



U.S. Department of Veterans Affairs

Periodic Progress Report on Appeals

P.L. 115-55, Section 3

VA Mission

August 2021 Update

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Executive Summary

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

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

I. Requirement for Periodic Progress Reports

P.L. 115–55, 115th Congress. The “Veterans Appeals Improvement and Modernization Act of 2017.” Sec. 3, Comprehensive Plan for Processing of Legacy Appeals and Implementing New Appeals System.

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

II. GAO Recommendations on Appeals

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

A. Summary of GAO Reports

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

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

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

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

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

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

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

GAO recommended that VA implement the following:

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

B. VA's Progress to Address Both GAO Reports

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

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

III. Comprehensive Plan

Implementation Plan Requirements

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

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

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

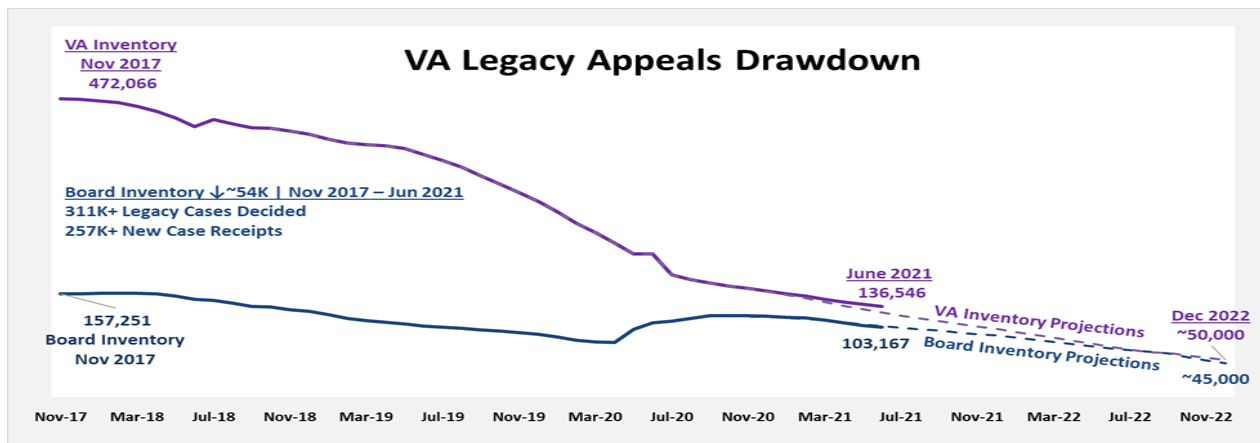
VA's Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals, informed by continuous stakeholder engagement as well as sound project management practices. This prioritization will significantly reduce the number of legacy appeals pending before the Board and in all three Administrations: VBA, the Veterans Health Administration (VHA) and the National Cemetery Administration (NCA). The plan demonstrated significant progress by reducing the number of pending legacy appeals by 68%, from 425,445 pending at the start of FY 2019 to 136,546 pending at the end of June 2021. See Table 1 below.

The Board continues to prioritize resources in FY 2021 to address the pending legacy appeals inventory. The Board has set a goal to adjudicate over 93,600 appeals in FY 2021, and current projections show that actual production could increase to 96,400 by the end of the fiscal year. Through June 2021, the Board dispatched 73,505 decisions, with 57,748 (79%) of those decisions occurring in the legacy system. As a result, VA's total legacy appeals inventory dropped more than 68% in the last 33 months.

Table 1. Pending Legacy Appeals by VA Office –FY 2019 through Quarter (Q) 3 FY 2021

	FY 2019		FY 2020				FY 2021		
	Q1	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
VBA	268,881	238,772	209,005	173,800	89,242	51,049	38,611	32,262	32,043
VHA	18,269	10,676	5,629	3,208	2,372	2,037	1,888	1,768	1,675
NCA	121	117	119	186	76	33	8	3	3
Board	127,894	98,410	91,463	78,891	109,969	121,569	120,421	114,089	102,825
Total	415,165	347,975	306,216	256,085	201,659	174,688	160,928	148,122	136,546

Figure 1 below outlines projected inventory levels at the Department and at the Board. The Board will continue to build upon the recent success of reducing legacy inventory levels and projects additional reductions of 64% by the end of calendar year (CY) 2022.



*Projections to be revisited after FY 2021 concludes and the FY 2022 budget is enacted.

Figure 1. VA Legacy Inventory Resolution Plan

The Board monitors legacy workload data and collaborates with VBA, VHA and NCA to coordinate the resolution of legacy appeals in the Department. This plan reflects actual workload through May 2021 and updated production, including impacts of COVID-19. Initially, the Board projected having approximately 45,000 appeals pending at the end of calendar year (CY) 2022. However, VBA recently advised that their legacy appeal remand workload has been significantly impacted by delays in compensation and pension (C&P) examinations as well as requests for records from the National Personnel Records Center due to COVID-19. As most of these pending appeals noted in the plan are those that the Board previously remanded to VBA, this remand workload delay will impact the projected resolution date of legacy appeals beyond CY 2022. VBA has advised that they have the full-time equivalents (FTE) capacity to tackle this workload as it increases. The Board is working closely with VBA and will have a revised Legacy Appeals Resolution plan in FY 2022.

Despite the unprecedented challenges presented by the COVID-19 pandemic that resulted in the Board rapidly transitioning to a remote workforce, the Board is on pace to exceed the target goal of 93,600 decisions. The FY 2021 resolution plan is based on slightly lower production goals in FY 2021 and 2022 that allow the Board to set stretch goals of 50,000 hearings scheduled and held to mitigate the effects of the COVID-19 pandemic. As the Board continues resolution of legacy appeals and associated hearing requests, the proportion of AMA hearing requests pending will increase. The Board has docketed almost 2,350 new AMA hearing docket appeals per month this fiscal year. Currently, the number of AMA hearings pending is 57% of the total number AMA appeals pending.

Through several initiatives, the Board has driven a steady increase in the number of hearings held per month, from 869 in October 2020 to 2,132 hearings held in June 2021. These initiatives include expanded virtual hearing capacity and other IT solutions, restructuring the Board's hearing operations, and increased coordination with VSOs and private representatives.

Additional initiatives include communications with Veterans about their hearing options, specifically virtual tele-hearings and how-to opt-in to them, through blogs, emails and social media. Despite holding 16,295 hearings through June 2021, the goal of 50,000 will not likely be met. Although VBA's Regional Offices (RO) are now open for hearings, they have had decreased capacity for the number of hearings that can be scheduled. Projections show the Board may still set an annual record and conduct more than 24,000 hearings. Additionally, the number of pending legacy hearing requests was 40,312 at the end of June, which is approximately a 27% decrease from the FY 2020 year-end pending number of 55,265.

In addition, the Board continues to build on various initiatives for more efficient adjudication of legacy appeals. The "One Touch" program, which was discussed in prior post-implementation reports, enables Veterans Law Judges (VLJ) to identify and quickly adjudicate hearing cases that are within docket range and have clear dispositions—delivering faster results for waiting Veterans. Since February 2021, VLJs adjudicated over 526 One Touch hearing cases with an approximate 67.7% cumulative grant rate.

In addition, the Board's specialized case team (SCT) is comprised of 85 attorneys who efficiently work on unusual or difficult cases. Attorneys are competitively selected for details to the SCT. Regular, staggered turnover provides a majority of attorneys an opportunity to participate in the program while maintaining consistency in decision-making and ensuring that institutional knowledge remains intact.

VBA continues to utilize several strategies to resolve the remaining inventory of legacy compensation appeals. These strategies continue to include workload redistribution, increased oversight and accountability, leveraging technology for increased efficiencies and the opportunity for claimants to opt-in from the legacy system to the modernized system. Between October 2016 and the end of June 2021, total VBA legacy appeals inventory has decreased by approximately 91%, as depicted in Figure 2 below.

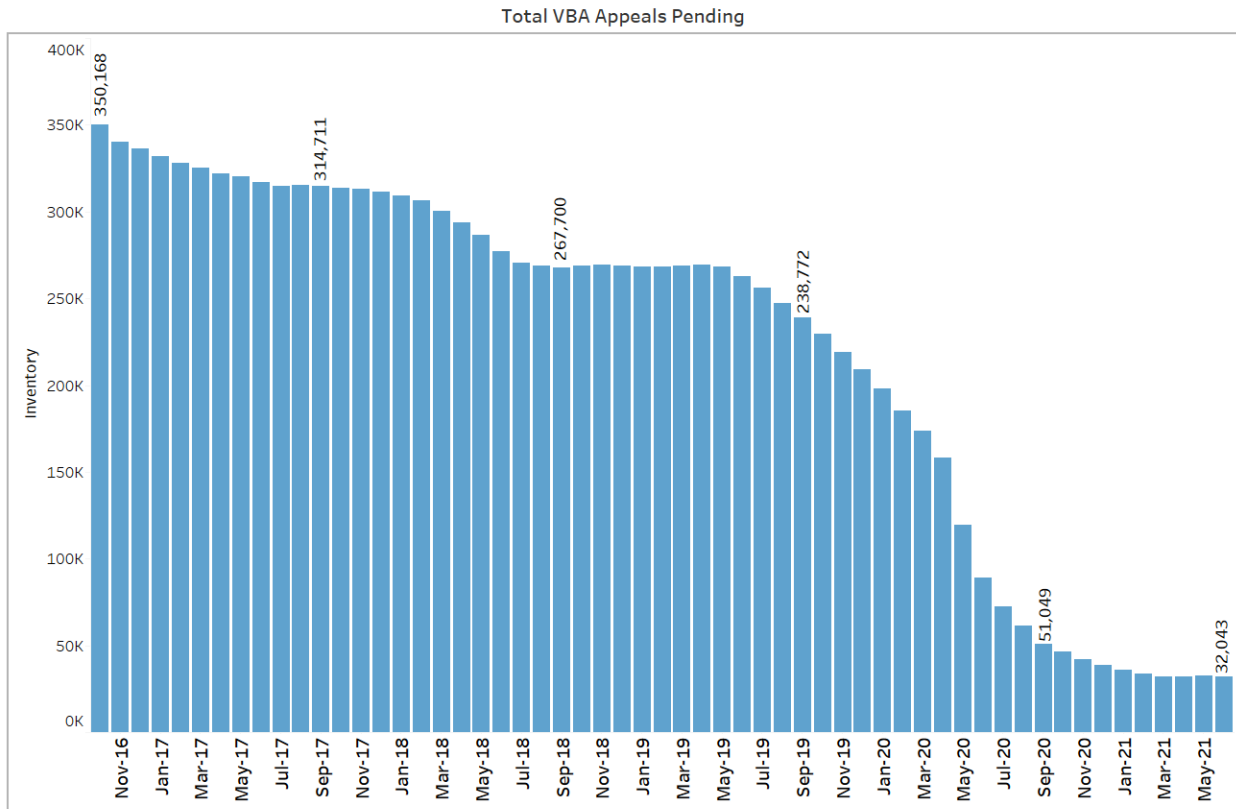


Figure 2. VBA Legacy Appeals Pending – October 2016 through June 2021

To further reduce VBA’s legacy appeals, VBA’s Office of Administrative Review (OAR) transitioned the legacy workload (excluding selected special mission workload) to one location within OAR, the Decision Review Operation Center (DROC) in Washington, DC (DC DROC). The DC DROC is responsible for all legacy appeals, excluding selected special mission workload, to ensure the timely completion.

