisions. The IDT automatically retrieves data from case management software and populates important and relevant language into each appellate decision, allowing attorneys and Veterans Law Judges to focus their attention on legal research and drafting. IDT helps ensure consistency and brevity across all Board decisions and encourages the use of clear and concise language to ensure Board decisions are understandable to Veterans. IDT further changed the process for dispatching decisions by automating several steps previously done manually, including: 1) creating the final electronic signed decision; 2) retrieving the most up to date Veteran and representative contact information; 3) generating cover letters and mailing labels; 4) uploading completed copies of the decision to VACOLS and the Veterans Benefits Management System; and 5) printing copies for mailing. This automation reduced human error in mailings and reduced the time required to get a completed decision from a Veterans Law Judge to the Veteran.

The Board began testing for the establishment of a virtual hearing environment, which utilizes similar technology used at VHA for Telehealth. Virtual Hearings will allow Veterans to participate in Board hearings by picture and voice transmission through VA's virtual private network (VPN) system. As of the end of FY 2019, Virtual Hearing technology was in the testing and initial implementation phase.

In addition to major systems implementation activities, the Board made significant hardware upgrades to make sure Board employees are ready for VA-wide migration to Microsoft Windows 10 in FY 2020. These hardware and software upgrades helped to ensure that the technology used by Board employees is fully supportive of a successful production environment.

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

FY 2019 was a landmark year for the Board, with successful implementation of the AMA, new regulations, new case systems, record appeals decision output, record hearings held, organizational changes, increased VSO coordination, increased inventory coordination and tracking, 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**

In FY 2020, the Board, in alignment with the Secretary's priorities, will continue a proactive and Veteran-centric strategy to increase the number of Veterans served, increase efficiency in the appeals system, improve technology, and leverage intra-Departmental partnerships to improve the Veteran and the employee experience. The Board will participate in change management activities to strengthen AMA activities and resolution of legacy appeals.

The Board will measure Veterans' satisfaction with legacy appeals and AMA appeals by leveraging a robust partnership with the VEO. The Board is an early adopter of several VEO initiatives, including Own the Moment customer experience workshops and Service Recovery mapping and implementation. To measure Veteran experiences with filing Board appeals, hearings, and decisions, the Board has developed three surveys that target feedback from legacy and AMA appeals. The surveys capture a Veteran's experience after three significant customer "touches" with the Board: (1) Hearings; (2) Decisions; and (3) Filings.

The Board's ability to track survey responses enables Board leadership to use real-time data to identify emerging trends and identify opportunities to improve customer experience. The Board will use this feedback data to identify opportunities to improve overall customer experience as well as provide comparisons of Veteran satisfaction under each appeals system.

Additionally, monitoring survey feedback empowers Board staff to practice service recovery by allowing them to quickly acknowledge concerns, triage and delegate action items to relevant parties, and provide direct feedback to Veterans with a clear plan of action. For example, the Board is partnering with OIT to develop an online Veteran-facing AMA Notice of Disagreement submission interface. This will improve the Veterans' experience with direct appeals to the Board and ensure greater accuracy in the Veteran's submission.

### **Coordinated Resolution of Legacy and AMA Inventory**

The Board made considerable progress in FY 2019 to better track and coordinate the movement of case inventory both internally and across stakeholders. In addition to the implementation of Caseflow, the Board developed and improved processes and technology focused on the accountable tracking of case inventory. Significant progress was made in FY 2019 to track case inventory as it moves through both the legacy and

AMA processes and also with the tracking of case inventory currently residing for action with VSOs.

### Increase the Number of Veterans Served and Optimize Accuracy

The Board's goals for FY 2020 are to adjudicate 91,500 appeals for Veterans and schedule a minimum of 36,000 hearings. FY 2020 will be a baseline year to focus on: (1) the reduction of legacy appeals; (2) holding a higher percentage of scheduled hearings; and (3) working all three dockets of AMA cases in a timely manner.

The Board will reach these historic goals by using a multi-pronged strategic approach and leveraging existing resources by concentrating on the following:

- ▶ **Internal training:** The Board continues to actively train staff and VSO partners on AMA and will update training activities as new technologies and processes are implemented. Training materials are regularly updated by a core group of subject matter experts on appeals modernization and adapted for how the AMA will impact each respective group within the Board. Trainings are provided to all legal and administrative professionals at the Board. AMA is incorporated into all training materials and training will be conducted on an ongoing basis.
- ▶ **Strengthening partnerships across the VA enterprise:** The Board will continue to collaborate with VBA, VHA, OGC, NCA, OIT, OEI, VEO, and other internal stakeholders on a formal and frequent basis to collect Veteran feedback and discuss ways to improve the quality of services provided to Veterans.
- ▶ **Strengthening partnerships and accountability with VSOs:** The Board provided a comprehensive MOU in FY 2019 to VSOs, which was updated for FY 2020. This MOU will continue to support and conform activities for co-located VSOs and provide a mechanism for accountability. In addition to the MOU, the Board committed to providing regular notifications to VSOs that describe outstanding case inventory and timeliness goals.
- ▶ **Virtual Hearings:** The Board plans to fully implement a virtual hearing solution to support the ability of Veterans to conduct hearings before the Board by picture and voice transmission via the VA's VPN. This technology will provide access and flexibility for Veterans and representatives within the hearing process.
- ▶ **VEText:** The Board will utilize existing technology to notify Veterans by text to provide reminders for upcoming hearings. This technology has the potential to increase show rates for hearings and help provide Veterans with scheduling information in a timely manner.

All these measures will help 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 it will continue to build trust for fostering an open and communicative relationship with staff and labor representatives. The Board will continue to evaluate attorney performance standards and work with bargaining unit representatives to ensure work-life balance while serving as many Veterans as possible. For example, in FY 2019, the Board revised its attorney production standards to allow an attorney to be considered fully successful based on either the number of decisions produced or the number of issues addressed instead of just the number of decisions produced. The Board will continue to engage employees and will monitor improvements in engagement with informal surveys and AES results. An advisory group, made up of volunteers from across the organization, will also provide feedback and facilitation of employee engagement activities at the Board.

To guarantee Board employees are equipped to serve Veterans, the Board will continue its existing training program for current staff and new attorneys and will assess and adjust training programs based on feedback received from new employees and Veterans Law Judges, as well as from VBA, VHA, OGC, VEO, and CAVC stakeholders.

## Workforce Planning

The Board continues to attract high-caliber attorneys and administrative professionals, as VA's mission to serve Veterans continues to attract top candidates to the Department. The Board has an active workforce plan, which is designed to recruit, hire, and train new employees. The Board ended September of FY 2018 with 1,030 FTE and ended September of FY 2019 with 1,156 FTE. The Board's workforce plan resulted in an increase of approximately 12 percent in FTE and resulted in a cumulative average of 1,077 FTE for FY 2019. The Board's FY 2020 hiring plan projects hiring to achieve a cumulative average of 1,190 FTE throughout the new year to fulfill its core mission of delivering timely decisions to Veterans.

