

# AMO Tip Sheet

## Legacy Appeals: Notification of Board Decisions



### Purpose

This Tip Sheet provides helpful information, references, and high-level instructions for issuing notification of Board of Veterans' Appeals (Board) legacy appeals decisions.



### Audience

Veterans Service Representatives (VSRs), and any other personnel responsible for issuing notification of Board decisions.



### References

- M21-1 I.5.A.1.f, *Definition: Downstream Issue*
- M21-1 I.5.G.1, *Reviewing and Processing BVA Decisions*
- M21-1 I.7.5.f, *Decision Notices*
- M21-1 III.v.2.B, *Decision Notices*



### Actions

- Ensure the Board's decision was mailed to the appellant's current address and mail a photocopy, if necessary
- Review the Board decision and VBA rating decision effectuating the Board's decision and assess if VBA decided any downstream issues such as awarding an evaluation level or effective date
- Create the appropriate notification letter in VBMS-A or PCGL by following the below instructions
- Mail the notification letter, rating decision, and as necessary any required VA forms to the appellant and their representative

### No Downstream Issues

If there are no downstream issues or ancillary benefits within the scope of the appeal (i.e., VBA made no decisions other than effectuating the Board's decision), do *not* provide the appellant with new appeal rights.



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**If generating the letter in VBMS-A**, suppress the auto-attachment of VA Form 20-0998, *Your Rights to Seek Further Review of Our Decision*, by selecting the "Suppress Appeal Rights VA Form 20-0998" checkbox.

Suppressing the form will remove the VBA decision review rights found in the section *What You Should Do If You Disagree with Our Decision* and replace it with the statement:

"Please refer to your Board of Veterans' Appeals Decision for information on how to seek additional review."

**If generating the letter in PCGL**, remove the *What You Should Do If You Disagree with Our Decision* paragraph and insert the following information:

"If you are satisfied with the outcome of your appeal, you do not need to do anything. However, if you are not satisfied with the decision of the Board of Veterans' Appeals, please refer to that decision for detailed information on seeking additional review."

### Downstream Issues

If VBA made decisions on downstream issues or ancillary benefits within the scope of the appeal, then the decision warrants review rights.

Include the following wording as free text under the *Your Benefit Information* section as the last bullet (prior to the monthly entitlement amount):

**"Please note:** Options for further review differ between VBA decisions and the Board of Veterans' Appeals decisions. If you are not satisfied with the Board's decision, please refer to that decision for detailed information on how to seek additional review. This letter addresses options for further review of VBA decisions."



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### Important Reminders

Any finding favorable to the claimant made by either a VA adjudicator, or by the Board, is binding on all subsequent VA and Board adjudicators.

Appeals Modernization Act (AMA) notification requirements are applicable to effectuated Board grants for legacy appeals and modernized decision review requests.

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### Other Resources

- VBMS Core and Awards User Guides
- Trainings: VA 4491280, *AMA Improved Decision Notices - Rating Decisions*; VA 4491586, *AMA Board Decisions: Remands and Grants*

