

# Appeals Management Office (AMO)

## Quality Call Bulletin

### April 2020

#### TABLE OF CONTENTS

Error Trends: October 2019 – February 2020 .....	1
Favorable Findings.....	3
Erroneous Legacy Appeals .....	4
Rescission of Veterans Service Officer (VSO) 48-Hour Reviews .....	5
VBA Policy Letter 20-01 .....	6
Questions .....	7

#### ERROR TRENDS: OCTOBER 2019 – FEBRUARY 2020

**Target Audience:** DROC QRTs and Management

**Presenter:** James Fogg, Program Analyst, AMO

#### Claims-Based Accuracy

Authorization			
DROC	Claim (BE Accuracy)	Total Count	In Error
St. Petersburg:	85.6%	97	14
Seattle:	91.0%	89	8
<b>Total</b>	<b>88.2%</b>	<b>186</b>	<b>22</b>

Rating			
DROC	Claim (BE Accuracy)	Total Count	In Error
St. Petersburg:	83.3%	36	6
Seattle:	97.4%	39	1
DC:	91.4%	35	3
<b>Total</b>	<b>90.9%</b>	<b>110</b>	<b>10</b>

Please note that the data presented is raw and does not correlate to the Director's Dashboard for each DROC.

# Appeals Management Office (AMO)

## Quality Call Bulletin

### April 2020

#### Issue-Based Accuracy

Rating			
DROC	Issue (BE Accuracy)	Total Issues	Issue Errors
St. Petersburg:	91.8%	98	8
Seattle:	98.9%	97	1
DC:	96.2%	105	4
<b>Total</b>	<b>95.7%</b>	<b>300</b>	<b>13</b>

Please note that the data presented is raw and does not correlate to the Director's Dashboard for each DROC.

#### Top Benefit Entitlement (BE) Error Questions in National AMO Reviews

##### Authorization:

The top authorization BE error question was Question 9, *Were all required withholdings/reductions correctly implemented?* There were 8 errors for this question. The main descriptors in error were:

- Drill pay not withheld or withheld incorrectly, and
- CRDP or CRSC adjustment incorrect

Please note that Question 9 continues to be the top authorization BE Error Question.

##### Rating:

The top rating BE error question was Question 7, *Are all effective dates affecting payment correct?* There were 6 errors for this question. The main descriptors in error were:

- D1j: Incorrect effective date for all other situations (general), and
- D1e: IU criteria met or not met from an earlier date

Please note that Question 7 is now the top rating BE Error Question.

# Appeals Management Office (AMO)

## Quality Call Bulletin

### April 2020

#### Top AMA Error Questions in National AMO Reviews

##### Authorization:

The top authorization AMA error question was Question 10, *Was the claimant properly notified?* There were 12 errors for this question. The main descriptors in error were:

- A summary of the applicable laws and regulations, and
- Notification letter failed to provide review options to the claimant to seek review of the decision (AMA)

Please note that Question 10 continues to be the top authorization AMA Error Question.

##### Rating:

The top rating AMA error question was Question 9, *Was Decision Documentation correct?* There were 5 errors for this question. The main descriptors in error were:

- E4b: An explanation of the laws and regulations applicable to the claim was not provided (AMA), and
- E4c: A summary of favorable findings made by the decision maker was not provided (AMA)

Please note that Question 9 continues to be the top rating AMA Error Question.

### FAVORABLE FINDINGS

---

**Target Audience:** DROC QRTs and Management

**Presenter:** Chelsey Kondrak, Senior Management and Program Analyst, AMO

38 CFR 3.103(f) requires VA to provide a listing of any findings made by the adjudicator that are favorable to the claimant.

To align Individual Quality Reviews (IQRs) with this law, the following descriptor on the RVSR Task Based Quality Review Checklist will be changed from a non-critical error to a critical error:

*The decision maker did not identify and properly document applicable favorable findings.*

# Appeals Management Office (AMO)

## Quality Call Bulletin

### April 2020

Notification was provided 30 days prior to implementation of this change to the Checklist. This change to the RVSR Checklist will take place on May 1, 2020.

Specific wording is required when an employee corrects AMA-related errors.

If favorable findings are missing, a new rating decision addressing only those issues that did not include the missing information must be generated and finalized with a notification letter.

Include the below paragraph in the rating decision:

*The purpose of this rating decision is to explain the favorable findings associated with your claim for \_\_\_\_ (issue) but were not included in our previous decision of \_\_\_\_ (date).*

RVSRs and RQRs should reference the list below to refamiliarize themselves on the topic of favorable findings:

- TMS # 4491280: AMA Improved Decision Notices - Rating Decisions
- TMS # 4491236: Appeals Modernization Act 201
- TMS # 4500202: Favorable Findings (VBMS-R) and Supplemental Claims
- TMS # 4500996: AMA Supplemental Training in Adobe Prime
- AMA FAQs in CPKM

## ERRONEOUS LEGACY APPEALS

---

**Target Audience:** DROC QRTs and Management

**Presenter:** James Fogg, Program Analyst, AMO

Following the implementation of the Appeals Modernization Act (AMA), requests for further review of VA decisions **rendered on or after February 19, 2019** must be submitted on one of the following AMA forms:

VA Form 20-0996: *Decision Review Request: Higher Level Review*,  
VA Form 20-0995: *Decision Review Request: Supplemental Claim*, or  
VA Form 10182: *Decision Review Request: Board Appeal (Notice of Disagreement)*  
(see M21-5 Chapter 4, Topic 2.c.).

