VA

Appeals Modernization

July 2018

Cheryl L. Mason, Chairman – Board of Veterans’ Appeals
# New Process: Three Lanes

<table>
<thead>
<tr>
<th>VBA</th>
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<td><strong>Supplemental Claim Lane</strong></td>
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<td><strong>Appeal Lane</strong></td>
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| • VA will readjudicate a claim if “**new and relevant**” evidence is presented or identified with a supplemental claim (**open record**).  
  • VA will assist in gathering new and relevant evidence (**duty to assist**).  
  • Effective date for benefits always protected (submitted within 1 year of decision) | • More experienced VA employee takes a second look at the same evidence (**closed record and no duty to assist**)  
  • Option for a one-time telephonic **informal conference** with the higher-level reviewer to discuss the error in the prior decision  
  • *De novo* review with full difference of opinion authority  
  • Duty to assist errors returned to lower-level for correction (**quality feedback**) | • **Evidence only docket:** Additional evidence submitted within 90 days following NOD  
  • **Direct docket:** Closed record and 365-day average processing time goal  
  • **Hearing docket:** Board hearing and additional evidence submitted within 90 days following hearing |
New Decision Review Process

Veterans Benefits Administration

The Claim
(Establishes Effective Date)

VBA Decision
(Improved Notice)

Supplemental Claim
New Evidence
125-Day Avg. Goal

Higher-Level Review
Same Evidence
125-Day Avg. Goal

Board of Veterans’ Appeals

Appeal (NOD)
3 Options
365-Day Avg. Direct Docket Goal

120 Days

Court of Appeals for Veterans Claims

Except for appeals to the Court, all filing deadlines are one year.
New Process: Appeal Lane Dockets

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

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

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

VBA Decision
NOD
Evidence Docket
Evidence submitted within the 90-day window following NOD

Direct Docket
Closed record and 365 days timeliness goal

Hearing Docket
Board hearing and additional evidence submitted within 90 days following hearing

Supplemental Claim
Board Decision
Appeal to CAVC