In FY 2019, the Board also fully transitioned to a more accountable and efficient organizational structure. This change better positioned the Board to utilize resources and supports a more effective supervisor-to-staff ratio. In FY 2020, the Board will continue to assess its current organizational structure to maximize employee engagement, accountability, output, and work-life balance.

# PART II

## Statistical Data

Beginning with the FY 2019 Annual Report, the Board's statistical data include appeals from AMA, enacted on August 23, 2017, and effective on February 19, 2019. With AMA implementation, the Board receives legacy and AMA appeals simultaneously and manages four dockets: 1) legacy appeals; 2) AMA direct review; 3) AMA evidence submission; and 4) AMA appeal with a hearing request.

Unless otherwise notated, all data reported is inclusive of all dockets.

### ***FY 2019 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<br>(Substantive Appeal (VA Form 9) filed): | <b>36,062</b> |
|---|---------------|

|  |               |
|--|---------------|
| Number of AMA cases formally docketed by the<br>Board (VA Form 10182): | <b>23,849</b> |
|--|---------------|

|  |               |
|--|---------------|
| Number of legacy appeals certified to the Board: | <b>69,008</b> |
|--|---------------|

#### **38 U.S.C. § 7101(d)(2)(B)**

|   |                 |
|---|-----------------|
| Cases pending (certified) before the Board at the start of FY 2019: | <b>137,383*</b> |
|---|-----------------|

|   |                 |
|---|-----------------|
| Cases pending (certified) before the Board at the end of FY 2019: | <b>120,638*</b> |
|---|-----------------|

\* Includes certified appeals pending in the field awaiting hearings, as well as cases docketed and pending at the 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. Beginning in FY 2019, this figure includes AMA cases received at the Board.

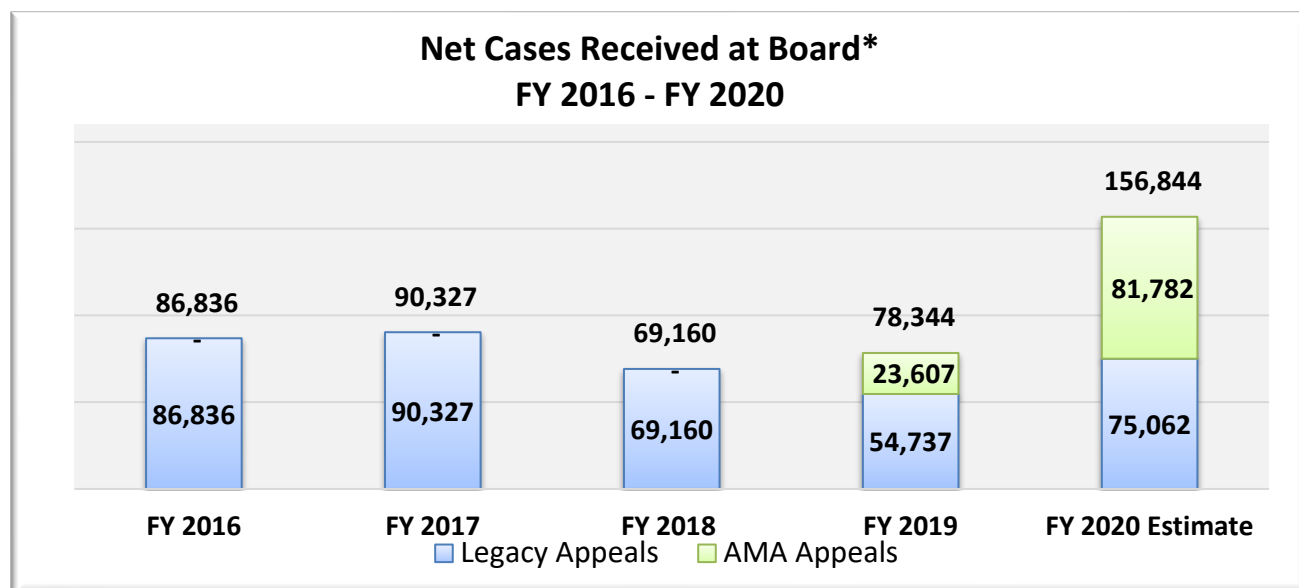
**8 U.S.C. § 7101(d)(2)(C)**

Detailed below in the next two tables are the 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 2019.

| Substantive Appeals (VA Form 9) Filed* |               |               |               |               | Cases Received at Board** |               |               |               |
|--|---------------|---------------|---------------|---------------|---------------------------|---------------|---------------|---------------|
| Month                                  | FY 2016       | FY 2017       | FY 2018       | FY 2019       | FY 2016                   | FY 2017       | FY 2018       | FY 2019       |
| October                                | 4,324         | 5,366         | 6,339         | 3,602         | 5,606                     | 7,338         | 7,856         | 4,896         |
| November                               | 3,858         | 5,210         | 6,118         | 3,408         | 5,220                     | 8,180         | 6,975         | 3,704         |
| December                               | 4,328         | 5,520         | 5,669         | 3,057         | 6,214                     | 7,766         | 6,137         | 4,178         |
| January                                | 4,022         | 5,264         | 5,870         | 3,339         | 5,499                     | 7,635         | 7,144         | 1,751         |
| February                               | 4,609         | 5,090         | 5,196         | 2,669         | 6,653                     | 7,085         | 6,516         | 1,581         |
| March                                  | 5,532         | 6,119         | 6,139         | 2,693         | 8,047                     | 7,721         | 6,254         | 5,510         |
| April                                  | 5,557         | 5,382         | 5,368         | 2,665         | 7,642                     | 7,815         | 6,837         | 7,762         |
| May                                    | 6,030         | 6,197         | 5,202         | 2,748         | 8,338                     | 8,390         | 5,720         | 7,557         |
| June                                   | 6,107         | 5,860         | 5,637         | 2,888         | 8,205                     | 7,958         | 3,069         | 6,804         |
| July                                   | 5,524         | 5,217         | 4,387         | 3,413         | 7,119                     | 6,590         | 5,048         | 9,247         |
| August                                 | 6,179         | 5,264         | 3,973         | 3,440         | 8,911                     | 7,040         | 3,824         | 12,313        |
| September                              | 5,726         | 5,099         | 2,934         | 2,140         | 9,382                     | 6,809         | 3,780         | 13,041        |
| <b>FY Total</b>                        | <b>61,796</b> | <b>65,588</b> | <b>62,832</b> | <b>36,062</b> | <b>86,836</b>             | <b>90,327</b> | <b>69,160</b> | <b>78,344</b> |

\* 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. In FY 2019, AMA cases were included in the number of case receipts.



