

***Introduction to
Public Law 115-55 & Rapid Appeals
Modernization Program (RAMP)***

VA



U.S. Department
of Veterans Affairs

Objectives

At the end of this lesson, you will be able to:

- Summarize Public Law (PL) 115-55
- Recognize a RAMP Opt-in Election
- Identify and distinguish between the two RAMP lanes



References

- PL115-55, *Veterans Appeals Improvement and Modernization Act of 2017*
- AMO Policy Letter 18-01, *Rapid Appeals Modernization Program*
- *RAMP Standard Operating Procedure (SOP)*
- Appeals Modernization – VA.gov
<https://benefits.va.gov/benefits/appeals.asp>
- AMO Intranet Site, RAMP Resources
https://vbaw.vba.va.gov/APPEALS/RAMP_Resources.asp



All employees should use the bottom link for the AMO Intranet Site, RAMP Resources. These are the same materials currently available to RAMP Appeals Team processors.

Appeals Modernization Act

- On August 23, 2017, the *Veterans Appeals Improvement and Modernization Act of 2017* was signed into law.
- The new law takes effect in February 2019.
- Features a new three lane decision review process:
 - **Higher-Level Review** – An entirely new review of the claim by an experienced adjudicator
 - **Supplemental Claim** – An opportunity to submit additional evidence
 - **Appeal** – Review by the Board of Veterans' Appeals
- All three lanes are available for each issue decided



Through collaborative effort between VSOs, Veterans, Congress and VA, this law was created to establish a more efficient disagreement process.

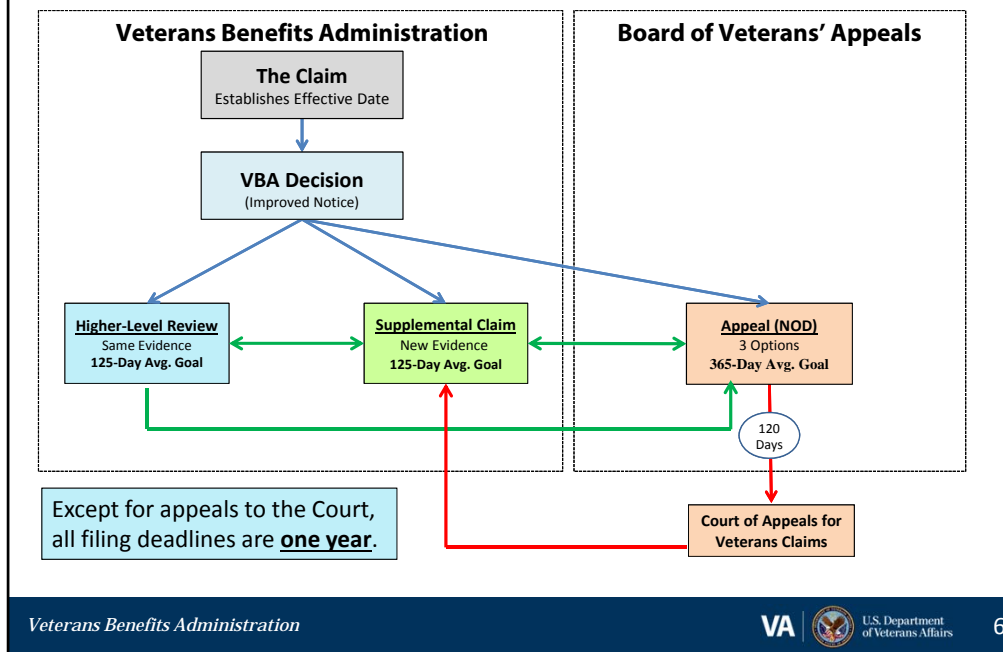
Historically, VBA processed appeals. Moving forward, VBA will only be processing supplemental and higher-level review claims.

Appeals will be processed by BVA.