As of June 30, 2021, OAR reduced remand inventory by 32% during FY 2021. See Figure 3a below. However, COVID-19 continues to impact the ability to schedule in-person examinations needed to adjudicate legacy appeal remands, which will result in extending the legacy appeals resolution plan into FY 2023.

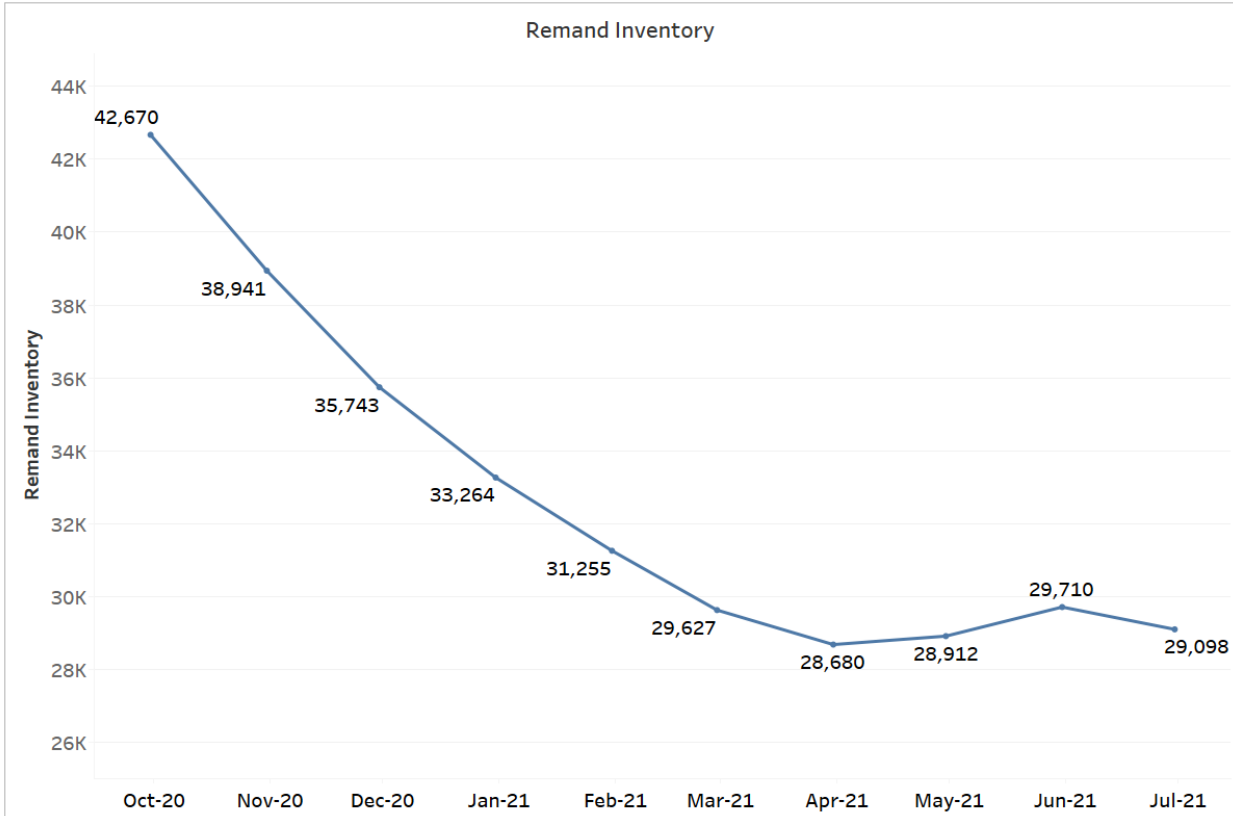


Figure 3a. VBA Remand Inventory - October 2020 through September 2021

VBA hired an additional 605 FTEs in FY 2019 to assist in reducing VBA’s legacy appeals inventory and to adjudicate AMA claims. Hiring increased available resources for processing C&P appeals; AMA higher-level reviews (HLR) and associated returns; AMA Board remand decisions; and legacy and AMA Board grants from 1,495 to 2,118 FTEs in FY 2019 (including an authorized float). In FY 2021, VBA continues to assess resources depending on workload. OAR currently has 828 FTEs that are authorized to administer decisions in the new claims system—specifically HLRs and duty-to-assist error corrections identified under the HLR and the Board lanes. The remaining appeals production employees are allocated towards the processing of legacy appeals.

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

During FY 2021, VBA continues to reduce its legacy remand inventory toward a working inventory. VBA defines this as an inventory of legacy appeals remands that are currently “in process.” Annual VBA legacy remand output should closely equal the number of remands received annually from the Board. As a result of limited remaining

legacy appeals inventory, VBA began reallocating resources from appeals processing to other VBA priorities. Between April 2019 and June 2021, VBA realigned 944 FTEs from legacy appeals processing to other VBA priorities.

VBA's other benefit offices provide the following status reports on legacy appeals processing as of June 30, 2021:

- Pension program had 15 legacy appeals pending at Pension Management Centers (PMC). The pension program had 1 NOD, 2 Form 9s and 12 remand decisions pending with VBA. Additionally, there are 205 pending legacy appeals with one or more pension-related issues that are assigned to ROs and not PMCs.
- Fiduciary program had four legacy appeals pending with VBA. There were two in the NOD stage and two in the remand stage.
- Insurance Service had five legacy appeals pending within VBA, all within the remand stage.
- Education Service had 15 legacy appeals pending within VBA, all within the remand stage.
- Veteran Readiness and Employment Service (VR&E) had 37 legacy appeals pending within VBA, with 1 Form 9 and 36 in the remand stage.
- Loan Guaranty Service (LGY) had 11 legacy appeals pending within VBA, all within the remand stage.

VHA continues to collaborate with the Board and the other Administrations to address legacy appeals inventory. VHA business lines realigned resources towards eliminating legacy appeals inventory while continuing to process claims in a timely manner. All legacy appeals are being tracked through the Veteran Appeals and Control Locator System (VACOLS) by stage and business line. VHA continued progress on drawing down legacy appeals inventory, reducing it to 1,656 cases by April 30, 2021.

NCA Legacy inventory has been reduced to two remands, which are pending for required development.

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

(2) implementing the new appeals system;

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

In January 2020, the Board established the Office of the Clerk of the Board, an internal Board resource team that ensures the proper docketing of AMA appeals and helps Board staff transition to working only on AMA appeals. Led by a VLJ with the assistance of several counsel, the Clerk's Office provides training and guidance for administrative staff charged with docketing AMA appeals, answers complex legal questions from VLJs

and counsel related to AMA docketing and jurisdiction, creates AMA letter templates for Board staff and generally assists Board management with AMA execution. The Clerk's Office also works to identify and correct AMA docketing errors, improve Board training around AMA issues and assists VA IT professionals in refining the technological tools used by Board staff to process AMA appeals.

To support modernization, the Board:

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

As previously reported, the Board collaborates with the Veterans Experience Office (VEO) to administer a customer experience survey (VSignals) to Veterans who have an active appeal at the Board. These surveys provide valuable insight into Veteran experiences at various stages of the appeals process in both Legacy and AMA. The Board uses the survey data to improve the hearing experience and revise its letters and decisions in order to provide better information and clarity to Veterans. In late 2020, the Board partnered with VEO to include more Board-specific questions in the survey to improve the accuracy of data and enhance service recovery.

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

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

VHA worked closely with VA's Office of General Counsel (OGC) and the Board to implement AMA. VHA program offices created process models and developed the guidance necessary to implement the three options available to claimants under the new law. During FY 2020, VHA stood up a Claims and Appeals Modernization Office

(CAMO) inside VHA Central Office and an executive level Appeals Governance Council (AGC), comprised of VHA leaders whose areas are affected by appeals modernization.

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

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

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

NCA dedicated personnel to triage and process Supplemental Claims and HLRs. NCA manages the workload on a SharePoint site to consolidate information from three business lines' software programs, Burial Operations Support System, Automated Monument Application System and Eligibility Office Automation System. The three systems will be integrated in the Memorial Benefits Management System by FY 2026. NCA does not yet use the Caseflow software program to track new appeals.

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

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

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

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

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

As explained in previous updates, the Board continues to prioritize AOD appeals (including COVID-19 related hardships or illnesses) and CAVC remands; legacy appeals; and AMA appeals in the Direct Docket lane. Appeals from all six Board dockets are assigned to VLJs for adjudication using a case distribution algorithm, which ensures active appeals are assigned in priority order, while ensuring that appeals are decided across all lanes.

AMA was intended to reduce the Board's remand rate by closing the record. So far, in FY 2021, approximately 42.6% of the Board's legacy appeals issues were remanded compared to 31.9% of AMA appeals issues.

Since implementing AMA, the Board has met its 365-day average timeliness goal for processing Direct Docket appeals. The Board has completed 10,688 Direct Docket appeals so far in FY 2021 (through June 30, 2021) with an average days to complete (ADC) of 311 days. In addition, the Board has recently outlined strategic goals for the Evidence (550 days) and Hearing (730 days) Dockets for FY 2022 in response to GAO recommendations. The goals were shared in the FY 2022 President's Budget. (<https://www.va.gov/budget/docs/summary/fy2022VAbudgetvolumeIIbenefitsBurialProgramsAndDepartmentalAdministration.pdf>)

As of the end of June 2021, the average days pending (ADP) for an appeal in the AMA Evidence Submission docket was 313 days and the ADP for the AMA Hearing Docket was 413 days. The ADP for Evidence Submission and Hearing dockets is currently affected by the prioritization of the 365-day average timeliness goal of Direct Docket cases and the Legacy Appeals Resolution Plan. As VBA works to resolve the remaining legacy appeals including remand decisions, the Board is evaluating Veteran choice and modeling behavior and timeliness to inform future year targets for AMA Evidence and Hearing Docket appeals. The Board continues to inform the VSO community of current ADC for each Board lane and also provides the data for other stakeholders on its external website, www.bva.va.gov.

With implementation of AMA and as previously reported in the February 2021 report, VBA has two distinct C&P workloads—legacy appeals (mostly remands) and AMA decision reviews. VBA's current goal is to reduce the C&P legacy remand inventory to a working inventory, as defined in section 3(a)(1).

VBA projects it will require a total of approximately 1,251 dedicated FTEs to reduce the pending VBA remand inventory to a working inventory level while maintaining timeliness goals in its HLR and related AMA lanes under DROC control. As of June 30, 2021, the DROCs at St. Petersburg, Florida and Seattle, Washington are authorized a total of 828 FTEs to process compensation HLR claims, duty-to-assist error corrections (returned due to errors in assisting claimants with obtaining evidence needed to support their claims), Board AMA full grants and Board AMA remand decisions.