\*Net case receipts include original appeals, remands, non-VBA receipts, cases returned by the CAVC, and AMA appeals.



**38 U.S.C. § 7101(d)(2)(D)**

***Legacy Appeals***

For legacy appeals decided in FY 2019, 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 1,273 days. This total includes all decision types (original, supplemental, post remand, reconsideration, vacates, de novo, court remand, etc.).

The chart below provides a snapshot of the average processing time within the multi-step legacy appeals process. For example, the average time between when a legacy certified appeal was docketed at the Board to disposition was approximately 264 days in FY 2019. Please note the figures below cannot be aggregated since some of the steps include only the time associated with original appeals.

| <b>Legacy Appeals Time Interval</b>   | <b>Responsible Party</b> | <b>Average Elapsed Processing Time</b> |              |
|---|--------------------------|--|--------------|
| Notice of Disagreement Receipt to Statement of the Case*                    | VBA**                    | 491 days                               | <b>AOJ</b>   |
| Statement of the Case Issuance to Substantive Appeal (VA Form 9) Receipt*   | Appellant                | 37 days                                |              |
| Substantive Appeal (VA Form 9) Receipt to Certification of Appeal*          | VBA**                    | 246 days                               |              |
| <b>From Board Receipt of Certified Appeal to Board Docketing of Appeal*</b> | <b>Board</b>             | <b>340 days</b>                        | <b>Board</b> |
| <b>Docketing of Certified Appeal to Issuance of Board Decision</b>          | <b>Board</b>             | <b>264 days</b>                        |              |
| Average Remand Time Factor  | VBA**                    | 519 days                               | <b>AOJ</b>   |

\* 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.

*Appeals Modernization Act Appeals*

For AMA, the Board now maintains three separate dockets. The average days to complete those appeals from Notice of Disagreement and from Case Intake are included in the table below.

|   | Direct Review | Evidence | Hearing | Responsible Party |
|---|---------------|----------|---------|-------------------|
| <b>Average Days to Complete AMA Decision from Notice of Disagreement*</b> | 142           | 196      | 291     | Board             |

\* With AMA implementation effective February 19, 2019, average days to complete figures are based upon seven and one half months of AMA data.

**38 U.S.C. § 7101(d)(2)(E)**

The number of members of the Board at the end of FY 2019\*: **96**

The number of professional, administrative, clerical and other personnel employed by the Board in terms of FTE at the end of FY 2019: **1,060** *(not including 96 members above)*

**38 U.S.C. § 7101(d)(2)(F)**

Number of acting members of the Board during FY 2019: **107**

Number of cases in which acting members participated\*: **4,723**

**38 U.S.C. § 7101(c)(2)**

Number of acting members of the Board in terms of FTE employees: **7.78\*\***

\* According to 38 U.S.C. Section 7101(c)(1), the Chairman of the Board of Veterans' Appeals has the authority to designate employees of the Department as acting members of the Board. This includes attorneys who may be designated as Acting Veterans Law Judges (AVLJ) to sign decisions when needed. It is in the discretion of the Chairman to designate such employees, based on the needs of the organization. Acting members of the Board may serve no more than 270 days per year (no more than 90 days at a time) and may not exceed 20 percent of the total number of Board members and acting Board members combined. In FY 2019, the Chairman reorganized the Board's structure and utilized AVLJs when needed. Additionally, as the

Board continues to implement AMA, the Chairman will assess the Board's needs and adjust the number of AVLJs accordingly.

\*\* 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 2019.

### ***Projections for FYs 2020 and 2021***

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

#### **38 U.S.C. § 7101(d)(3)(A)**

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

**FY 2020:** Cases certified to the Board: **76,000 - 100,000 - Legacy**  
**73,000 - 86,000 - AMA**

**FY 2021:** Cases certified to the Board: **26,000 - 32,000 - Legacy**  
**79,000 - 93,000 - AMA**

**Note:** Legacy appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board, as well as Veteran preference for AMA appeals. With AMA implementation effective February 19, 2019, appeals case receipts projections include both legacy and AMA appeals.

Projections include a variety of factors and assumptions that could affect forecasts. The variable assumptions involved in forecasting include 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 (Legacy and AMA) and those that have been certified for Board review.

The following categories are calculated as follows:

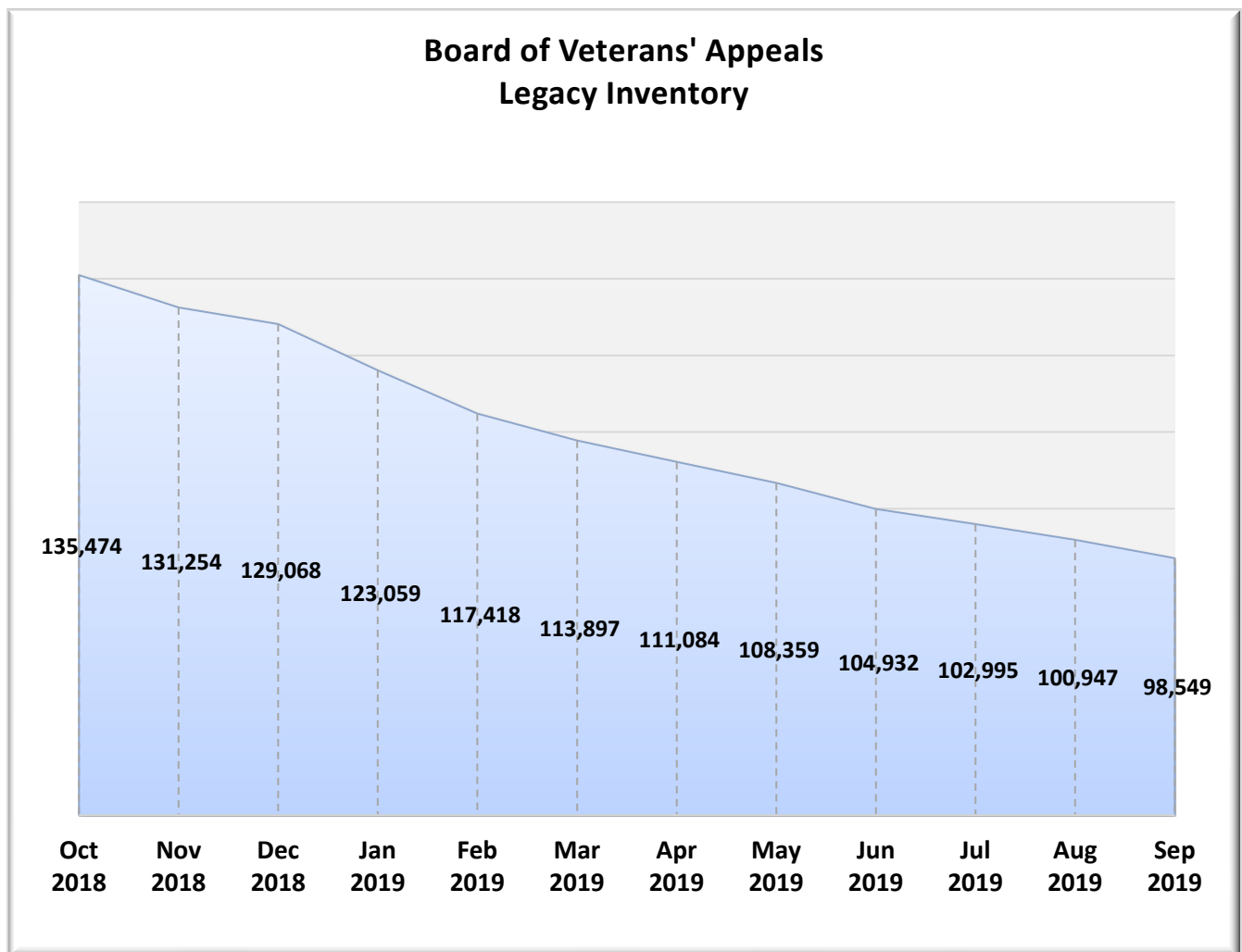
|  |   |  |
|--|---|--|
| <u>FY 2019 decisions (95,089) (divided by)</u><br>250 work days                            | = | <b>380.4 decisions per work day</b>      |
| Cases pending end of FY 2019 (120,638)<br><u>+ New cases expected in FY 2020 (156,844)</u> | = | <b>277,482 total workload in FY 2020</b> |
| <u>Total workload (277,482) (divided by)</u><br>Decisions per work day (380.4)             | = | <b>729.4 work days</b>                   |
| <u>Work days (729.4) (divided by)</u><br>250 work days                                     | = | <b>2.9 years</b>                         |
| Work years (2.9) x 12 (months)   | = | <b>35 months*</b>                        |

