

Appeals Modernization 101

May 2018

Overview

This training is designed for all employees involved with processing claims. It provides an overview of the new Appeals Modernization Act and the test program known as the Rapid Appeals Modernization Program (RAMP).

Objectives

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

1. Identify changes between the current and future appeals process.
2. Identify key points in the Appeals Modernization Act (PL No. 115-55, Veterans Appeals Improvement and Modernization Act of 2017).
3. Recall the three lanes associated with the Appeals Modernization Act.
4. Recognize a Rapid Appeals Modernization Program (RAMP) claim and associated end products (EP), including appropriate claim labels.

Current Appeal Process

The current VA appeal process, which is set in law, is a complex, non-linear process that is unlike other standard appeals processes across Federal agencies and judicial systems.

- Process takes **too long** – There is no defined endpoint or timeframe. Agency cannot manage to a set goal for resolution time.
 - On average Veterans are waiting 3 years for a resolution on their appeals.
 - For those appeals that were decided by the Board in fiscal year (FY) 2016, on average, Veterans waited at least 7 years from filing their NOD until the Board decision issued that year.
- Process is **too complex** – Veterans do not understand the process, it contains too many steps, and it is very challenging to explain it to them in a way that is understandable.
- **Splits jurisdiction** between VBA and the Board – Accountability does not rest with one appellate body. Also creates inherent competition for resources internally within VBA to process both claims and appeals.
- Features an **open record** and ongoing **duty to assist** – Continuous evidence gathering and readjudication prolongs the ability to reach a final decision. The appeal process essentially contains a hidden claims process.

Appeals Modernization Act

On August 23, 2017, the *Veterans Appeals Improvement and Modernization Act of 2017* was signed into law.

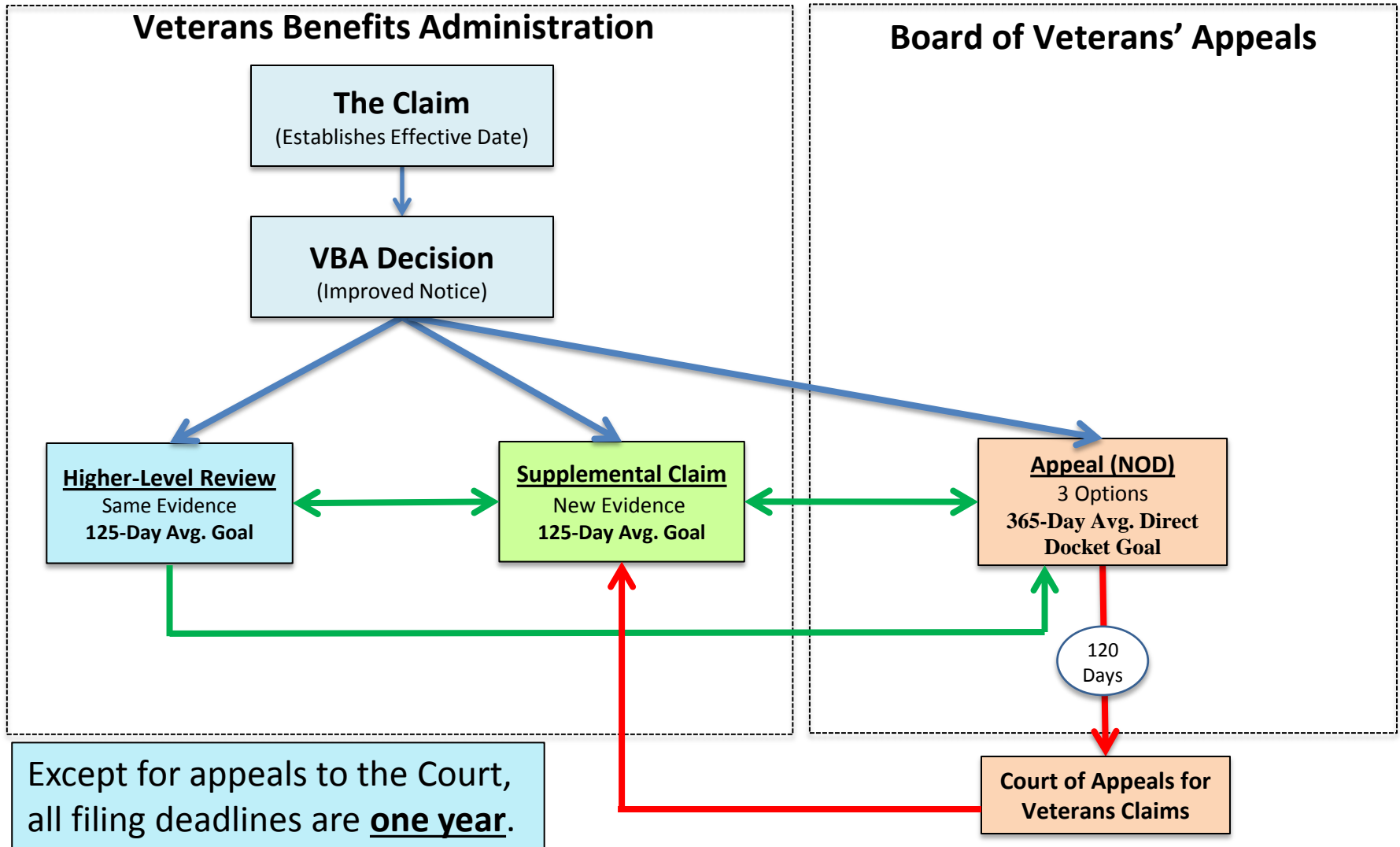
- The new law modernizes VA's current claims and appeals process. It includes:
 - ***New review options*** for Veterans who disagree with VA decisions
 - Changes to VA's ***duty to assist*** requirements
 - ***Improved decision notice*** requirements for all VA decisions
 - Mandatory ***reporting to Congress*** on the legacy appeals process and the new system
 - New protections for ***findings favorable to a claimant***
 - Increased ***protection for effective dates*** when a claim is continuously pursued
- The new law does not take effect until February 2019. All VA administrations must implement the law prior to the effective date.