VBA's goal is to maintain processing timeliness of an average of 125 days to complete AMA workload (*i.e.*, HLRs and supplemental claims). Overall average timeliness for

completing AMA workload at VBA from AMA implementation on February 19, 2019, through June 30, 2021, was approximately 81.6 days, which measures below the 125-day goal for ADC.

For the same period, ADC for HLRs was approximately 86.6 days with 172,111 completions. ADP for HLRs was 36.1 days for a pending inventory of 18,384 claims. For supplemental claims, ADC was 80.1 days with 532,133 completions and ADP was 138.2 days for a pending inventory of 71,510. The “AMA Completions and ADC Month-to-Date” graph in Figure 4 below provides the monthly breakdown for completions and ADC for HLRs and supplemental claims. The “AMA Pending Inventory and ADP” graph in Figure 4 provides the monthly breakdown for pending inventory levels and ADP for HLRs and supplemental claims.

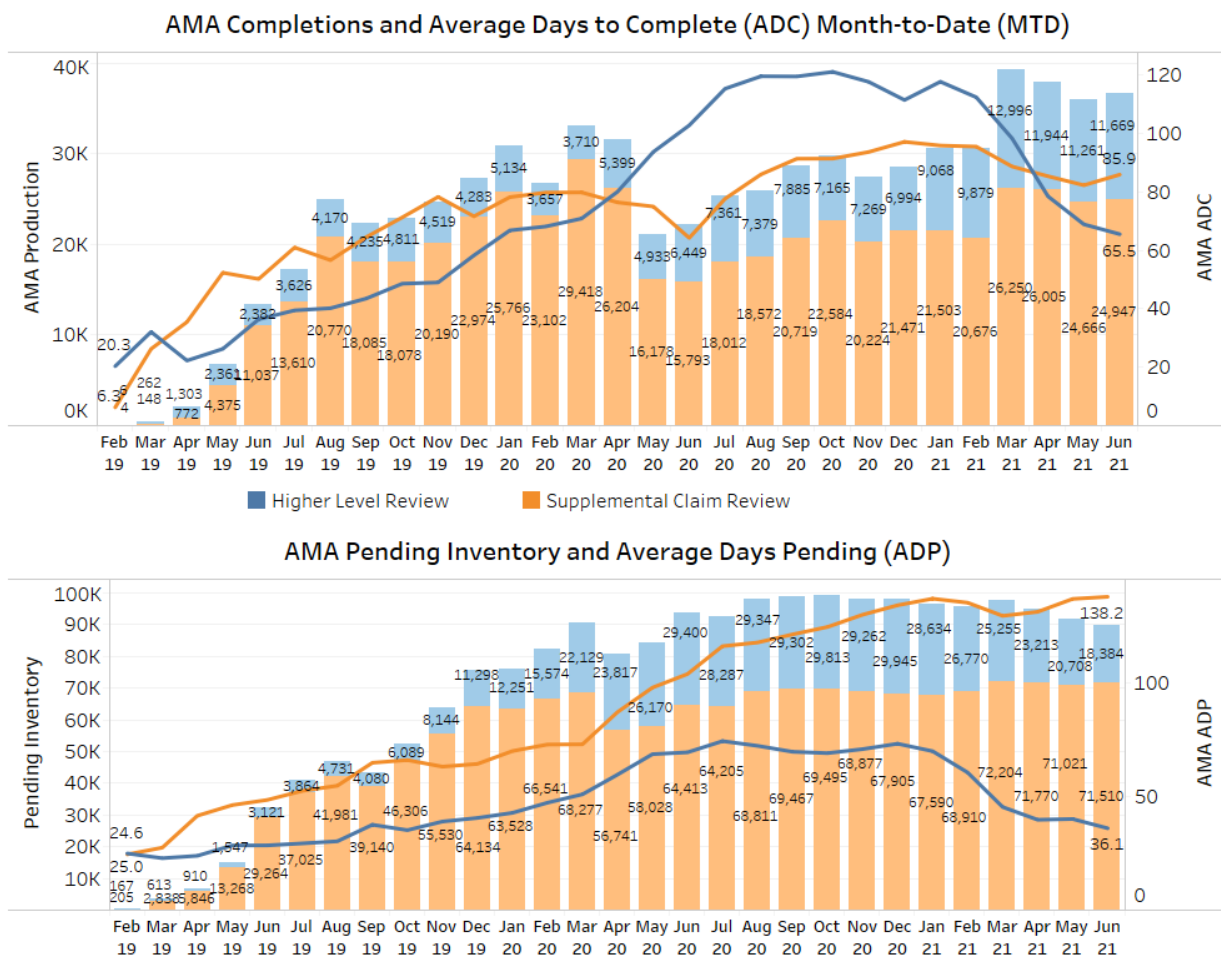


Figure 4. VBA Monthly AMA Completions and Inventory – February 2019 through June 2021

During FY 2021, through June 30, 2021, overall average timeliness for completed AMA work was 91.8 days. ADC for HLRs was approximately 95.5 days with 88,245 completions. For supplemental claims, ADC was 90.2 days with 208,326 completions.

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

Specific to the other VBA benefit programs:

Insurance Service has established internal goals to complete HLRs and supplemental claims in an average of 30 days or less. From January 1, 2021, through June 30, 2021, Insurance Service completed 15 HLRs within an average of 22.3 days and completed nine supplemental claims with an average of 23.9 days.

Education Service has established internal goals to complete HLRs in an average of 45 days or less and supplemental claims in an average of 60 days or less. From January 1, 2021, through June 30, 2021, Education Service completed 392 HLRs with an average of 16.9 days and completed 4,918 reconsideration supplemental claims with an average of 9.8 days.

VR&E strives to complete HLRs within an average of 90 days and supplemental claims within an average of 125 days. From January 1, 2021, through June 30, 2021, VR&E completed 122 HLRs with an average of 112.2 days and completed 46 supplemental claims with an average of 74.5 days.

LGY's timeliness requirement is seven days per VBA's Guaranteed Loan Processing Manual, M26-1, Chapter 8, Appeals. From January 1, 2021, through June 30, 2021, LGY completed 63 HLRs with an average of 22.8 days and 75 supplemental claims with an average of 15.6 days.

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

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

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

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

(A) to track the progress of the implementation;

(B) to evaluate the efficiency and effectiveness of the implementation; and

(C) to identify potential issues relating to the implementation.

The Board continues to build upon its robust reporting capabilities developed for the AMA process. The Board has designated FY 2021 as a baseline year for AMA decision accuracy and foundation for FY 2022 goals. In addition, the Board works closely with VEO to capture Veteran survey results that allows the Board to evaluate program efficiency. The Board has recently outlined strategic goals for the Evidence and Hearing Dockets in response to recommendations from GAO 18-352. In addition to the goal of 365 ADC metric for the Direct Docket, the Board established 550- and 730-days average days to process goals for the Evidence and Hearing Dockets, respectively. This will help drive resource planning and allocation, as well as improve Veteran awareness of docket selection goals and outcomes. AMA metrics, progress on goals and overall efficacy is routinely monitored through various management forums, dashboards and reports.

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

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

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

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

Plan Elements

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

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

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

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

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

(i) appeals of decisions on legacy claims; and

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

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

The Board continues to monitor resource and personnel requirements as it receives and adjudicates cases from the legacy and AMA appeals systems. As of June 30, 2021, there were 136,546 legacy appeals remaining in the Department of which 102,825 were located at the Board, approximately 2% lower than the Board's projection of 104,874. The Board is positioned to meet FTE projections without the need to hire at rates higher than regular employee attrition. As part of the human capital strategy, the Board plans to dedicate approximately 80% of personnel to the primary mission of issuing decisions and conducting hearings with the remaining staff in critical mission support functions.

As of the end of June 2021, the Board had 93 VLJs, 843 decision-writing attorneys and 263 appellate operational support and administrative staff.

Additionally, the Board received a \$1.0 million transfer from VHA in the Coronavirus Aid, Relief and Economic Security (CARES) Act funding for COVID-19 related costs and \$10.0 million in mandatory funds through the America Rescue Plan (ARP). These funds provide relief to the Board to respond to the ongoing operations effects of the pandemic. This funding directly impacts and improves scheduling of hearings and supports both short- and long-term efforts to improve mail processing and intake. Through judicious use of two-year temporary hires, reimbursable detail agreements with VBA, overtime and investments in artificial intelligence technology, the Board will decrease the number of hearings pending and appeals pending intake.

The Board continues to evaluate the impact of the AMA workload and the resolution of legacy appeals on pending inventory levels, timeliness of appeals decisions and

pending hearings requests to help drive the Board's gap analysis and inform future resourcing requirements. The FY 2022 President's Budget request, along with ARP funds, will support a cumulative 1,356 FTEs at the Board. The Board's cumulative FTEs will increase by 162 between FY 2021 and FY 2022 providing an additional 45 VLJs and nearly 100 attorneys to position the Board to increase appeals decisions and reduce the pending hearing inventory.

As previously reported, VBA hired 605 FTEs in FY 2019 to assist in reducing legacy appeals inventory and adjudicating AMA claims. This hiring effort increased available resources which allowed for substantial reductions in legacy appeals inventory while also maintaining an average of 125 ADC in AMA lanes. In FY 2020, VBA designated 2,118 FTEs toward the processing and oversight of legacy appeals and administering decisions under AMA. VBA mostly eliminated its NOD and Form 9 stage inventories in July 2020 and significantly reduced its remand inventory in FY 2021. Due to VBA's significant reduction in its legacy appeals inventory in FY 2020 and FY 2021, VBA reduced its processing workforce from 2,100 to approximately 1,251 with a goal of completing the transition of employees before the end of FY 2021.

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

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

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

NCA delineated personnel to address legacy appeals and AMA Supplemental Claims and HLRs. As the inventory of legacy appeals depletes, personnel will be assigned other workloads.

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

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

*(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and
(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.*

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

VHA has no substantive updates to prior reports.

NCA redescribed the Appeals Team positions to manage the Supplemental Claim and HLR workload and meet other agency needs.

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

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

VA implemented the AMA, and the Board has no substantive updates regarding the hiring timelines needed for its implementation.

As previously noted, VBA has a goal of reducing its workforce from 2,100 to 1,251 FTEs before the end of FY 2021, in conjunction with VBA's reduction in legacy appeals inventory, and the resulting reduced need for processing manpower. In furtherance of this effort, VBA has already begun reallocating resources from appeals processing to other VBA priorities. As of June 30, 2021, OAR has reallocated 944 FTEs.

VHA has no substantive updates to prior reports.

The NCA Appeals Team is properly sized.

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

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

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

VHA and NCA have no substantive updates to prior reports.

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

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

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

VHA and NCA have no substantive updates to prior reports.

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

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

VBA implemented the updated DRO performance standards on January 4, 2021. The updated performance standards align with the decision review process under AMA while considering the residual legacy appeals from the old system. VBA updated the DRO position description with the DRO performance standards implemented. VBA performed a job task analysis for the DRO position description update to ensure it was applicable to the modernized decision review process. The job task analysis confirmed that the core duties of the position remain similar to the DRO position; however, the updated position description will reflect modernized notification requirements and responsibilities related to adjudicating HLRs.