\* 35 months represents the amount of time it would take the Board to decide all appeals (Legacy and AMA) in its projected FY 2020 working inventory (current inventory plus projected receipts in FY 2020).

## Legacy Appeals Processing and Predictions

VA and the Board remain committed to resolving the inventory of legacy appeals as quickly as possible while maintaining timely processing for AMA appeals. Reduction of inventory will be accomplished by timely processing of both pending legacy appeals and appeals under the new system. The Board prioritized its resources to address the pending legacy appeals inventory in FY 2019. The Board set a record of 95,089 decisions dispatched in FY 2019, with 93,571 (approximately 98 percent) of those decisions occurring in the legacy system. This supported the reduction of the Board's inventory of legacy appeals from 137,016 at the start of FY 2019, down to 98,549 appeals at the end of FY 2019 as detailed in the chart below.

The Board will continue to receive new legacy appeals from VBA, VHA, and NCA as the administrations also work down legacy inventory. Estimates show the Board could receive as many as 100,000 legacy cases in FY 2020. With the exception of returned remands, initial projections indicate the Board plans to resolve its inventory of legacy appeals by the end of Calendar Year 2022.



## VA Operations Board Measures

VA implemented the VA Operations Board (VAOB) in FY 2019. VAOB is VA's executive level governance group responsible for tracking performance measures at the operational level and to discuss high-visibility issues, assess program progress, resolve performance problems, and assist leadership in focusing on top priorities and problems within the context of performance, budget and workload results. The following chart represents the Board's performance for VAOB measures in FY 2019.

| Board of Veterans' Appeals<br>Veterans Affairs Operations Board Measures – FY 2019 |                   |               |               |                 |                |                         |               |
|--|-------------------|---------------|---------------|-----------------|----------------|-------------------------|---------------|
| Month  | Pending Inventory | Hearings      |               | Appeals Decided | Issues Decided | Appeals Decided Per FTE | FTE           |
|  |                   | Scheduled     | Held          |                 |                |                         |               |
| Oct  | 136,008           | 3,506         | 2,476         | 6,271           | 20,895         | 68                      | 1,053         |
| Nov  | 131,926           | 2,797         | 1,919         | 7,786           | 27,466         | 90                      | 1,028         |
| Dec  | 129,740           | 1,795         | 1,143         | 6,400           | 21,801         | 77                      | 1,028         |
| Jan  | 124,217           | 2,389         | 1,526         | 7,274           | 23,674         | 81                      | 1,024         |
| Feb  | 118,623           | 2,705         | 1,764         | 7,175           | 22,467         | 93                      | 1,009         |
| Mar  | 115,524           | 3,226         | 2,184         | 8,609           | 26,503         | 105                     | 1,020         |
| Apr  | 113,648           | 3,934         | 2,220         | 9,638           | 30,877         | 110                     | 1,038         |
| May  | 112,839           | 3,526         | 1,983         | 8,330           | 26,556         | 85                      | 1,112         |
| Jun  | 111,340           | 3,295         | 1,939         | 8,277           | 25,945         | 94                      | 1,150         |
| Jul  | 111,950           | 2,856         | 1,642         | 8,637           | 27,559         | 85                      | 1,158         |
| Aug  | 115,799           | 3,510         | 2,106         | 8,464           | 26,066         | 87                      | 1,150         |
| Sep  | 120,638           | 2,922         | 1,841         | 8,228           | 25,269         | 88                      | 1,156*        |
| <b>Total</b>   | <b>120,638</b>    | <b>36,461</b> | <b>22,743</b> | <b>95,089</b>   | <b>305,078</b> | <b>88</b>               | <b>1,077*</b> |

\*The Board finished FY 2019 with 1,156 FTE for the month of September, and 1,077 FTE as its cumulative FTE average for the entire FY.