New Review Options

The law creates a new decision review process.

- It features three lanes:
 - **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
- Claimants have one year from the date VA issues notice of a decision to seek review through one of the new lanes.

New Decision Review Process



Overview of Review Options

- **Multiple options for Veterans/representatives**
 - Use one lane at a time for a claimed issue
 - Choosing one lane over another does not prevent the Veteran/representative from later choosing a different lane
 - There are no limits to the number of times a Veteran may pursue a claimed issue in any of the given lanes
- **Effective date for benefits** – Always protected if the Veteran pursues the same claimed issue in any of the lanes within one year
- **Duty to assist and open record** – In the Supplemental Claim lane only, not the Higher-Level Review or Appeal lanes
- **Higher-Level Review** – *De novo* review with full difference of opinion authority; replaces current DRO review process
- **Favorable findings** - Requires VA to have clear and convincing evidence to change any findings favorable to a claimant in a previous VA decision

VBA Lanes

Supplemental Claim Lane

- 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 (when submitted within one year of decision)
- Replaces current “reopening” claims with “new and material” evidence

Higher-Level Review Lane

- 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
- *De novo* review with full difference of opinion authority
- Duty to assist errors returned to lower-level for correction (**quality feedback**)

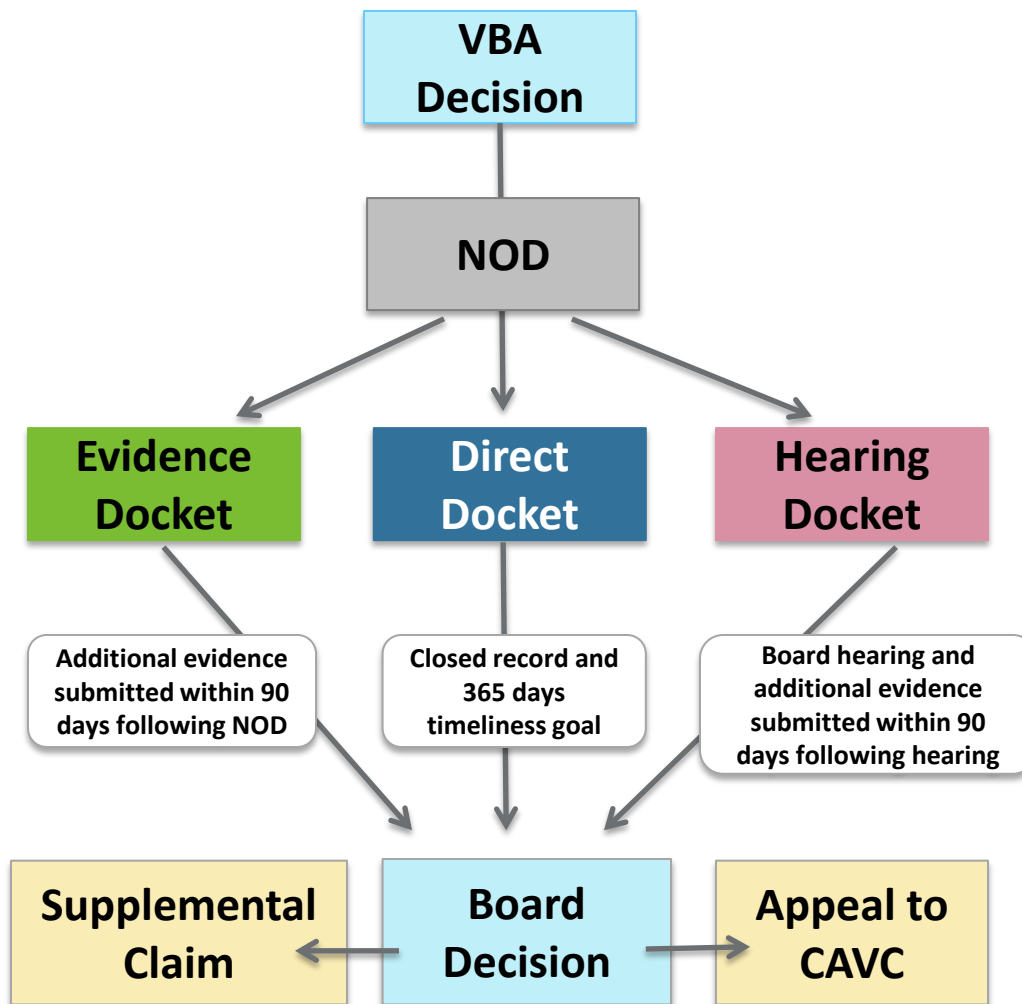
BVA Appeal Lane

Evidence Only Docket

When this option is selected on the NOD, the appellant may submit evidence within the 90 day window following submission of the NOD. The Board does not have a duty to assist and the record is otherwise closed.

Direct Docket

When this option is selected on the NOD, the appellant receives direct review by the Board of the evidence that was before VBA in the decision on appeal. The Board has a 365-day timeliness goal for this docket. [Quality feedback loop for VBA.](#)



Hearing Docket

When this option is selected on the NOD, the appellant will be scheduled for a Board hearing. Additionally, the appellant may submit evidence within the 90 day window following the scheduled hearing. The Board does not have a duty to assist and the record is otherwise closed.

Benefits of the New Process

- Understandable decision review system
- Multiple review options instead of one
- Improved notice about the reasons for VA's decision and available decision review options
- Early resolution of disagreements
- Each lane with a clearly defined start/end point
- Higher-Level Review and Appeal lanes provide quality feedback to VBA
- VBA as claims agency, Board as appeals agency
- Efficient use of VA's and representatives' resources for long-term savings and improved service for Veterans

Rapid Appeals Modernization Program

- To test assumptions and facets of the new process, VA began a new program known as the ***Rapid Appeals Modernization Program (RAMP)*** on November 1, 2017
- RAMP allows eligible Veterans with pending **compensation appeals** the option to have their decisions reviewed in the new **Higher-Level Review** or **Supplemental Claim** lanes
- AMO Policy Letter 18-01 provides policy and procedural guidance on RAMP.