VHA and NCA have no substantive updates to prior reports.

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

(8) Identification of and a timeline for—

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

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

The Board provides comprehensive training to all new decision-writing attorneys and law clerks during their first 12 weeks at the Board. As of FY 2021, all legal training was moved under the direct responsibility of a Deputy Vice Chairman within the Office of Appellate Operations. Administrative support training remains under the oversight of the Talent Development Branch, formerly the Knowledge Management Office. The Board will continue to provide administrative support personnel AMA training.

The Board closely monitors trends in the types of errors identified by its Quality Review office and uses the data to pivot and provide training and guidance. In an effort to increase resolution of Veterans' appeals at the Board and address the rising number of Joint Motions for Remand of unresolved Veterans' appeals back to the Board from the U.S. Court of Appeals for Veterans Claims, the Board engaged OGC to foster a dialogue between VLJs and OGC appellate litigation staff to better understand emerging litigation trends at the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit.

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

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

As previously reported, each of VHA's appeals processing program offices adapted and disseminated VBA and the Board's explanatory and training materials to the unique needs of their workforce. As noted above, VHA established CAMO inside VHA Central Office, as well as an executive AGC, to oversee claims and appeals modernization. CAMO is working with AGC and affected program offices to identify policy, process, training and other needs required to bring VHA claim and appeal processes in line with AMA and other requirements.

NCA has no substantive updates to prior reports.

Section 3(b)(9) – Costs of Training

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

The Board has no substantive updates to this section and will no longer provide update to this section of the report because it met the reporting requirements.

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

VHA and NCA have no substantive updates to prior reports.

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

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

The Enterprise Program Management Office manages and maintains VA's core claims processing system, the Veterans Benefits Management System (VBMS). The VBMS team is on track to meet all milestones and deliverables. The team provided numerous enhancements supporting AMA and delivered increased functionality with various VBMS releases. The most recent release of increased functionality was in April 2021.

Caseflow is intended to be an end-to-end case management system for AMA appeals that would eventually replace VACOLS. Development activities for Caseflow have transitioned to OIT under the Benefits and Memorial Services portfolio. Technical teams for Caseflow and VBMS continue to work very closely together, in conjunction with business teams from the Board, to develop a fully integrated, enterprise-wide solution to meet the needs of AMA.

Caseflow has expanded its initial operating functionality since deployment of its initial capability, including the ability to intake and process appeals originating from all sources, such as the Court of Appeals for Veterans Claims remands and appellants, without established histories in existing VA systems and databases; streamlining the death dismissal process; enabling One-Touch advances to a VLJ; enabling docket switches; editing NOD information; improving automatic case distribution to focus on drawing down the legacy appeal inventory; and bulk assignment functionality. OIT continues to learn and discover enterprise-wide needs for basic system functional capabilities and integration to support processing appeals in AMA and is working to develop operational functionalities to address these needs across the Department.

Following the lead and the vision of the Board, OIT collaborated with Board leadership and staff to deliver the Board's request to utilize existing tele-health technology to make virtual tele-hearings a reality and incorporate this technology into Caseflow. Generation 1 technology testing was conducted between July 2019 and September 2019. Generation 2 technology was deployed into production in May 2020, allowing for nationwide access to virtual hearing technology within Caseflow Hearing. Generation 2 technology allows integration into Caseflow, including a one-click solution for recording Virtual Hearings; uses a national queue to accommodate Veterans' requests for a different hearing type; emails virtual hearing reminders reflecting the time zone for each participant; provides participants a virtual tele-hearing landing page to test their audio and video before joining the hearing; and enables hearing coordinators to select from predefined time slots to speed up scheduling and build more consistent dockets for virtual hearings. These virtual hearing improvements successfully allow the Board to increase flexibility for hearings and improve the Veteran's experience.

In November 2019, VEText functionality was added to Caseflow Hearing, enabling hearing reminders to be sent to appellants through text message. Due to COVID-19, VEText functionality to support hearing communications stopped in March 2020 and resumed in March 2021. The Board has since started using email to send reminders to appellants for virtual hearings, as VEText capability was used specifically for hearings at ROs and VA Central Office.

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

Part of the ARMS development included leveraging Tableau to transform the Board's AMA data into actionable intelligence to support and drive the Board's business processes. Tableau interfaces with Caseflow to display pertinent appeals data and is designed to provide additional human resource information. The Board utilizes Tableau Reporting to track the volume of appeals cases being worked by attorneys and judges and the metrics related to appeals cases. A dashboard allows users, including managers, judges, and senior leaders, to search and access particular Tableau reports as needed. For historical reference, these Tableau reports are accessed via a SharePoint repository.

VHA determined that significant requirements are necessary before Caseflow can be used to efficiently and effectively manage VHA review and appeals workload or generate VHA workload statistics. VHA will continue to use its current systems to process both legacy and AMA appeals until Caseflow intake is sufficiently enhanced and a fully integrated system is developed. VA is currently researching and designing the ability to allow VHA staff to intake HLRs and supplemental claims from unrecognized claimants and conducting initial usability research into providing VHA users limited access to Caseflow Reader.

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

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

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

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

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

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

In response to COVID-19, the Board successfully transitioned 99% of its personnel to remote operations without a decrease in decisions issued to Veterans, although the Board's ability to conduct hearings was impacted by pandemic-related closures of ROs and other VA facilities. The Board's robust telework and remote programs enabled the Board to enhance operational efficiencies, recruit, onboard, train and retain attorneys, maintain morale and position the Board as an employer of choice. The Board's success during the COVID-19 pandemic confirms that it has the resources, organizational structure and operational alignment to support telework and remote work long into the future. These programs helped the Board maintain the workforce levels necessary to focus on its mission. Further, the Board identified an opportunity to reduce its physical footprint by 48,278 rentable square feet in its leased office space, enabling greater financial stewardship and maintaining a culture of engaged employees by promoting work-life balance.

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

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

NCA has no substantive updates to prior reports.

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

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

The Board's goal for FY 2021 is to adjudicate 93,600 appeals for Veterans. FY 2021 will focus on: (1) the continued resolution of legacy appeals; (2) holding a higher percentage of scheduled hearings, including virtual tele-hearings; and (3) improving the quality of both legacy and AMA decisions. With FTEs remaining fairly constant, the goal of 93,600 allows for greater resources to be applied to holding hearings but results in a temporary decrease in decisions per FTE (78.3) for FY 2021, as shown below in Figure 5.

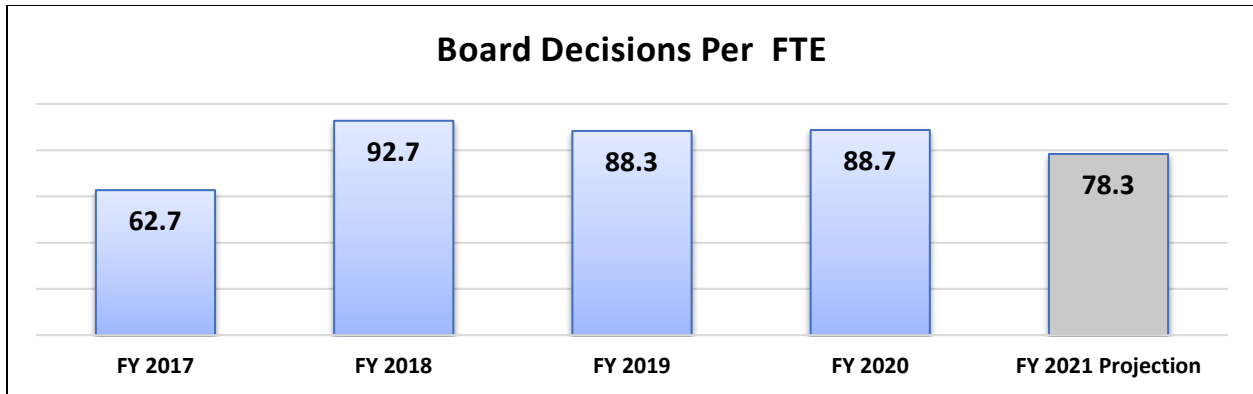


Figure 5 – Board Decisions per FTE – FY 2017 through FY 2021 Projection

With 73,505 decisions through June 2021, the Board is exceeding its fiscal year to date (FYTD) goal of 70,465 by 4.3%. The number of decisions per FTE FYTD is 83, which is 5.9% over plan through the end of June.

The Board’s senior leadership continually monitors output goals and changes in environment to help make decisions about individual employee productivity goals. Individual output goals are related to the Board’s overall organizational goals for cases and issues decided and are set to ensure organizational goals can be achieved. The Congress, public and Veterans expect that the Board will use the resources it is given to efficiently and accurately adjudicate all appeals for as many appellants as possible. For example, in FY 2021, the Board adjusted its attorney production standards from 3.25 decisions per week to 3.00 decisions per week to support the Board’s organizational goals while improving employee engagement and morale and with consideration of the results and feedback received following a record response rate of 74% on the All Employee Survey (AES). After careful analysis of issue-per-case trends, the Board also adjusted the goal for the number of issues decided per year for attorneys. The production standards are further prorated for leave, training, travel, administrative requirements such as PIV card replacements, lost work time due to IT stoppages and other good cause as determined by management

VBA projects output for C&P legacy claims using completions (FTE per FY). As previously reported in the February 2021 report, *completions* are actions that move claims to the next stage in the process and may include resolutions, which are actions that end the appeal.

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

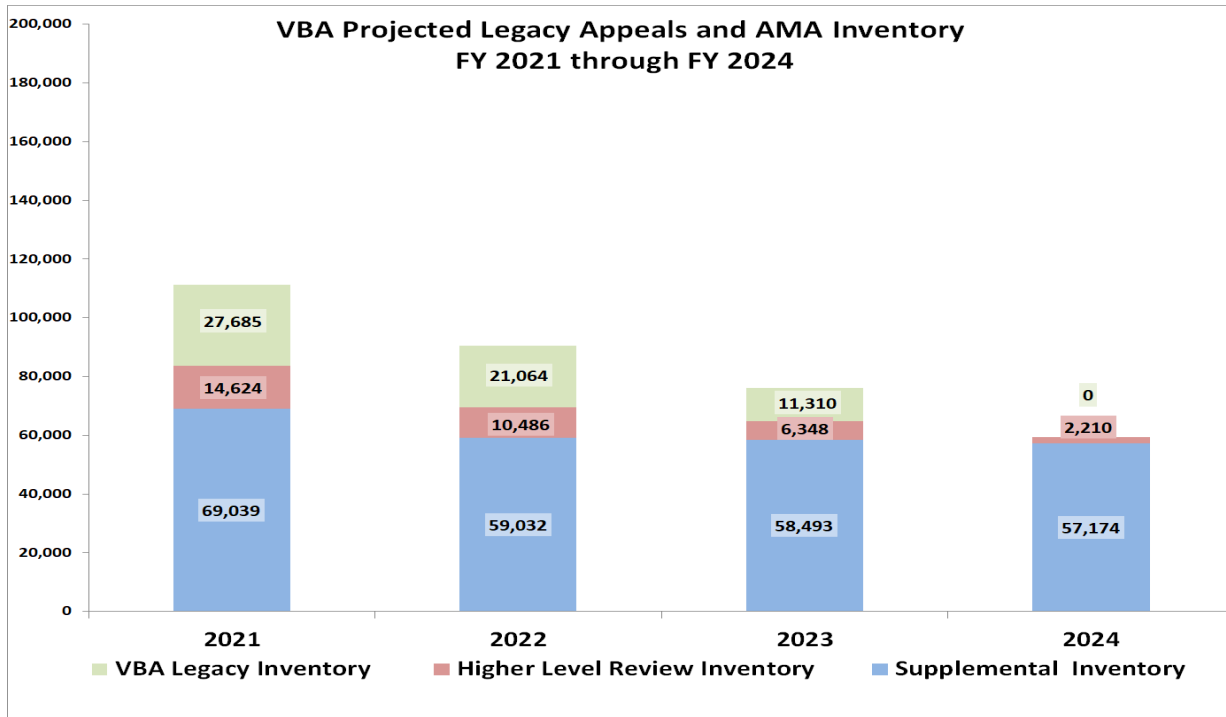


Figure 6. VBA Projected Legacy Appeals and AMA Inventory – FY 2021 through FY 2024