## Appeals Modernization Act Statistics\*

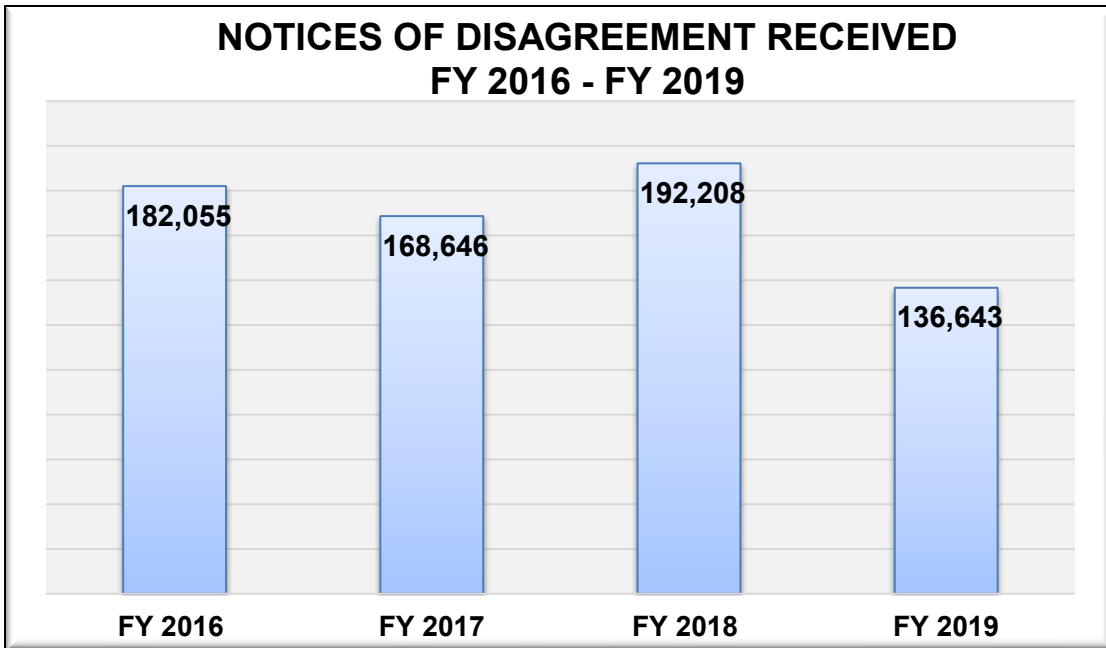
|  | Direct Review | Evidence Submission | Hearing | Total  |
|--|---------------|---------------------|---------|--------|
| AMA Case Receipts  | 8,745         | 3,189               | 11,673  | 23,607 |
| Pending Inventory of AMA Cases (at end of FY 2019)                       | 7,531         | 2,949               | 11,609  | 22,089 |
| AMA Decisions Dispatched   | 1,214         | 240                 | 64      | 1,518  |
| Average Days to Complete AMA Decision (from Notice of Disagreement)      | 142           | 196                 | 291     | 157    |
| Average Days to Complete AMA Decision (from Board Docketing Case Intake) | 82            | 127                 | 227     | 95     |
| Number of AMA Issues Decided   |               |                     |         |        |
| Allowed  | 776           | 220                 | 62      | 1,058  |
| Denied   | 1,529         | 363                 | 50      | 1,942  |
| Remanded   | 1,011         | 269                 | 25      | 1,305  |
| Other  | 59            | 15                  | 17      | 91     |

\*With AMA implementation effective February 19, 2019, the AMA figures above are based upon seven and a half months' worth of AMA data.

# ADDITIONAL INFORMATION

## Potential Board Workload at VA

| Number of Notices of Disagreement Received in the Field |                |                |                |                |
|---|----------------|----------------|----------------|----------------|
| Month   | FY 2016        | FY 2017        | FY 2018        | FY 2019        |
| October   | 15,992         | 14,520         | 14,431         | 18,781         |
| November  | 14,656         | 13,294         | 14,814         | 16,778         |
| December  | 14,964         | 12,985         | 13,174         | 13,533         |
| January   | 13,291         | 12,731         | 12,773         | 13,067         |
| February  | 15,355         | 12,901         | 13,741         | 12,884         |
| March   | 18,063         | 14,713         | 15,177         | 14,414         |
| April   | 16,847         | 13,147         | 13,094         | 13,378         |
| May   | 14,591         | 15,884         | 13,542         | 10,473         |
| June  | 15,177         | 14,200         | 14,041         | 6,065          |
| July  | 13,195         | 13,135         | 34,868         | 6,729          |
| August  | 15,324         | 15,769         | 17,041         | 6,218          |
| September   | 14,600         | 15,367         | 15,512         | 4,323          |
| <b>FY Total</b>   | <b>182,055</b> | <b>168,646</b> | <b>192,208</b> | <b>136,643</b> |



## Board of Veterans' Appeals Board Legacy Dispositions by Representation FY 2019

| REPRESENTATION                     | ALLOWED       |               | REMANDED      |               | DENIED        |               | OTHER        |              | TOTAL         |                |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|--------------|---------------|----------------|
|                                    | No.           | Percent       | No.           | Percent       | No.           | Percent       | No.          | Percent      | No.           | Percent        |
| American Legion                    | 4,368         | 33.73%        | 5,403         | 41.73%        | 2,592         | 20.02%        | 585          | 4.52%        | 12,948        | 13.84%         |
| AMVETS                             | 96            | 31.89%        | 117           | 38.87%        | 72            | 23.92%        | 16           | 5.32%        | 301           | 0.32%          |
| Disabled American Veterans         | 6,162         | 33.74%        | 7,473         | 40.91%        | 3,843         | 21.04%        | 787          | 4.31%        | 18,265        | 19.52%         |
| Military Order of the Purple Heart | 97            | 41.81%        | 81            | 34.91%        | 41            | 17.67%        | 13           | 5.60%        | 232           | 0.25%          |
| Paralyzed Veterans of America      | 119           | 40.20%        | 103           | 34.80%        | 44            | 14.86%        | 30           | 10.14%       | 296           | 0.32%          |
| Veterans of Foreign Wars           | 2,507         | 36.53%        | 2,650         | 38.61%        | 1,357         | 19.77%        | 349          | 5.09%        | 6,863         | 7.33%          |
| Vietnam Veterans of America        | 306           | 33.37%        | 393           | 42.86%        | 150           | 16.36%        | 68           | 7.42%        | 917           | 0.98%          |
| State Service Organizations        | 5,776         | 32.87%        | 6,936         | 39.47%        | 4,155         | 23.65%        | 704          | 4.01%        | 17,571        | 18.78%         |
| Attorney                           | 9,861         | 46.31%        | 7,791         | 36.59%        | 2,775         | 13.03%        | 867          | 4.07%        | 21,294        | 22.76%         |
| Agent                              | 862           | 37.09%        | 893           | 38.43%        | 432           | 18.59%        | 137          | 5.90%        | 2,324         | 2.48%          |
| Other                              | 298           | 32.25%        | 391           | 42.32%        | 202           | 21.86%        | 33           | 3.57%        | 924           | 0.99%          |
| Wounded Warrior Project            | 58            | 36.94%        | 66            | 42.04%        | 24            | 15.29%        | 9            | 5.73%        | 157           | 0.17%          |
| No Representation                  | 3,005         | 26.18%        | 4,163         | 36.27%        | 3,743         | 32.61%        | 568          | 4.95%        | 11,479        | 12.27%         |
| <b>GRAND TOTAL</b>                 | <b>33,515</b> | <b>35.75%</b> | <b>36,460</b> | <b>38.97%</b> | <b>19,430</b> | <b>20.76%</b> | <b>4,166</b> | <b>4.45%</b> | <b>93,571</b> | <b>100.00%</b> |