New Process: Three Lanes

VBA	VBA	BVA
Supplemental Claim Lane	Higher-Level Review Lane	Appeal Lane
<ul style="list-style-type: none"> • VA will readjudicate a claim if “new and relevant” evidence is presented or identified with a supplemental claim (open record) • VA will assist in gathering new and relevant evidence (duty to assist). • Effective date for benefits always protected (submitted within 1 year of decision) • Replaces “reopening” claims with “new and material” evidence 	<ul style="list-style-type: none"> • More experienced VA employee takes a second look at the same evidence (closed record and no duty to assist) • Option for a one-time telephonic informal conference with the higher-level reviewer to discuss the error in the prior decision • <i>De novo</i> review with full difference of opinion authority • Duty to assist errors returned to lower-level for correction (quality feedback) 	<ul style="list-style-type: none"> • Evidence only docket: Additional evidence submitted within 90 days following NOD • Direct docket: Closed record and 365 days timeliness goal • Hearing docket: Board hearing and additional evidence submitted within 90 days following hearing

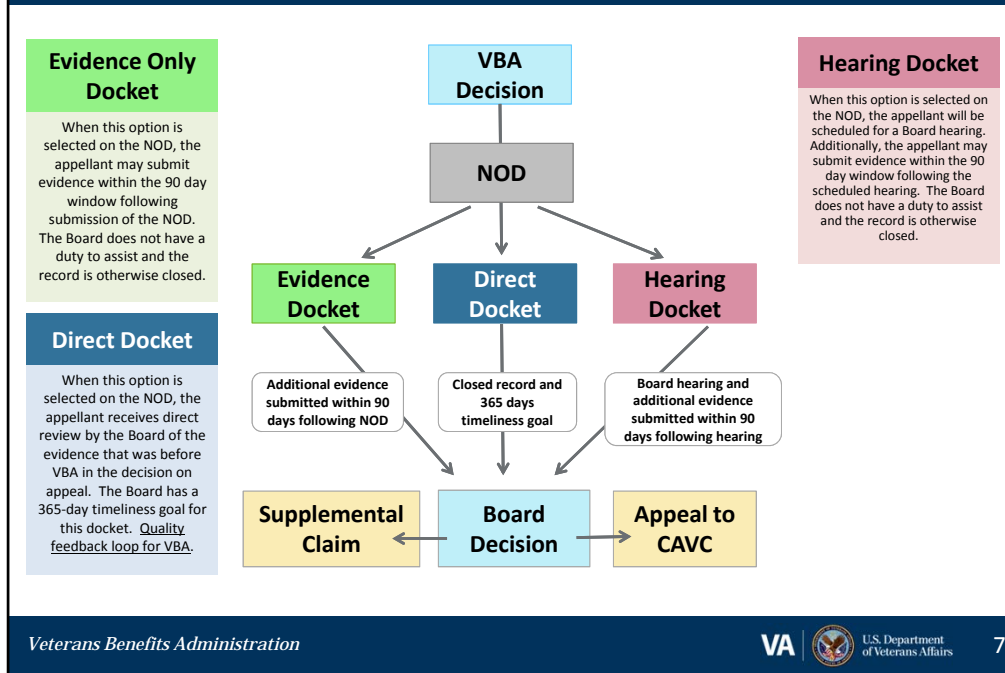
New Decision Review Process



The Veteran will have the opportunity to opt into any of the three lanes.

The Higher-Level Review and Supplemental Claim lanes fall under VBA. Veterans are no longer required to go thru VBA when filing an appeal. Veterans can go directly to BVA.

New Framework – Appeal Lane



This is the Board’s framework for how they will process appeals. Internal to BVA, they will also have three lanes for the Veterans to choose from

For example, under the Appeals Modernization Act a Veteran may opt to have a right knee condition go thru HLR, a left knee condition go thru Supplemental Claim and a migraine condition go directly to the Board all at the same time.