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

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

VR&E field staff continue to ensure pending legacy claims are handled in a timely manner. For this reporting period, VR&E reduced actionable pending legacy claims under its jurisdiction from 45 to 37. VR&E field staff are actively working with claimants on the process to opt-in to the new decision review process, if applicable, to reduce the number of legacy appeals moving forward. As a result, one legacy appeal is in the pre-certification to Board phase of the legacy appeal process; the remaining 36 legacy appeals are remand decisions from the Board to the RO for processing. VR&E will continue to actively target remand decisions for completion until all legacy appeals are resolved.

Experienced Loan Specialists in the Atlanta Regional Loan Center (RLC) continue to process all LGY legacy claims. Currently, LGY has 11 pending legacy claims in the remand stage. Processing HLRs and supplemental claims under the new system are completed by the appropriate section located within the RLCs.

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

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

Section 3(b)(13) – Outreach Plan

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

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

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

As previously noted, the Board uses the VSignals customer experience survey with Veterans who have an active appeal at the Board. A Board-customized survey dashboard allows the Board to track specific comments and observations about Board correspondence, decisions and hearings. The Board receives a monthly report on customer experience trends, as well as free text comments, and hired full-time staff to manage strategic engagement and customer experience and implement service recovery recommendations. Since January 1, 2020, there has been a 16% response rate (33,381 responses received from 205,384 surveys sent).

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

VBA began administering weekly surveys and implemented a real-time dashboard in July 2020. Through June 30, 2021, VBA experienced a 22.6% response rate (32,068 responses received from 126,961 surveys sent). The dashboard provides insights into several categories of survey data, providing a tool to analyze the survey responses by drilling down through filters to look at specific data. For example, VBA uses the dashboard to understand individual score responses and scores mapped over time, the

types of assistance received, and resources used during the course of a decision review and the methods survey respondents used to file their decision review.

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

VBA analyzes the feedback quarterly to gain insight into areas where VBA can improve and enhance the customer experience throughout the AMA process. On June 22, 2021, VBA launched a pilot that allows some HLR respondents to enter a free-text compliment, concern or recommendation regarding VA's HLR process, regardless of their survey score. The pilot allows participants to provide feedback in their own words, but more importantly, the free-text function uses an artificial intelligence analysis of keywords and phrases to identify Veterans who could potentially be experiencing a crisis. VBA will evaluate the pilot after a 90-day period under several qualitative and quantitative criteria to determine its viability as a permanent program to help develop AMA process improvements.

VHA and NCA have no substantive update to prior reports.

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

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

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

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

As previously reported, the Board continues to develop new procedures to enhance the implementation of AMA, including the Clerk of the Board operations. This occurs in sync with technological updates, training and standard operating procedures. Improvements to the Board's external website, www.bva.va.gov, are ongoing, focusing on revisions to ensure Veterans, family members and representatives have access to clear, concise and useful information. This information includes weekly metrics, the current docket date and information about appeals modernization. The website also includes a link to the appeals status tracker on VA.gov, which may be found at <https://www.va.gov/claim-or-appeal-status/>.

A new addition to the website was a video that explains what happens during a Board hearing. This video directly responds to ongoing concerns from Veterans and their representatives that they were unsure what would happen during a hearing. This video

can be found at: https://www.youtube.com/watch?v=UDI3C_ytJt8&feature=youtu.be.

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

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

NCA has no substantive updates to prior reports.

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

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

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

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

NCA has no substantive updates to prior reports.

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

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

The Board continues to process opt-in requests consistent with statutory and regulatory requirements. VBA, VHA and NCA have no substantive updates to prior reports.

Caseflow has an integration dependency on VHA implementing a case management system and platform for uploading and handling supporting documentation. VA is

conducting research for intake to support the possible influx of VHA Appeals to the Board due to the Court decision pertaining to Caregiver appeals.

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

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

VA’s Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals and has resulted in a marked reduction in the number of legacy appeals pending in the Department before the Board and in all three Administrations: VBA, VHA and NCA. As displayed in Figure 7 below, the plan resulted in an approximate 64% decrease in the number of pending appeals (415,165 to 140,085).

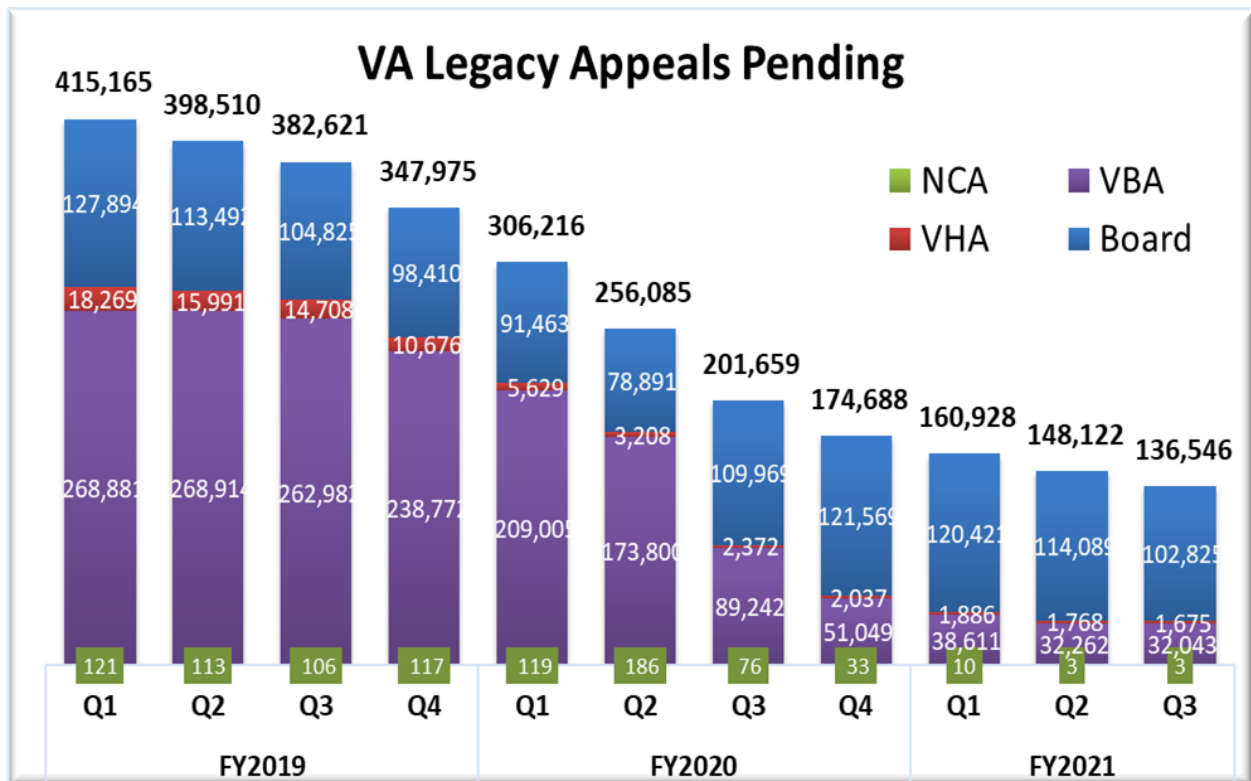


Figure 7. VA Legacy Appeals Pending by Quarter – FY 2019 through Q3 FY 2021

The Board continues to make progress in reducing the number of legacy appeals. Legacy appeals pending peaked at 158,251 at the end of February 2018 and continued to decrease until May 2020. At that time, as expected under the Legacy Appeals Resolution Plan, the Board began to see an increase in the number of legacy appeals,

which continued until November 2020 as VBA increased its certification rate for Form 9 and remand cases to the Board, as evidenced in Figure 8 below. The number of legacy appeals at the Board is now projected to begin to level off and decrease as VBA's certification of legacy cases declines as FY 2021 progresses.

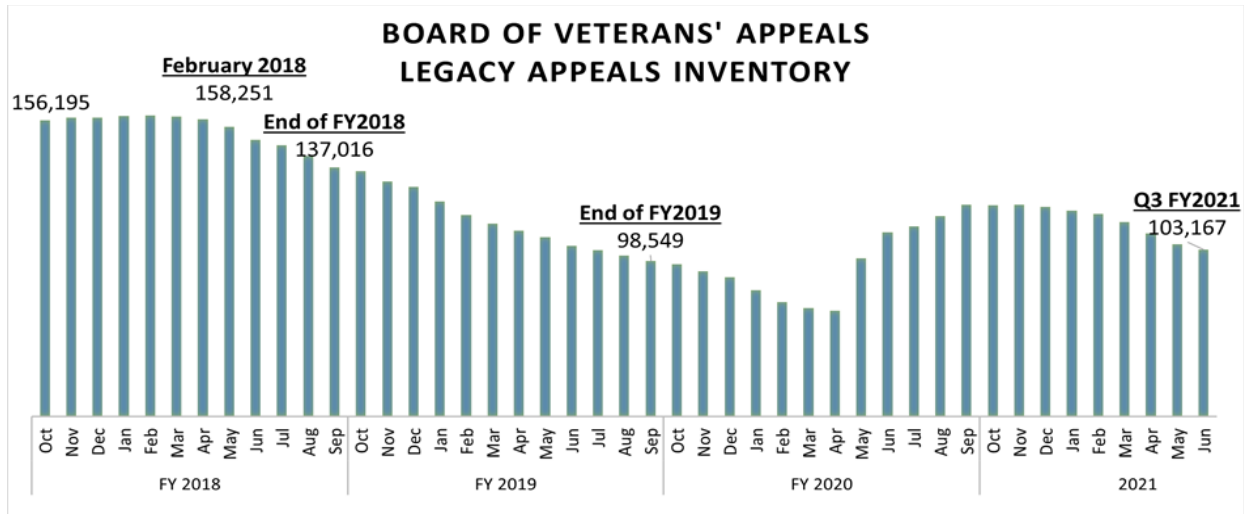


Figure 8. Board Legacy Appeals Inventory – October 2018 through June 2021

In October 2019, VA finalized a plan to resolve legacy appeals by the end of CY 2022. As previously stated, this may be impacted by VBA's new defined working inventory level that shifts cases to the Board quicker, longer lasting effects of COVID-19 such as the inability to conduct in-person hearings at some ROs, and some reluctance to opt-into virtual tele-hearings. These projections include a variety of factors and assumptions, such as Veteran appeal rates; legacy appeal receipt rates from VBA, VHA and NCA; preference with respect to what type of appeal a Veteran selects; Veteran refile rates; Board remand rates; output; and FTE levels. Any trends identified in these assumptions that lead to changes in the model can affect what is currently forecasted. See Figure 1 (page 5). Board of Veterans' Appeals Legacy Inventory Drawdown.