## Board of Veterans' Appeals Board Legacy Dispositions by VA Program FY 2019

| APPEAL PROGRAM            | ALLOWED       |               | REMANDED      |               | DENIED        |               | OTHER        |              | TOTAL         |             |
|---------------------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|--------------|---------------|-------------|
|                           | No.           | Percent       | No.           | Percent       | No.           | Percent       | No.          | Percent      | No.           | Percent     |
| Burial Benefits           | 14            | 5.47%         | 28            | 10.94%        | 209           | 81.64%        | 5            | 1.95%        | 256           | 0.27%       |
| Compensation              | 32,387        | 36.67%        | 35,110        | 39.76%        | 16,973        | 19.22%        | 3,840        | 4.35%        | 88,310        | 94.38%      |
| Education                 | 125           | 16.45%        | 183           | 24.08%        | 435           | 57.24%        | 17           | 2.24%        | 760           | 0.81%       |
| Insurance                 | 2             | 10.53%        | 2             | 10.53%        | 10            | 52.63%        | 5            | 26.32%       | 19            | 0.02%       |
| Loan Guaranty             | 8             | 17.02%        | 13            | 27.66%        | 24            | 51.06%        | 2            | 4.26%        | 47            | 0.05%       |
| Medical                   | 371           | 38.01%        | 231           | 23.67%        | 311           | 31.86%        | 63           | 6.45%        | 976           | 1.04%       |
| Pension                   | 159           | 9.93%         | 317           | 19.79%        | 1,005         | 62.73%        | 121          | 7.55%        | 1,602         | 1.71%       |
| VR&E                      | 9             | 9.47%         | 37            | 38.95%        | 43            | 45.26%        | 6            | 6.32%        | 95            | 0.10%       |
| Other Programs            | 24            | 19.67%        | 35            | 28.69%        | 54            | 44.26%        | 9            | 7.38%        | 122           | 0.13%       |
| BVA Original Jurisdiction | 36            | 25.17%        | 1             | 0.70%         | 54            | 37.76%        | 52           | 36.36%       | 143           | 0.15%       |
| NCA Burial Benefits       | 0             | 0.00%         | 3             | 6.38%         | 43            | 91.49%        | 1            | 2.13%        | 47            | 0.05%       |
| Fiduciary                 | 0             | 0.00%         | 5             | 55.56%        | 4             | 44.44%        | 0            | 0.00%        | 9             | 0.01%       |
| Multiple Program Areas    | 378           | 32.14%        | 490           | 41.67%        | 264           | 22.45%        | 44           | 3.74%        | 1,176         | 1.26%       |
| Unspecified Program Area  | 2             | 22.22%        | 5             | 55.56%        | 1             | 11.11%        | 1            | 11.11%       | 9             | 0.01%       |
| <b>GRAND TOTAL</b>        | <b>33,515</b> | <b>35.75%</b> | <b>36,460</b> | <b>38.97%</b> | <b>19,430</b> | <b>20.76%</b> | <b>4,166</b> | <b>4.45%</b> | <b>93,571</b> | <b>100%</b> |



| <b>Board Legacy Decisions*</b> |                  |                |                 |               |              |
|--------------------------------|------------------|----------------|-----------------|---------------|--------------|
| <b>Fiscal Year</b>             | <b>Decisions</b> | <b>Allowed</b> | <b>Remanded</b> | <b>Denied</b> | <b>Other</b> |
| 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%         |

\* The historical reporting system for Board legacy 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.

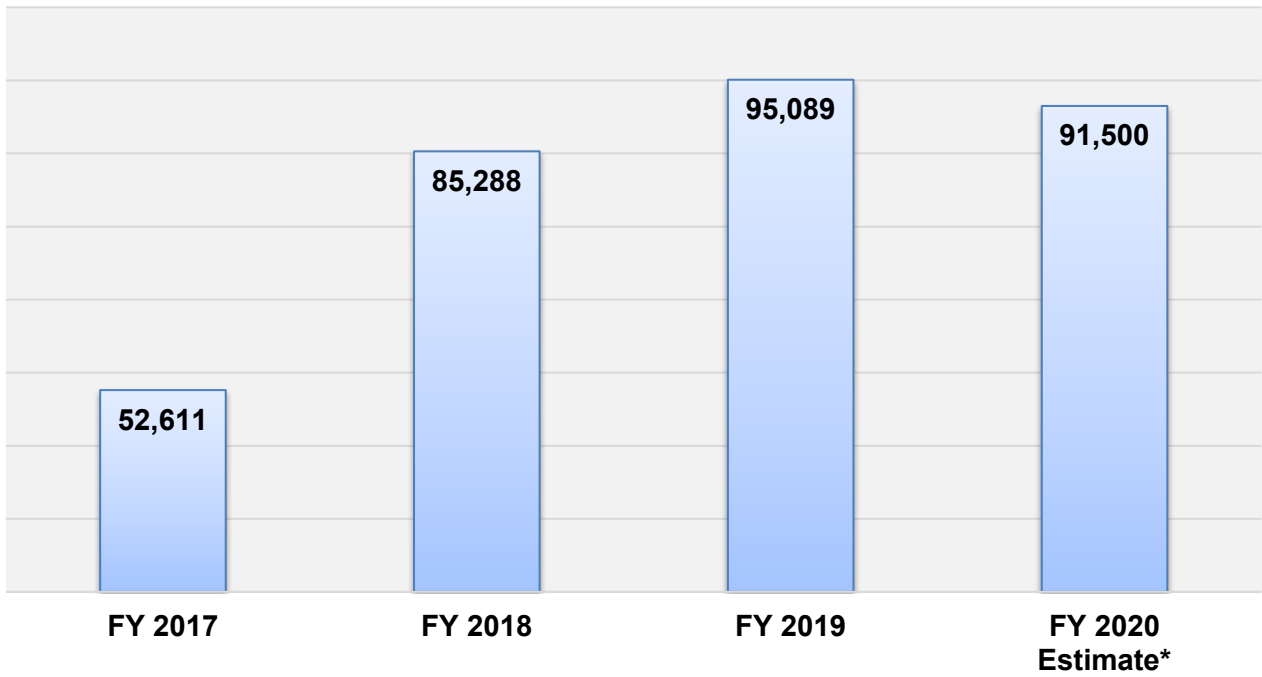
As discussed above, the Board has historically used a hierarchy to report legacy appeals decided that identified the disposition of an appeal as either an allowance, remand, denial, or “other” (i.e., a dismissal), based on that hierarchy. This historical method of reporting did not capture every appeal containing a remanded issue, because those legacy appeals with one or more allowed issues and one or more remanded issues would be counted as an allowance rather than a remand. The revised hierarchy method shown below is more precise. One of the reasons statutory reform of the VA appeals process was necessary was 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 2019, the Board dispatched 93,571 legacy appeals. Of those legacy appeals, 17,505 were allowances with no remanded issues, 19,430 were denials, and 4,166 were “other” dispositions, such as dismissals, for a total of 41,101 legacy appeals decided with no remanded issues. There were 52,470 legacy appeals decided with at least one remanded issue (16,010 allowances with at least one remanded issue + 36,460 remands). The number of legacy appeals with at least one remanded issue, divided by the total number of appeals decided, results in 56 percent of cases being remanded (52,470 / 93,571).