PL 115-55 Key Points

- Three lane framework for Veterans to choose from when dissatisfied with VA's decision on their claim
- Improved notification of all VA decisions
- A mechanism for correction of duty to assist errors identified by the agency of original jurisdiction (AOJ) or the Board of Veterans' Appeals (Board)
- Effective date protections for continuously pursued claims
- Findings favorable to a claimant are binding on VA and Board adjudicators

Public Law 115-55 amends § 5104(b) and now requires VA to include the following elements in all decision notices:

1. Identification of the issues adjudicated.
2. A summary of the evidence considered.
3. An explanation of the laws and regulations applicable to the claim.
4. Summary of any findings made by the adjudicator that are favorable to the claimant.
5. For denied claims, identification of the element(s) required to grant the claim(s) that were not met.
6. If applicable, identification of the criteria required to grant the next higher level of compensation.
7. An explanation of how to obtain or access evidence used in making the decision.
8. A summary of the applicable review options available for the claimant to seek review of the decision.

Under PL 115-55 the claimant who chooses one lane for review but does not receive a favorable result will have one year to pursue another lane.

New Framework – Benefits

- Understandable process
- Multiple options for Veterans instead of one
- Improved notice as to which option might be best
- Early resolution of disagreements
- Each lane with a clearly defined start/end point
- Higher-Level Review and Appeal lanes provide quality feedback to VBA
- Workload transparency for better workload/resource projections
- VBA as claims agency, Board as appeals agency



Rapid Appeals Modernization Program

The ***Rapid Appeals Modernization Program (RAMP)*** began on November 1, 2017 and allows eligible Veterans with pending appeals the option to have their decisions reviewed in the new **Higher-Level Review** or **Supplemental Claim** lanes

As of April 2, 2018 any Veteran that meets the eligibility criteria below may participate in RAMP (no invitation required)

- Participation is voluntary
- Veterans must have an active disability compensation appeal in one of the following appeal stages:
 - NOD
 - Form 9
 - Certified to the Board (not activated)
 - Remand

Benefits for Veterans and their representatives:

Faster decisions and early resolution of disagreements

Improved decision notices

Allows more Veterans to use the new, more efficient process

Demonstrates VA's commitment to improve services for all Veterans who have appeals, not just those who receive a future decision

Accelerates resolution of legacy appeals at the earliest points in the process

Same effective date for benefits regardless of the Veteran's choice of review option

Requires VA to have clear and convincing evidence to change any findings favorable to the Veteran in a previous VA decision

Veterans who participate in RAMP fill the Board's new dockets first

Benefits for VA and External Stakeholders:

Eliminates the inherent inefficiencies in the legacy system, thus decreasing the number of work hours spent by VA and Veterans' representatives working legacy appeals

Shortens the time that VA and Veterans' representatives must operate two appeal systems

Allows VA and Veterans' representatives to fully assess and adapt to the new law

Early resolution in VBA reduces legacy appeals to the Board and Federal courts

RAMP Opt-in Notice

- Monthly batch mailings to eligible Veterans
- Follow up notices sent 45 days after initial mailing
- Veterans or their representatives must elect RAMP in writing using the RAMP Opt-in Election document
 - Response requested within **60 days** of mailing (*not mandatory to participate*)
 - Mailed, faxed, or directly uploaded through the Dimensions 360 portal by an authorized representative




Veterans/VSOs are not required to have received a RAMP opt-in notice to opt into RAMP.

RAMP Opt-in Election

RAMP OPT-IN ELECTION

RETURN THIS PAGE ONLY IF YOU WANT TO PARTICIPATE IN RAMP
(DO NOT complete this form if you wish to remain in the current legacy appeals process)

Once you have read and understood the attached VA letter, please indicate your election by completing and returning this notice with the coversheet provided to the address noted below.

 DEPARTMENT OF VETERANS AFFAIRS
EVIDENCE INTAKE CENTER
PO BOX 4444
JANE SVILLE, WI 53547-4444
OR
FAX TO: 844-621-7818

By completing this form, I elect to participate in RAMP. I am withdrawing all eligible pending compensation appeals in their entirety, and any associated hearing requests, to participate in VA's RAMP initiative and have my eligible appeals proceed under the new process described in the Appeals Modernization Act. I understand that I cannot return to the current (legacy) appeals system for the issues withdrawn. I also acknowledge that, in the event I want the Board to review my claim, the Board will not consider my appeal under the new process until no earlier than October 2018.