Under the law, the Board must adjudicate post-remand legacy appeals in addition to new appeals received in docket order. The Board's remand rate for legacy appeals has ranged from approximately anywhere from 38.8% to 46.4% from FY 2015 to FY 2021 (through Q3), as reflected in Table 2 below. Since February 2020, one year after the last rating decision is issued under the legacy system, no new legacy appeals have been received by VBA.

Table 2. Board Legacy Dispositions – FY 2015 through FY 2021 (through Q3)

Board Legacy Decisions*					
FY	Decisions	Allowed	Remanded	Denied	Other
2015	55,713	31.0%	46.4%	19.1%	3.5%
2016	52,011	31.8%	46.0%	18.0%	4.2%
2017	52,661	29.9%	43.5%	21.6%	5.0%
2018	85,288	35.8%	38.8%	20.9%	4.6%
2019	93,571	35.8%	39.0%	20.8%	4.5%
2020	85,461	33.8%	40.6%	20.3%	5.3%
2021 (through Q3)	57,748	31.8%	40.0%	22.0%	6.2%
*The historical reporting system for Board decisions with multiple issues identifies the disposition of an appeal based on the following hierarchy: allowance, remand, denial or other (e.g., dismissals). When there is more than one disposition involved in a multiple issue appeal, the “reported disposition” for Board Statistical Reports will be categorized based on the disposition hierarchy noted above.					

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

As stated in section 3(a)(1), VBA eliminated the majority of its legacy inventory in the NOD and Form 9 stages in FY 2020 and significantly reduced its remand inventory in FYs 2020 and 2021. OAR currently has 828 FTE that are authorized to administer decisions in the AMA system—specifically HLRs and duty-to-assist error corrections identified under the HLR and the Board lanes. The remaining appeals production employees in DC DROC in (totaling approximately 352 FTE) are allocated towards the processing of legacy appeals. All remaining FTE include staff support and management.

As of February 19, 2019, upon receipt of a Statement of the Case (SOC) or Supplemental SOC, Veterans may elect to opt-in to an AMA Decision Review lane, rather than remain in the legacy appeals process. From implementation through June 30, 2021, appellants have opted 14,222 legacy appeals into AMA. Opt-ins from the legacy process continue at a rate of several hundred per month, with 175 received in June 2021.

Specific to other VBA benefit programs:

As previously stated, as of June 30, 2021, there are four legacy fiduciary appeals pending at fiduciary hubs and 15 pension legacy appeals pending at PMCs. P&F Service will continue to utilize resources in PMCs and fiduciary hubs and anticipates processing all remaining legacy appeals by the end of FY 2021.

As of June 30, 2021, Insurance Service has five legacy remand appeals pending.

VR&E started a systematic review and action plan on legacy appeals in February 2018. VR&E regularly issued instructions for processing targeted legacy appeals quarterly to ensure VR&E's role in the legacy appeals system is completed in a timely manner. As a result, the number of actionable legacy appeals under VR&E's jurisdiction has reduced from 45 as noted in the February 2021 report to 37 as of June 30, 2021. Of these, 36 are remand decisions to the RO from the Board for action.

LGY processed all remaining legacy appeals in the NOD and Form 9 stages under the legacy system. As of June 30, 2021, 11 remand decisions from the Board remain pending.

VHA has made progress drawing down legacy appeal inventory, reducing it to 1,656 by April 30, 2021. VHA continues to reassess resource requirements and streamline processes with the goal of eliminating legacy appeals inventory in FY 2021.

NCA continues to process the remaining two legacy cases.

Section 3(b)(18) – Risk Factors

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

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

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

Risk: As previously reported, a modernized IT solution for VHA claims processing and management is currently not available. VHA adjudication records are maintained in different repositories, in different formats, are not always accessible to authorized individuals who may have a business need, are not easily accessed by Veterans and other claimants, and adds barriers to the intake of VHA appeals. If a modernized IT solution for VHA claims processing and management remains unfunded and undeveloped, there will be impact a negative impact to the timely resolution for Veterans and other claimants.

Mitigation: VHA will continue to use current IT capabilities until necessary processes and modifications are complete. VHA will work with OIT to develop new IT capabilities to enable the intake and management of appeals through the use of Caseflow and eventual integration with a new VHA Case Management System.

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

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

Mitigation: The Board continues to allocate resources in an efficient manner to administer both systems, with a focus on completing AMA direct docket appeals within an average of 365 days and resolving legacy appeals by the end of CY 2022. Resource reallocation, including targeted overtime, detail assignments and acting VLJ positions, can be deployed to mitigate this risk. Additionally, the Board appreciates the funds Congress provided through the CARES and ARP Acts to respond to the pandemic impact on appeals process operations.

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

Mitigation: The Board will continue enhanced recruitment activity. The Board's robust telework and remote programs are expected to positively impact the recruitment of a diverse workforce, retention of employees, and position as an employer of choice as demonstrated by the most recent AES results.

Risk: Current statutes may constrain VBA's ability to scale its workforce to address reduced workload once the inventory of legacy appeals, including approximately 29,000 pending legacy appeal remand decisions, has been exhausted.

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

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

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

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

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

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

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

Mitigation: As of June 30, 2021, the Board has 1,200 employees on board and projects to remain at a relatively constant level for FY 2021. The Board must rely on Department human resources support and strives to maximize the available support to complete any hiring actions.

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

Risk: HLR caseload may exceed VHA anticipation.

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

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

Mitigation: NCA will cross-train, as necessary.

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

VBA has no updates to prior reports.

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

VBA has no updates to prior reports.

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

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

Mitigation: The Board's Talent Development Branch (TDB) developed and administered targeted and interactive training for Mail and Intake personnel and is developing targeted training modules for the Board's other administrative units to ensure that all employees receive the training. As of FY 2021, TDB will primarily focus on training of Board administrative staff, as all legal training was moved under the direct responsibility of a Deputy Vice Chairman. The Board has strong virtual training capabilities, as demonstrated by its ability to maintain operations and virtually onboard 189 employees and 30 detailees during the COVID-19 pandemic.

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

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

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

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

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

Mitigation: Although the Board has a separate budget, OIT resources fall under the Department budget. VA works in close collaboration within the Department to ensure optimum resource allocation and prioritization of Caseload requirements.

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

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

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

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

Mitigation: VHA will rely on telework and virtual workspace.

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

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

Mitigation: The Board closely monitors and assesses decision output and hearing scheduling and adjusts to reallocate resources where needed to meet performance goals while utilizing best practices for efficiency. The Board will continue to work with bargaining unit representatives for employees to ensure that it is meeting the output expectations and managing employee performance for success. Use of targeted

overtime to offset any reductions in decision output could also be applied to mitigate the risk.

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

Mitigation: The Board is closely monitoring COVID-19 impacts and has implemented a robust plan to increase hearing output through several courses of action, including expanded virtual tele-hearing capacity and other IT solutions, restructuring the Board's hearing operations and increased coordination with VSO partners. These efforts were designed to reduce the number of pending hearing requests by expanding remote access for rural Veterans, broadening Veteran options and accessibility, and improving the overall Veteran experience. With the implementation of email reminders for hearings, the Board also expects fewer hearing cancellations and no-shows.

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

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

Mitigation: VHA will adjust staffing as needed.

Risk: NCA software systems severely impact adjudication speed.

Mitigation: OIT is working to implement new software.

Risk: VHA adjudication records are currently maintained in many VHA-centric systems that are currently not architected to integrate with the Caseflow System. This is currently adding barriers to the intaking of VHA appeals. If a modernized IT solution for VHA claims processing and management remains unfunded and undeveloped, then VHA appeals will be handled through work arounds that will negatively impact a timely resolution for Veterans and other claimants.

Mitigation: VHA will continue to work with OIT to develop new IT capabilities to enable the intake and management of modernized Appeals through the use of Caseflow and eventual integration with a new VHA Case Management System.

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

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

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

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

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

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

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

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

Risk: Updated VHA policies are not currently published.

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

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

Risk: VHA does not have final AMA regulations.

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

16. Outline of "Opt-In" Circumstances (Section 3(b)(16))

VA has no updates from prior reports.

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

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

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

Risk: VBA may not be able to eliminate the non-remand legacy appeals inventory by the end of FY 2021 due to appeals processing interruptions caused by the COVID-19 pandemic (e.g., inability to conduct in-person conferences at an RO, conduct in-person compensation examinations and request Federal records from external organizations).

Mitigation: VBA continues to identify and implement measures to assist Veterans and other claimants in the processing of benefit claims and legacy appeals during the pandemic, including utilizing telehealth and acceptable clinical evidence examinations, where appropriate, and providing virtual conferences.

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

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

IV. Pilot Programs to Test Assumptions

(a) AUTHORIZATION.—

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

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

of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination.

VBA's Test Program: RAMP

VA launched RAMP in November 2017 to allow eligible Veterans with pending appeals early opportunities to use the new review processes established by AMA. On February 15, 2019, VA discontinued accepting new RAMP elections postmarked after that date in advance of AMA becoming fully effective on February 19, 2019. As of June 30, 2021, over 73,000 Veterans with 88,560 appeals elected to participate in RAMP. These Veterans received decisions significantly faster than in the legacy appeals system. VA completed HLRs in an average of 124 days and supplemental claims in an average of 176 days. Under RAMP, VA paid out over \$514 million in retroactive benefits. As of June 2021, there are 35 RAMP claims left to process. VBA expects to resolve these claims in FY 2021.