# Appeals Management Office (AMO)

## Quality Call Bulletin

### April 2020

The Appeals Management Office identified approximately 6 to 10 percent of legacy appeal end products were erroneously established in March 2020. VA should have rejected the claim as it was submitted on the wrong form.

For example, a Veteran submitted a VA Form 21-0958, *Notice of Disagreement*, on a decision made on April 1, 2019. VA then erroneously established the claim and issued a Statement of the Case. VA will not accept legacy appeal forms on VA decisions made on or after February 19, 2019.

Reject all legacy appeal forms for decisions issued on or after February 19, 2019 by sending the "Request for Application AMA Review" letter in the *Letter Creator* application.

## RESCISSION OF VETERANS SERVICE OFFICER (VSO) 48- HOUR REVIEWS

---

**Target Audience:** DROC QRTs and Management

**Presenter:** Fred Somers, Program Analyst, AMO

The Veterans Benefits Administration (VBA) is rescinding the 48-hour Veterans Service Officer (VSO) review process effective April 24, 2020. VBA conducted a review of its policy granting VSOs access to draft ratings following the United States Court of Appeals decision in *Rosinski v. Wilkie* 31 Vet.App. 1 (2019). VBA has determined that we can no longer postpone promulgation or authorization of draft ratings for possible VSO review. VA has a responsibility to expeditiously make claims determinations; the 48-hour hold unnecessarily delays payments to Veterans.

The practice of affording the review dates to VBA's legacy paper-based processing environment, when VSOs did not have immediate access to the claim files. Because VSOs now have direct and immediate access through the Veterans Benefit Management System (VBMS), and it is infeasible to modify VBMS to afford the same right to private attorneys, VBA determined that the practice is no longer necessary. VBMS is being modified to remove the VSO hold queue, allowing claims to flow from the status of rating decision complete (RDC) to promulgation without delay, but is not changing VSO access to the VBMS electronic claims folder.

VSOs can continue to support Veterans with all claim-related activities, including submission of claims through VA.Gov or direct upload, checking the status of claims in VBMS, and communicating and collaborating with local regional office (RO)

# Appeals Management Office (AMO)

## Quality Call Bulletin

### April 2020

management on claims processing matters, to include quality improvement suggestions.

VSOs can use the process under the Appeals Modernization Act (AMA) to address disagreements or problems on claims decisions following promulgation. Following the passage of the AMA, there is no penalty for seeking review of a VA decision; the potential effective date is protected. Reviews of VA decisions are timely; currently, higher-level reviews are completed in less than 120 days on average.

VBA has informed external stakeholders and RO leadership of the change and Compensation Service will update the adjudication manual. In addition, the VSO REVIEW STATUS work queue function will be disabled. The VBMS change is scheduled to take effect on April 24, 2020.

For additional questions, please contact one of the following:

- Compensation Service Procedures at [M21-1.VBAVACO@va.gov](mailto:M21-1.VBAVACO@va.gov)
- P&F Procedures at [PFPOLPROC.VBACO@va.gov](mailto:PFPOLPROC.VBACO@va.gov), or
- AMO Program Administration at [AMO-Appeals.Admin@va.gov](mailto:AMO-Appeals.Admin@va.gov).

### VBA POLICY LETTER 20-01

---

**Target Audience:** DROC QRTs and Management

**Presenter:** James Fogg, Program Analyst, AMO

VA issued Policy Letter 20-01, *Effective Date Provisions for Supplemental Claims for Compensation and Pension Claims Filed Within a Year of a Decision from the United States Court of Appeals for the Federal Circuit or the Supreme Court of the United States*, effective March 17, 2020. Please refer to Policy Letter 20-01 for full details.

Effective immediately, claims adjudicators must consider supplemental claims for compensation and pension benefits filed within one-year of a Federal Circuit or Supreme Court decision as continuously pursued claims and apply the provisions of 38 CFR 3.2500(h)(1) when adjudicating the claim.

For additional questions, please contact one of the following:

- Compensation Service Benefits at [21POLICY.VBACO@va.gov](mailto:21POLICY.VBACO@va.gov)
- Pension and Fiduciary Service Benefits at [PFPOLPROC.VBACO@va.gov](mailto:PFPOLPROC.VBACO@va.gov)

---

## QUESTIONS

---

1. What is the M21 reference for the favorable finding correction paragraph?

**Response:** M21-1 Part III.iv.6.C.5.f. Addressing Favorable Findings in the Rating Narrative

2. How do we call an error on favorable findings if there is no manual reference to refer to? Clarified to indicate referring to using the corrective language.

**Response:** The paragraph for favorable findings will be added to the M21-5. Until this paragraph is available in the M21-5, please refer to this bulletin as a reference. In addition, VBA has initiated the request to include this paragraph within the VBMS-R glossary.