



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

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Director (00/397)
All VBA Regional Offices and Centers

In Reply Refer To: 397
AMO Policy Letter 18-01
REVISED 4/2/2018

SUBJ: Rapid Appeals Modernization Program

Policy Letter revised on April 2, 2018

Purpose

This policy letter explains a new Veterans Benefits Administration (VBA) initiative known as the Rapid Appeals Modernization Program (RAMP) that VA will implement as part of appeals modernization under Public Law 115-55.

Background

On August 23, 2017, the President signed into law the *Veterans Appeals Improvement and Modernization Act of 2017* (Public Law 115-55), creating a new appeals and claims framework for pursuing VA benefits. The new law goes into effect in February 2019 and outlines a new claims and appeals framework that includes new review options for Veterans dissatisfied with initial decisions on their disagreements. Veterans in the new process can pursue one of three different lanes: a Higher-Level Review Lane for review of the same evidence by a higher-level claims adjudicator, a Supplemental Claim Lane for submission of new and relevant evidence, and an appeal to the Board of Veterans' Appeals (Board) for review by a Veterans Law Judge (VLJ).

Although the new law does not take effect until February 2019 at the earliest, VA will offer some Veterans access to the new modernized claims process through early participation. VBA's RAMP initiative allows eligible Veterans who have a pending compensation appeal to opt into the Supplemental Claim Lane or Higher-Level Review Lane in the new claims process. RAMP participants will benefit from early resolution and effective date protection features in the new process.

RAMP Overview

The RAMP initiative began on November 1, 2017. VBA will conduct RAMP during the 18-month implementation period for Public Law 115-55. VBA will continue processing Veterans' RAMP elections as long as necessary thereafter to continue to accelerate resolution of legacy appeals.

General

RAMP is a temporary program that allows Veterans to participate in the new Supplemental Claim and Higher-Level Review lanes. Participation in RAMP is voluntary and is open to any Veteran who meets the eligibility criteria noted in this policy letter.

- **Supplemental Claim Lane**
 - VA will assist in gathering new and relevant evidence to support the Supplemental Claim (duty to assist)
 - As part of the review, VA will review any new and relevant evidence submitted since the last decision on the claim(s)
 - Factual findings that are favorable to the Veteran cannot be changed unless there is evidence to the contrary that is clear and convincing

- **Higher-Level Review Lane**
 - Higher-Level reviewers will only consider evidence that was in VA's possession at the time of opt-in (closed record)
 - Higher-level *de novo* review of the initial claim decision (brand new decision)
 - Authority to overturn lower-level decision based on higher-level review (difference of opinion authority)
 - Return to lower-level for correction of duty to assist errors (quality feedback)
 - Veteran or representative can request a one-time **informal conference** with the Higher-Level Reviewer to point out specific errors in the case
 - Factual findings that are favorable to the claimant cannot be changed unless there is evidence to the contrary that is clear and convincing

VA's goal is to process supplemental claims and higher-level review requests in an average of 125 days.

Eligibility

Participation in RAMP is only open to Veterans with a pending legacy disability compensation appeal.

From November 1, 2017 through March 31, 2018 RAMP is only open to Veterans who meet the eligibility requirements and are invited to participate in the program. VBA invites Veterans to participate through a RAMP Opt-in Notice Letter sent by VBA in monthly mass mailings or through notice given to authorized representatives representing Veterans in the jurisdiction of the following regional offices (ROs): Phoenix, Denver, San Diego, and Seattle.

As of April 2, 2018, Veterans are no longer required to receive an invitation to participate in RAMP. VA will accept a RAMP Opt-in Election from any Veteran that meets the eligibility requirements noted below.

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To be eligible for RAMP Veterans must:

- Have an active appeal pending for a compensation claim in one of the following appeals stages:
 - NOD
 - Form 9
 - Certified to Board (not activated)
 - Remand
- Submit the approved written RAMP Opt-in Election document, withdrawing his or her pending eligible disability compensation appeal(s) and substituting the review options set forth in Public Law 115-55

The following appeals are not eligible for RAMP and can be timely worked in the legacy appeals process.