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

Appendix A – Board of Veterans’ Appeals Outreach

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2019 Q4	Jul. 27, 2019 VSO	VA participated in the Disabled American Veterans (Chapter #10) Information Seminar.
FY 2019 Q4	Aug. 12, 2019 <i>Stakeholder</i>	The Chairman provided remarks at the National Association of State Directors of Veterans Affairs Conference in Omaha, NE.
FY 2019 Q4	Aug. 14, 2019 <i>Stakeholder</i>	VA hosted a teleconference with 4-Corners staff regarding virtual tele-hearings.
FY 2019 Q4	Aug. 20, 2019 VSO	The Chairman provided remarks at the National Association of State Women Veterans Coordinators Conference.
FY 2019 Q4	Aug. 22, 2019 VSO	The Chairman provided remarks on Appeals Modernization at the Idaho Division of Veterans Services.
FY 2019 Q4	Aug. 24, 2019 VSO	VA leadership participated in The American Legion’s 101st Annual National Convention.
FY 2019 Q4	Sep. 11, 2019 <i>Media</i>	VA issued a press release: VA Achieves Historic Goal Delivering More Than 90,000 Appeals Decisions to Veterans in FY 2019, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5312 .
FY 2019 Q4	Sep. 13, 2019 <i>Stakeholder</i>	VA leadership participated in the National Organization of Veterans Advocates Fall Conference. The Chairman spoke on a panel and discussed Appeals Modernization.
FY 2019 Q4	Sep. 25, 2019 VSO	The Chairman participated in a television interview with Government Matters where she discussed Appeals Modernization.
FY 2020 Q1	Oct. 3, 2019 VSO	The Chairman’s representative attended the Pennsylvania Department of Military & Veterans Affairs training session and spoke about Appeals Modernization.
FY 2020 Q1	Oct. 6, 2019 VSO	The Chairman provided remarks at the Florida Department of Veterans’ Affairs (FDVA) training.
FY 2020 Q1	Oct. 9, 2019 <i>Media</i>	VA issued a press release: VA Board of Veterans’ Appeals Makes History with Record Breaking Year in 2019, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5332 .
FY 2020 Q1	Oct. 15-18, 2019 VSO	The Chairman’s representative spoke at the Oregon Department of Veterans Affairs about Appeals Modernization.
FY 2020 Q1	Oct. 25, 2019 VSO	The Chairman’s representative provided remarks at the New Jersey Association of Veterans Service Officers training.
FY 2020 Q1	Oct. 29-30, 2019 VSO	The Chairman spoke about Appeals Modernization at the Arizona Department of Veterans Services Conference.

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2020 Q1	Oct. 29, 2019 <i>Media</i>	VA issued a press release: VA Finalizes Plan to Resolve Legacy Appeals by the End of 2022, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5345 .
FY 2020 Q1	Nov. 19, 2019 <i>Stakeholder</i>	VA provided 4-Corners staff a briefing on the Legacy Appeals Resolution Plan.
FY 2020 Q1	Nov. 19, 2019 <i>Stakeholder</i>	The Chairman met with U.S. Senator Michael Bennett (CO) to discuss Virtual Hearings and how Veterans in Colorado could benefit from this emerging technology.
FY 2020 Q1	Dec. 3, 2019 <i>Media</i>	The Board released a Blog on Vantage Point regarding Virtual Hearings, available at: https://www.blogs.va.gov/VAntage/68964/veterans-see-virtual-hearings-board-veterans-appeals-early-2020/ .
FY 2020 Q1	Dec. 4, 2019 VSO	The Chairman's representatives provided remarks at the Texas Veterans Commission training.
FY 2020 Q1	Dec. 9, 2019 <i>Media</i>	VA issued a press release: VA Board of Veterans' Appeals Plans Virtual Hearings in 2020, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5372 .
FY 2020 Q2	Jan. 14, 2020 VSO	The Board hosted a quarterly VSO meeting for co-located VSOs. Representatives from VBA also presented.
FY 2020 Q2	Jan. 21, 2020 <i>Media</i>	VA issued a press release regarding resolution of legacy appeals, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5385 .
FY 2020 Q2	Jan. 22, 2020 <i>Stakeholder</i>	The Chairman and VBA provided an introductory brief on appeals to new Senate Veterans' Affairs Committee staff.
FY 2020 Q2	Jan. 28, 2020 <i>Stakeholder, VSO</i>	While in Arizona, the Chairman met with Senator McSally's staff, as well as local state VSOs (Arizona Department of Veterans Services, American Legion, United Arizona Veterans). The Chairman gave an update on appeals and the Board.
FY 2020 Q2	Feb. 10, 2020 VSO	VSO Briefing on FY 2021 Budget - hosted by VA Central Office.
FY 2020 Q2	Feb. 24, 2020 VSO	The Chairman spoke about the Board of Veterans' Appeals and Appeals Modernization at the National Association of County Veteran Service Officers' (NACVSO) Leadership and Legislative Summit.
FY 2020 Q2	Feb. 26, 2020 VSO	The Chairman spoke to the National Association of State Directors of Veterans Affairs about the Board of Veterans' Appeals and Appeals Modernization, including virtual telehearings.
FY 2020 Q2	Mar. 2, 2020 <i>Media</i>	VA issued a press release regarding VLJ employment, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5396 .

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2020 Q2	Mar. 9, 2020 VSO	The Chairman spoke at the American Legion's 2020 Conference about the Board of Veterans' Appeals and Appeals Modernization.
FY 2020 Q2	Mar. 25, 2020 VSO	The Chairman participated with other VA Senior Officials and the Secretary of Veterans Affairs in an Intergovernmental Affairs Conference call for a COVID-19 briefing update surrounding core service delivery functions as the Department continues preparation/response to the pandemic.
FY 2020 Q2	Mar. 31, 2020 VSO	The Board hosted a VSO update call where the Board gave COVID-19 updates and did a deep dive into the Board's virtual tele-hearing plan.
FY 2020 Q3	Apr. 2, 2020 <i>Stakeholder</i>	The Chairman presented to VHA's Federal Recovery Consultants and gave a brief overview of the Board, appeals and Appeals Modernization.
FY 2020 Q3	Apr. 3, 2020 <i>Media</i>	VA issued a press release regarding extending financial, benefits and claims relief to Veterans, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5412 .
FY 2020 Q3	Apr. 8, 2020 <i>Media</i>	VA issued a press release regarding appeals production, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5414 .
FY 2020 Q3	Apr. 30, 2020 VSO	The Chairman hosted a VSO briefing for FDVA via the virtual hearing room. She discussed Board updates related to COVID-19 and demonstrated how easy/accessible virtual tele-hearings are. The Board received feedback from FDVA.
FY 2020 Q3	May 1, 2020 <i>Media</i>	VA issued a press release regarding expanded access to virtual tele-hearings, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5436 .
FY 2020 Q3	May 6, 2020 <i>Stakeholder</i>	The Chairman and VBA's Under Secretary for Benefits participated in a briefing with Representative Steube regarding appeals processing times and how appeals modernization is helping Veterans.
FY 2020 Q3	May 7, 2020 <i>Media</i>	VA issued a press release regarding the Department's plan on returning to pre-COVID-19 operations, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5443 .
FY 2020 Q3	May 7, 2020 VSO	The Chairman presented to the New York State Division of Veterans' Services and gave an update on appeals. The Chairman also discussed virtual tele-hearings and encouraged representatives to choose this option.

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2020 Q3	May 7, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Texas Veterans Commission (TVC) through the virtual hearing room. She discussed Board updates related to COVID-19 and demonstrated how easy/accessible virtual tele-hearings are. The Board received feedback from TVC.
FY 2020 Q3	May 15, 2020 <i>Stakeholder</i>	The Chairman presented to the Judge Advocate General LLM (Master of Law) group (in conjunction with CAVC). She gave a brief Board overview and discussed legacy appeals and AMA appeals.
FY 2020 Q3	May 21, 2020 <i>Media</i>	The Chairman participated in an interview with Government Matters, where she discussed the Board's response to COVID-19 and Appeals Modernization.
FY 2020 Q3	Jun. 9, 2020 <i>Media</i>	The Chairman participated in an interview with the Partnership for Public Service where she discussed the Board, Appeals Modernization and the Board's response to COVID-19.
FY 2020 Q3	Jun. 17, 2020 <i>Stakeholder</i>	The Chairman presented to the Federal Circuit Bar Association where she discussed the Board's relationship with CAVC, to include Appeals Modernization updates.
FY 2020 Q3	Jun. 19, 2020 <i>Stakeholder</i>	The Chairman hosted a VSO briefing for the Minnesota Department of Veterans Affairs through the virtual hearing room, discussed Board updates related to COVID-19 and demonstrated the ease of accessibility of virtual tele-hearings.
FY 2020 Q3	Jun. 23, 2020 <i>Stakeholder</i>	The Chairman participated in a Women Veterans Initiative event with the Acting Deputy Secretary where she discussed the Board, Appeals Modernization and Board updates related to COVID-19.
FY 2020 Q4	Jul. 8, 2020 <i>Stakeholder Engagement</i>	The Chairman presented to the Center for Women Veterans Virtual Partners Meeting. She gave a brief overview of the Board, appeals and Appeals Modernization.
FY 2020 Q4	Jul. 14, 2020 <i>Media</i>	VA released a new Quick Start Guide for Modernized Veteran Appeals Decision Reviews, available at: https://www.blogs.va.gov/VAntage/76497/quick-start-guide-modernized-veteran-appeals-process-now-available/ .
FY 2020, Q4	Jul. 21, 2020 <i>Stakeholder</i>	The Board hosted a virtual tele-hearing briefing for 4-Corners staff. The 4-Corners were briefed in the Virtual tele-hearing room, and were given Board updates, including any Appeals Modernization updates.
FY 2020, Q4	Aug. 4, 2020 <i>Stakeholder</i>	The Chairman presented to U.S. Army LTC Margaret Berryman from the Army War College Fellowship Brief. She provided a brief overview on the Board, its history and the appeals process.

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2020, Q4	Aug. 4, 2020 <i>VSO</i>	The Chairman presented at NACVSO's Accreditation Training. She gave a brief overview of Board updates as well as updates on virtual tele-hearings and Appeals Modernization.
FY 2020, Q4	Aug. 12, 2020 <i>VSO</i>	The Chairman presented to the Military Officers Association of America on the Board and Appeals Modernization updates.
FY 2020, Q4	Aug. 14, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing through the virtual hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated the ease/accessibility of virtual hearings.
FY 2020, Q4	Aug. 27, 2020 <i>Media</i>	The Board issued a press release on reaching the number of decisions goal early available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5509 .
FY 2020 Q4	Sep. 2, 2020 <i>Media</i>	The Board issued a blog about virtual tele-hearings available at: https://www.blogs.va.gov/VAntage/78459/board-bringing-hearings-veterans-virtually/ .
FY 2020, Q4	Sep. 8, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Michigan Department of Veterans Affairs through the virtual tele-hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated the ease/accessibility of virtual tele-hearings.
FY 2020, Q4	Sep. 10, 2020 <i>VSO</i>	The Chairman hosted a VSO briefing for the Michigan Veterans Affairs Agency through the virtual tele-hearing room. She discussed Board updates related to COVID-19, Appeals Modernization and demonstrated the ease/accessibility of virtual tele-hearings.
FY 2020, Q4	Sep. 21, 2020 <i>Stakeholder</i>	The Chairman participated in the Women's Veterans Forum, hosted by the Acting Deputy Secretary, where she discussed appeals, Appeals Modernization, the Board and the Board's response to COVID-19.
FY 2020, Q4	Sep. 23, 2020 <i>Media</i>	The Board issued a press release on reaching a historic number of appeals, available at: https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5525 .
FY 2020, Q4	Sep. 29, 2020 <i>Stakeholder</i>	The Chairman participated in the HillVets CAPCON Annual event where she discussed Board updates, including COVID-19 operations, virtual tele-hearings and Appeals Modernization.