I elect the following review option (select only one):

Supplemental Claim

I elect to have all eligible issues currently on appeal processed as a supplemental claim. I would like to submit or have already submitted new and relevant evidence in support of my claim for benefits. I understand that I have 30 days from the date of my election to submit additional evidence or notify VA of evidence that VA can assist in gathering.

Higher-Level Review

I elect to have all eligible issues currently on appeal reviewed in the higher-level review process. I understand that this review will be based upon the evidence submitted to VA as of the date of this election and VA will not seek additional evidence on my behalf as part of the higher-level review.

Place a check in the box below if you would like a one-time telephonic (informal) conference with the Higher-Level Reviewer. If you have an accredited representative (VBO, attorney, or agent) please include his or her contact information below. (This option may cause some delay in the processing of your higher-level review in scheduling.)

Informal Conference Representative/Org. _____
Phone Number _____

Claimant or Authorized Representative Signature Date _____

Veterans Benefits Administration



U.S. Department of Veterans Affairs

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IMPORTANT: VBA will not accept opt-in elections in any format other than the RAMP opt-in election document.

The letter contains a response page that allows appellants to notify us of their desire to opt-in to the program, which lane they want their appeal to be processed through, as well as an option for them to withdraw all of their pending appeals.

RAMP Opt-in Notice that contains:

- 2-page letter explaining RAMP
- RAMP Fact Sheet
- RAMP Election Document
- ARC Coversheet with routing Barcode

Knowledge Check



Once the new law goes into effect, what are all of the review options available under PL 115-55 to claimants who are dissatisfied with a VA claims decision?

List the 3 new lanes:

1. Higher-Level Review
2. Supplemental Claim
3. Board Appeal Lane



RAMP Lanes	
RAMP Supplemental Claim Lane	RAMP Higher-Level Review Lane
<ul style="list-style-type: none"> Any decision to award benefits must be based on new and relevant evidence or a clear and unmistakable error in the prior decision In RAMP, VA presumes that there is new and relevant evidence when a Veteran first elects to participate Open evidentiary record with duty to assist Veterans in gathering evidence to support the claim Decision authority given to RVSRs for rating issues and VSRs for non-rating issues Tracking under End Product (EP) 683 with claim label RAMP-Supplemental Claim Review (Rating or Non-Rating) <i>Work commensurate with reconsideration/reopen claim process</i> 	<ul style="list-style-type: none"> De novo review of the issue(s) previously on appeal (difference of opinion authority) Closed record & no duty to assist Review of all evidence of record on the date that VA receives the Veteran's RAMP election Decision authority granted to Decision Review Officers (DROs) and Senior VSRs Optional one-time telephonic informal conference with the higher-level reviewer to identify specific errors in the case Quality feedback loop: Return of the claim for correction when a duty to assist error or required development is found and the higher-level reviewer cannot grant the maximum benefit Tracking under EP 682 with claim label RAMP - Higher Level Review (Rating or Non-Rating)

Note: After receiving an initial decision under RAMP, Veterans have up to one year to file a notice of disagreement with the Board. The Board began processing RAMP NODs in October of 2018.

Knowledge Check



A Veteran requests to have his appeal(s) reviewed by VBA based on additional evidence that is new and relevant to the benefit(s) sought.

Select the appropriate EP and lane:

1. EP 683, RAMP Supplemental Claim
2. EP 682, Higher-Level Review
3. EP 692, RAMP Supplemental Claim

Knowledge Check Answer



A Veteran requests to have their appeal(s) reviewed by VBA based on additional evidence that is new and relevant to the benefit(s) sought.

Select the appropriate EP and lane:

1. EP 683, RAMP Supplemental Claim
2. EP 682, Higher-Level Review
3. EP 692, RAMP Supplemental Claim

Questions