- Compensation appeals in the following stages:
 - Certified to the Board (Activated: formally placed on the Board's docket)
 - Remands returned to the Board
- Other issues on appeal, such as pension claims, survivor claims, insurance claims, and loan guaranty claims

Ineligible appeals will remain pending in the legacy appeals process.

Notice

Veterans who meet RAMP eligibility requirements will receive notice letters in phases. The Appeals Management Office (AMO) will select Veterans with pending legacy disability compensation appeals that meet the above eligibility requirements and solicit participation starting with those with the oldest appeals. The notice letter requests a response within 60 days of the date of the notice; however, VBA will still accept and process elections received after the 60-day submission period to accelerate resolution of legacy appeals.

VBA will continue to notify eligible Veterans through monthly mailings; however, as of April 2, 2018, Veterans can participate in RAMP prior to receipt of a RAMP Notice Letter. The RAMP Notice Letter and RAMP Opt-in Election document are available to all eligible Veterans on the VA Appeals Modernization page located at <https://benefits.va.gov/benefits/appeals.asp>, or by calling VA at 1-800-827-1000.

Veterans or their representatives must return the approved RAMP Opt-in Election document to the address provided on the document. Participation in RAMP requires Veterans to withdraw their pending disability compensation benefit appeals and elect a review lane (Higher-Level Review or Supplemental Claim). VBA will process all eligible appeals under the review lane selected by the Veteran at the time of "opt-in." See the enclosure for a copy of the RAMP Opt-in Election.

Review Rights

RAMP participants **will not** have the option to return to the current appeals process at any time after electing to participate in RAMP. Once VA issues a decision under RAMP, participants will have the benefits of the new claims and appeals system available.

Participants who remain dissatisfied with VA's decision on their claim may:

- Submit another supplemental claim,
- Request a higher-level review (only after a decision on a supplemental claim), or
- File an appeal to the Board under the new system (processing will take place no earlier than **October 2018**).

The new Appeal Lane is not available for immediate processing; however, Veterans may appeal to the Board in the new appeal lane after receiving a supplemental claim or higher level review decision under RAMP. The Board will place these appeals onto a list for consideration under the new process in the order they are received. The Board will not process opt-ins under the new Appeal Lane until **October 2018**, at the earliest.

Processing Guidance

While the RAMP initiative modifies certain claims processing procedures, it does not change the laws relating to entitlement to benefits. The effective date for any benefits that VA may award under RAMP will be based on the date that would have been available had the currently pending appeal been granted.

For claims processed under this program, claims processors will follow the procedural guidance located in the *RAMP Standard Operating Procedure (SOP)* as supplemented by M21-1 guidance. AMO will provide the RAMP SOP to claims processors separate from this policy letter and will update the SOP as necessary to address best practices and procedural updates based on the phased rollout of this program.

As part of the RAMP initiative, VBA will use an improved decision notice, which is a requirement for full implementation of Public Law 115-55. To meet the requirements and provide Veterans with clear notices, VA will implement new rating decision requirements and notification letter requirements as part of RAMP. When issuing decisions under RAMP, claims processors will follow guidance provided in the *RAMP Improved Decision Notification Guide*, which will be provided with the RAMP SOP.

RO intake personnel must ensure they review all systems before establishing a new claim. ROs may not concurrently process a new claim for an issue pending under a RAMP review.

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RAMP Processing Sites

VBA will consolidate RAMP workload at certain ROs that have capacity. The Appeals Resource Center, located in Washington, D.C., will serve as the initial processing site for RAMP. VBA will identify additional processing sites as the program expands.

Each participating office will transition its appeals team from processing legacy appeals to processing RAMP supplemental claims and higher-level reviews. The office's legacy appeals will be distributed according to further guidance from AMO. The assigned personnel will consist of Veterans Services Representatives (VSRs), Rating Veterans Services Representatives (RVSRs), Decision Review Officers (DROs), and a supervisory RAMP Coordinator. AMO will provide workload management guidelines as the program expands to other processing sites.

Questions

Please submit questions concerning the RAMP initiative to the AMO, Program Administration Staff at VAVBAWAS/AMO/Appeals Admin.

/s/

David R. McLenachen
Director
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Enclosure: *RAMP Opt-in Notice*