| <b>Legacy Decisions - Revised Hierarchy</b> |                  |                |                                    |   |                 |               |              |
|---|------------------|----------------|------------------------------------|---|-----------------|---------------|--------------|
| <b>Fiscal Year</b>                          | <b>Decisions</b> | <b>Allowed</b> | <b>Allowed (no remanded issue)</b> | <b>Allowed (with at least one remanded issue)</b> | <b>Remanded</b> | <b>Denied</b> | <b>Other</b> |
| 2019  | 93,571           | 33,515         | 17,505                             | 16,010  | 36,460          | 19,430        | 4,166        |
|   | %                | 35.82%         | 18.71%                             | 17.11%  | 38.97%          | 20.76%        | 4.45%        |

| <b>Legacy Issues - Decided</b> |                              |   |                                     |                 |               |              |
|--------------------------------|------------------------------|---|-------------------------------------|-----------------|---------------|--------------|
| <b>Fiscal Year</b>             | <b>Legacy Issues Decided</b> | <b>Allowed (not new &amp; material)</b> | <b>Allowed (new &amp; material)</b> | <b>Remanded</b> | <b>Denied</b> | <b>Other</b> |
| 2019                           | 300,682                      | 42,277                                  | 13,992                              | 135,839         | 90,186        | 18,388       |
|                                | %                            | 14%                                     | 5%                                  | 45%             | 30%           | 6%           |

## BOARD DECISIONS FY 2017 - FY 2020

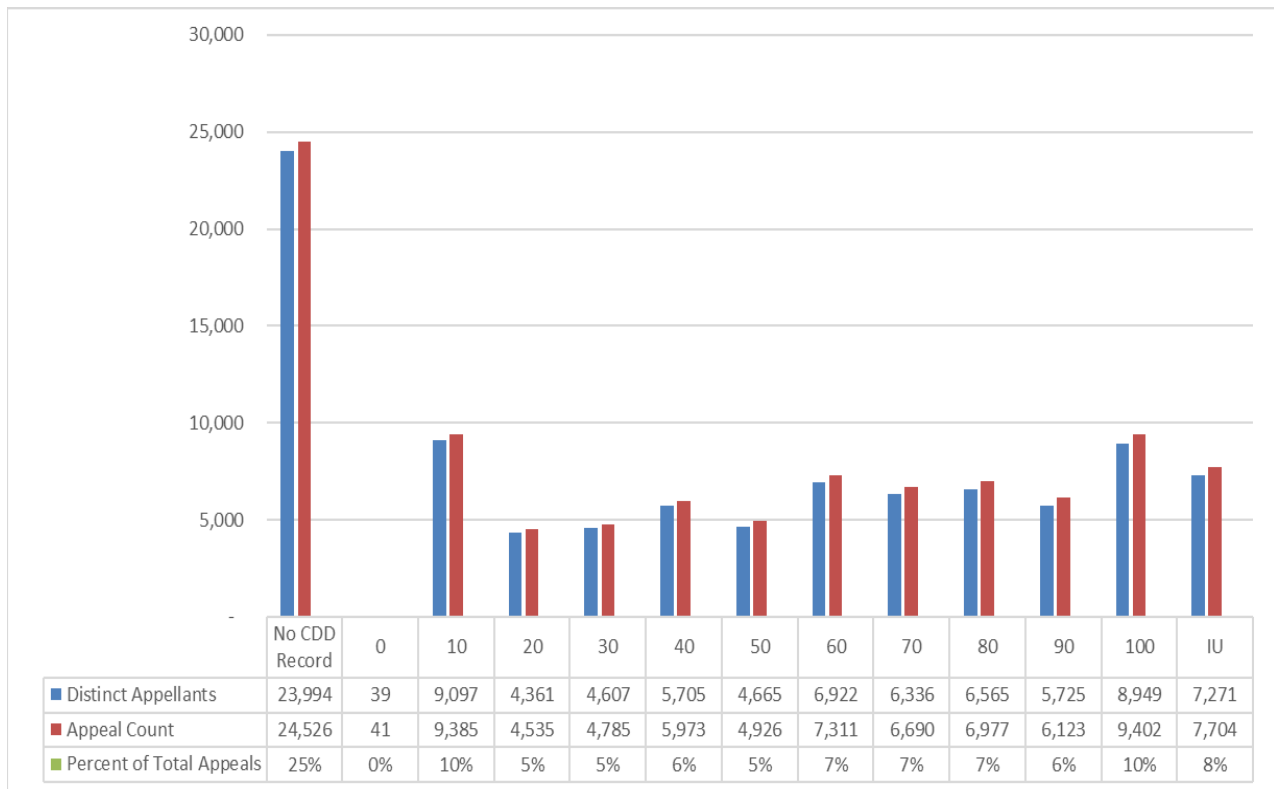


\*FY 2020 will be a baseline year to focus on: (1) the reduction of legacy appeals; (2) holding a higher percentage of scheduled hearings; and (3) working all three dockets of AMA cases in a timely manner.

## Combined Degree of Disability for Existing Benefits\*

Veterans and Appellants may receive disability compensation ratings ranging from non-compensable (0 percent) to 100 percent. This information reflects, at the end of FY 2019, the combined disability rating for the Appellants with appeals pending. As of September 30, 2019, the Board's inventory contained 94,236 total distinct Appellants and 98,378 appeals.

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



\* Board of Veterans' Appeals pending inventory as of September 30, 2019. Inventory includes appeals that are: 1) certified in advance status; 2) activated at the Board; and 3) remands returned to the Board.