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2021 Q1	Oct. 7, 2020 VSO	The Chairman hosted a Board Town Hall, where she discussed the Board's current state, Appeals Modernization, numbers for FY 2020 and what is to come in FY 2021.
FY 2021 Q1	Oct. 14, 2020 VSO	The Chairman provided remarks at the CACVSO fall training conference where she discussed the Board, Appeals Modernization, virtual tele-hearings and other updates.
FY 2021, Q1	Oct. 22, 2020 <i>Stakeholder</i>	The Chairman presented at the CAVC Bar Conference where she discussed Appeals Modernization, virtual tele-hearings and the state of the Board during the pandemic.
FY 2021, Q1	Oct. 23, 2020 VSO	Chairman Mason presented at the National Organization of Veterans' Advocates Fall Virtual Conference where she discussed Appeals Modernization, virtual tele-hearings and the state of the Board during the pandemic.
FY 2021, Quarter 1	Oct. 27, 2020 Media	The Chairman participated in the "Behind the Service" podcast, where she discussed her career and life as a military spouse as well as Board operations and goals available at: https://www.behindtheservicepodcast.com/podcast/episode/c03b6ee1/va-board-of-appeals-with-chairman-cheryl-mason .
FY 2021, Q1	Nov. 19, 2020 <i>Stakeholder</i>	The Chairman presented at the American Bar Association's panel on Adjudication during the pandemic. She discussed the Board's response to COVID-19 as well as Appeals Modernization and virtual tele-hearings.
FY 2021, Q1	Dec. 4, 2020 <i>Media</i>	The Chairman recorded a podcast for the Racing for Heroes podcast, where she discussed Board operations and goals as well as AMA and virtual tele-hearings.
FY 2021, Q1	Dec. 4, 2020 <i>Stakeholder</i>	The Board participated in the VA Health Care Live event where the Chairman briefed on Appeals Modernization, virtual tele-hearings and COVID-19 operations. Board staff answered questions.
FY 2021, Q1	Dec. 9, 2020 VSO	The Chairman provided remarks at NACVSO's Conference.
FY 2021, Q2	Dec. 9, 2020 VSO	Three VLJs provided virtual appeals training to NACVSO with 300 VSOs in attendance.
FY 2021, Q2	Jan. 5, 2021 <i>Media</i>	The Chairman released a YouTube video and blog about what Veterans can expect during their hearings. Available at: https://www.blogs.va.gov/VAntage/83159/expect-board-veterans-appeals-hearing/
FY 2021, Q2	Jan. 6, 2021 VSO	The Board hosted a quarterly VSO meeting for co-located VSOs. Representatives from VBA also presented.

FY 2021 Q2	Jan. 14, 2021 <i>Media</i>	VA issued a blog about how family members and caregivers can assist Veterans in the appeals process, available at: https://www.blogs.va.gov/VAntage/83553/family-members-caregivers-can-help-veterans-appeal/ .
FY 2021 Q2	Jan. 21, 2021 VSO	The Board hosted a VSO update call where the Board gave an update on the status of appeals at the Board, Appeals Modernization and virtual tele-hearings.
FY 2021 Q2	Jan. 28, 2021 <i>Stakeholder</i>	The Chairman participated in discussion of virtual hearings with the Council on Federal Agency Adjudication.
FY 2021 Q2	Feb. 2, 2021 <i>Stakeholder</i>	The Chairman gave an interview with Legionnaire Magazine discussing the Department, the Board, the Legacy appeals resolution plan, an update of Appeals Modernization, the Board's response to COVID-19, virtual tele-hearings, the Chairman's work as a military spouse employment champion in the Federal Government and partner space and her work as a Reach, Engage, Attend, Connect, Help (REACH) ambassador.
FY 2021 Q2	Feb 9, 2021 <i>Stakeholder</i>	The Chairman met with the Joint Base San Antonio Workforce and Transition Alliance to discuss the success of the Department and Board in the Legacy appeals resolution plan, an update of Appeals Modernization, the Board's response to COVID-19, virtual tele-hearings, the Chairman's work as a military spouse employment champion in the Federal Government and partner space, and her work as a REACH ambassador.
FY 2021 Q2	Feb. 10, 2021 VSO	The Chairman met with the Assistant Director of the Veterans Health Council of Vietnam Veterans of America.
FY 2021 Q2	Feb. 18, 2021 VSO	The Board hosted a VSO update call on the status of appeals at the Board, Appeals Modernization, and virtual tele-hearings.
FY 2021 Q2	Feb. 23, 2021 <i>Stakeholder</i>	The Chairman gave an interview to the Corporate America Supports You/Military Spouse Corporate Career Network Founders Friday program to discuss the success of the Department and Board in the Legacy Appeals Resolution plan, implementation of Appeals Modernization appeals, the Board's response to COVID-19 and virtual tele-hearings, the Chairman's work as a military spouse employment champion in the Federal Government and partner space, how spouses and family members can assist with a Veteran's appeal, and the Chairman's work as a national ambassador for REACH.

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2021 Q2	Feb. 24, 2021 VSO	The Chairman spoke to the California County Veterans Service Officers at their annual training to discuss how VSOs can encourage Veterans to opt-into virtual tele-hearings.
FY 2021 Q2	Mar. 4, 2021 <i>Stakeholder</i>	The Chairman spoke to RO Directors during the Deputy Under Secretary of Benefits call with the Office of Field Operations. She discussed the different types of Board hearings, the timeline for scheduling hearings, the Legacy appeals drawdown and the Board's FY 2021 goals.
FY 2021 Q2	March 9, 2021 VSO	The Chairman spoke to the National County Veterans Service Officers at their annual training and discussed how VSOs can encourage Veterans to opt-into virtual tele-hearings.
FY 2021, Q2	Mar. 12, 2021 VSO	Chairman Mason presented at the National Organization of Veterans' Advocates Spring Conference where she discussed the Legacy appeals resolution plan, virtual tele-hearings, mail processing and intake innovations, and hearing branch improvements.
FY 2021 Q2	Mar. 15, 2021 <i>Stakeholder</i>	The Chairman briefed members of the House Committee on Veterans' Affairs Technology Modernization Subcommittee on the use and requirements of Caseflow and VACOLS.
FY 2021 Q2	Mar. 23, 2021 <i>Stakeholder</i>	The Chairman was a guest speaker at Yale Law School. She spoke to the Veterans benefits law class and provided an overview of the Board; explained the procedural posture of appeals; and discussed the significance of remands from the United States Court of Appeals for Veterans Claims.
FY 2021 Q2	Mar. 23, 2021 <i>Stakeholder</i>	Chairman Mason briefed Senator Booker's staff on how appeals modernization impacts the Board's appeals and hearings workload.
FY 2021 Q2	Mar. 31, 2021 <i>Stakeholder</i>	Chairman Mason provided an overview of the Board to Congresswoman Luria, Chairwoman of the House Committee on Veterans' Affairs, Disability Assistance and Memorial Affairs Subcommittee, staff members.
FY 2021 Q3	Apr. 5, 2021 <i>Media</i>	VA issued a blog about how Veterans can schedule a virtual tele-hearing, available at: https://blogs.va.gov/VAntage/85732/how-to-get-a-virtual-hearing-at-the-bva/ .
FY 2021 Q3	Apr. 6, 2021 <i>Media</i>	Chairman Mason participated in a Mettle of Honor podcast, where she discussed the Board, Appeals Modernization and appeals in general.
FY 2021 Q3	Apr. 6, 2021 VSO	The Chairman participated in a quarterly meeting with VSOs to discuss hearings, direct upload capability and IT priorities.

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2021 Q3	April 7, 2021 <i>Stakeholder</i>	The virtual tele-hearing blog was sent to Congressional Member offices through GovDelivery.
FY 2021, Quarter 3	April 7, 2021 <i>Stakeholder</i>	The Chairman and three VLJs spoke with students from the University of Baltimore Law School's Veterans Clinic who were virtually visiting the Board for an overview of advocacy before the Board. They were also provided with the opportunity to see the Board's virtual tele-hearing capabilities.
FY 2021 Q3	Apr. 12, 2021 <i>Stakeholder</i>	The Chairman was interviewed by the Administrative Conference of the United States Virtual Hearing Project, which is exploring the use of virtual hearings in agency adjudications where participants attend remotely. The Board is an innovative leader across the Federal agencies in virtual tele-hearings.
FY 2021 Q3	Apr. 13, 2021 VSO	The Chairman participated in a monthly call with co-located VSOs where she shared information on Board operations and the future of work to include space at the Board.
FY 2021 Q3	Apr. 13, 2021 VSO	The Chairman provided an update on Board operations at the Iowa County Veterans Service Officers annual training. A VLJ also provided appeals training at the event.
FY 2021 Q3	Apr. 14, 2021 VSO	The Chairman provided remarks at NACVSO's annual training. Three VLJs also provided appeals training with over 200 people in attendance.
FY 2021 Q3	May 6, 2021 <i>Stakeholder</i>	Chairman Mason spoke at a Military Spouse Appreciation Day event hosted by the U.S. Department of Labor Women's Bureau and Joining Forces regarding employment opportunities and benefit resources for military spouses and military families.
FY 2021 Q3	May 11, 2021 VSO	The Chairman participated in a monthly call with co-located VSOs where she shared information on Board operations.
FY 2021 Q3	May 20, 2021 <i>Stakeholder</i>	The Chairman traveled to Nashville to give the keynote address at an Operation Resiliency retreat with The Independence Fund. She addressed a Marine Regiment that sustained heavy casualties during Operation Iraqi Freedom and whose Marines and Sailors received numerous medals (many posthumously).

FY & Quarter	Outreach Date	Outreach/Communication Activities
FY 2021 Q3	May 25, 2021 <i>Stakeholder</i>	The Chairman gave a presentation at VA's Institute for Defense and Government Advancement's Spring 2021 Healthcare Conference. She discussed modernizing the appeals process, to include cross-agency partnership initiatives and efforts to improve access for Veterans and their families, caregivers and survivors.
FY 2021 Q3	May 27, 2021 <i>Stakeholder</i>	The Chairman attended the Spring 2021 meeting of the Administrative Conference of the US Council on Federal Agency Adjudication.
FY 2021 Q3	Jun. 3, 2021 <i>Stakeholder</i>	The Chairman met with the Administrative Conference of the US Council on Federal Agency Adjudication.
FY 2021 Q3	Jun. 8, 2021 VSO	The Chairman provided a Board update to the Wisconsin County VSO at their annual training.
FY 2021 Q3	Jun. 16, 2021 VSO	The Chairman presented Board updates to the California Association of County Veteran Service Officers.
FY 2021 Q3	Jun. 21, 2021 VSO	The Chairman hosted a meet and greet with The American Legion senior staff.
FY 2021 Q3	Jun. 21, 2021 VSO	The Chairman hosted a meet and greet with DAV's new junior leadership.
FY 2021 Q3	Jun. 30, 2021 VSO	The Board's VSO Liaison participated in panel discussions with the California Association of County Veterans Service Officers.