## Board Operating Statistics

|  | FY 2016 | FY 2017 | FY 2018 | FY 2019 |
|--|---------|---------|---------|---------|
| <b>Decisions*</b>  | 52,011  | 52,661  | 85,288  | 95,089  |
| <b>Legacy cases formally appealed to the Board (Substantive Appeal (VA Form 9 filed)**</b> | 61,796  | 65,588  | 62,832  | 36,062  |
| <b>Net Cases Received at Board/Certified to the Board***</b>                               | 86,836  | 90,327  | 69,160  | 78,344  |
| <b>Cases Pending****</b>   | 115,847 | 153,513 | 137,383 | 120,638 |
| <b>Legacy Hearings Held</b>  |         |         |         |         |
| <b>VACO</b>  | 753     | 866     | 278     | 820     |
| <b>Video</b>   | 8,236   | 10,673  | 11,660  | 16,501  |
| <b>Travel Board</b>  | 4,546   | 5,087   | 4,485   | 5,174   |
| <b>Total</b>   | 13,535  | 16,626  | 16,423  | 22,495  |
| <b>AMA Hearings Held</b>   | NA      | NA      | NA      | 248     |
| <b>Decisions per FTE</b>   | 78.80   | 62.69   | 92.67   | 88.26   |
| <b>Board FTE</b>   | 660     | 840     | 920     | 1,077   |
| <b>Board Cycle Time (Legacy decisions)*****</b>  | 253     | 263     | 455     | 440     |
| <b>Cost per Case</b>   | \$2,117 | \$2,484 | \$1,782 | \$1,747 |

\* Decisions includes Legacy and AMA cases starting FY 2019.

\*\* 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, CAVC, non-VBA receipts, and AMA appeals.

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

\*\*\*\*\* The Board's cycle time measures the average time from the date an appeal is certified (VA Form 8) to the Board until a decision is dispatched and excludes the time the case is with a VSO representative for review and preparation of written argument.

# STATUTORY REQUIREMENTS

|   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
|---|---|--|---|------------------------------|---------------|--|--|------|--|--|--|---|-----------------------------------|---|--|--|------|--|--|--|---|-----------------|--------------------------------|--|--|------|--|--|---------------------------------------|---|-----------|---------------|--|--|------|--|--|--------------------------------|---|---------------|
| <b>38 U.S.C. § 7101(d)(2)(A): the number of cases appealed to the Board during that year</b>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 36,062 - Number of cases formally appealed to the Board (substantive Appeal (VA Form 9) filed)  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 23,849 - Number of AMA cases formally docketed by the Board (VA Form 10182)   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 69,008 - Number of legacy appeals certified to the Board  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>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</b>   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 137,383* - Cases pending (certified) before the Board at the start of FY 2019   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 120,638* - Cases pending (certified) before the Board at the end of FY 2019   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>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</b>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 190,216 - Substantive Appeals (VA Form 9) Filed in FY 2016 through FY 2018  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 246,323* - Cases Received at the Board during FY 2016 through FY 2018   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>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</b>   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>Legacy Appeals - 1,273 days</b>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>AMA Appeals</b>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| Direct Docket Appeals - <b>142 days</b>   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| Evidence - <b>196 days</b>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| Hearing Docket - <b>291 days</b>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>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</b>   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 96 - Members of the Board at the end of FY 2019   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 1,060 - The number of professional, administrative, clerical, and other personnel employed by the Board in terms of FTEs at the end of FY 2019  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>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</b>   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 107 - Number of acting members of the Board during FY 2019  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 4,637 legacy appeals** - Number of cases in which acting member participated  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>38 U.S.C. § 7101(d)(3)(A): an estimate of the number of cases to be appealed to the Board</b>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 149,000 – 186,000 *** - Estimated number of cases that will be appealed to the Board in FY 2019   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 105,000 – 125,000 *** - Estimated number of cases that will be appealed to the Board in FY 2020   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <b>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)].</b>   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <p>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.</p> <p>The following categories are calculated as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>FY 2019 decisions (95,089) (divided by)</u></td> <td style="width: 10%; text-align: center;">=</td> <td style="width: 40%;">380.4 decisions per work day</td> </tr> <tr> <td>250 work days</td> <td></td> <td></td> </tr> <tr> <td><br/></td> <td></td> <td></td> </tr> <tr> <td>Cases pending end of FY 2019 (120,638)</td> <td style="text-align: center;">=</td> <td>277,482 total workload in FY 2020</td> </tr> <tr> <td>+ New cases expected in FY 2020 (156,844)</td> <td></td> <td></td> </tr> <tr> <td><br/></td> <td></td> <td></td> </tr> <tr> <td><u>Total workload (277,482) (divided by)</u></td> <td style="text-align: center;">=</td> <td>729.4 work days</td> </tr> <tr> <td>Decisions per work day (380.4)</td> <td></td> <td></td> </tr> <tr> <td><br/></td> <td></td> <td></td> </tr> <tr> <td><u>Work days (729.4) (divided by)</u></td> <td style="text-align: center;">=</td> <td>2.9 years</td> </tr> <tr> <td>250 work days</td> <td></td> <td></td> </tr> <tr> <td><br/></td> <td></td> <td></td> </tr> <tr> <td>Work years (2.9) x 12 (months)</td> <td style="text-align: center;">=</td> <td>35 months****</td> </tr> </table> |   | <u>FY 2019 decisions (95,089) (divided by)</u> | = | 380.4 decisions per work day | 250 work days |  |  | <br> |  |  | Cases pending end of FY 2019 (120,638) | = | 277,482 total workload in FY 2020 | + New cases expected in FY 2020 (156,844) |  |  | <br> |  |  | <u>Total workload (277,482) (divided by)</u> | = | 729.4 work days | Decisions per work day (380.4) |  |  | <br> |  |  | <u>Work days (729.4) (divided by)</u> | = | 2.9 years | 250 work days |  |  | <br> |  |  | Work years (2.9) x 12 (months) | = | 35 months**** |
| <u>FY 2019 decisions (95,089) (divided by)</u>  | = | 380.4 decisions per work day                   |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 250 work days   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <br>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| Cases pending end of FY 2019 (120,638)  | = | 277,482 total workload in FY 2020              |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| + New cases expected in FY 2020 (156,844)   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <br>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <u>Total workload (277,482) (divided by)</u>  | = | 729.4 work days                                |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| Decisions per work day (380.4)  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <br>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <u>Work days (729.4) (divided by)</u>   | = | 2.9 years                                      |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| 250 work days   |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| <br>  |   |  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |
| Work years (2.9) x 12 (months)  | = | 35 months****                                  |   |                              |               |  |  |      |  |  |  |   |                                   |   |  |  |      |  |  |  |   |                 |                                |  |  |      |  |  |                                       |   |           |               |  |  |      |  |  |                                |   |               |

\* Includes certified appeals pending in the field awaiting hearings, as well as cases docketed and 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 2019.

\*\*\* Appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board, as well as Veteran preference for AMA appeals. With AMA implementation effective February 14, 2019, appeals case receipts projections include both legacy and AMA appeals. Projections include variety of factors and assumptions that could affect forecasts. The variable assumptions involved in forecasting include the 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.

\*\*\*\* 35 months represents the amount of time it would take the Board to decide all appeals (Legacy and AMA) in its projected FY 2020 working inventory (current inventory plus projected receipts in FY 2020).