RAMP Eligibility

- 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

Any Veteran that meets the requirements above may opt-in to RAMP.

RAMP Opt-in Elections

- Veterans (or their representatives) must use the **RAMP Opt-in Election** document to request participation in RAMP.
- The Appeals Resource Center in Washington, DC is the centralized intake center for all RAMP elections.

SAMPLE

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
JANESVILLE WI 53547-4444
OR
FAX TO: 844-531-7818

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 until after the new appeals system goes into effect, which will not be earlier than February 2019.

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 (VSO, 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 due to scheduling.)

Informal Conference

Representative/Org. _____

Phone Number _____

John Hancock

03/29/2018

Claimant or Authorized Representative Signature

Date

RAMP Supplemental Claim Lane

- 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
- Tracking under End Product **(EP) 683** with claim label ***RAMP-Supplemental Claim Review (Rating or Non-Rating)***
- 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

RAMP Higher-Level Review Lane

- ***De novo* review** of the issue(s) previously on appeal (**difference of opinion authority**)
- Review of all evidence of record on the date that VA receives the Veteran's RAMP election (**closed record & no duty to assist**)
- Tracking under **EP 682** with claim label ***RAMP - Higher Level Review (Rating or Non-Rating)***
- Decision authority granted to **Decision Review Officers (DROs)**
- Optional one-time telephonic **informal conference** with the higher-level reviewer to identify specific errors in the case
- 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 (**quality feedback loop**)

RAMP – Benefits

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

RAMP Correspondence

- If a RO receives **physical correspondence** from a claimant that is not on the standard election, indicating that they want to participate in RAMP, attach the ARC Centralized Mail fax coversheet and fax to **(844) 531-7818**. Annotate in VBMS notes.
- If a RO receives **electronic correspondence** in the CM mail portal from a claimant that is not on the standard election, indicating that they want to participate in RAMP, RO Intake teams must transfer the mail package to the ARC CM queue and annotate in VBMS notes.

RAMP End Products (EPs) & Claim Labels

Higher-Level Reviews (HLR)

- **EP 682**
 - RAMP – Higher Level Review - Rating
 - RAMP – Higher Level Review - Non-Rating

Supplemental Claims

- **EP 683**
 - RAMP – Supplemental Claim Review Rating
 - RAMP – Supplemental Claim Review Non-Rating
 - RAMP – HLR – Additional Evidence
 - RAMP – HLR – DTA Error

Concurrent Claims Not Allowed

As with issues on appeal, issues under RAMP cannot be concurrently processed with a claim.

- When processing a new claim, review VACOLS to see if the issue(s) claimed are currently on appeal and review to see if the issue(s) are a contention on an **active or closed** RAMP EP (682/683). RAMP issues are historical in VACOLS.
- If a Veteran files a claim for an issue currently in RAMP, please send the “Claim already on Appeal” letter in *Letter Creator* available under the “IPC” area category. Select the option for RAMP.
- If a Veteran requests reconsideration or files a legacy NOD for any contention processed (active or closed EPs) under RAMP, forward the document to the ARC for processing.

VACOLS

VACOLS Regional Office Access

Appeals Hearings Queries Suspense Rpts Diary Rpts Prod Rpts AMC Mgmt Rpts Utilities Help

Appellant Id: Find ID

Last Name: Find Name

Logged On:

Appeal Id	Dec Date	Disp	Name	Status	NOD	RO	Type	Action
<input type="text"/>	03/12/2018	P	Holmes Sherlock	HIS	02/12/2018	RO31	1 - Original	

[View Appeal](#) [Update Appeal](#) [Certify Appeal](#) [Dispatch Appeal](#) [RO Transfer](#) [Travel Board](#)

Help

C Name: Holmes Sherlock RO: RO31 Status: HIS

Mail(0) Atty Fee Oth Docs CAVC Motion CC

Issues(1) Address/VI Prior Locs Attach Diary (0) Hearings

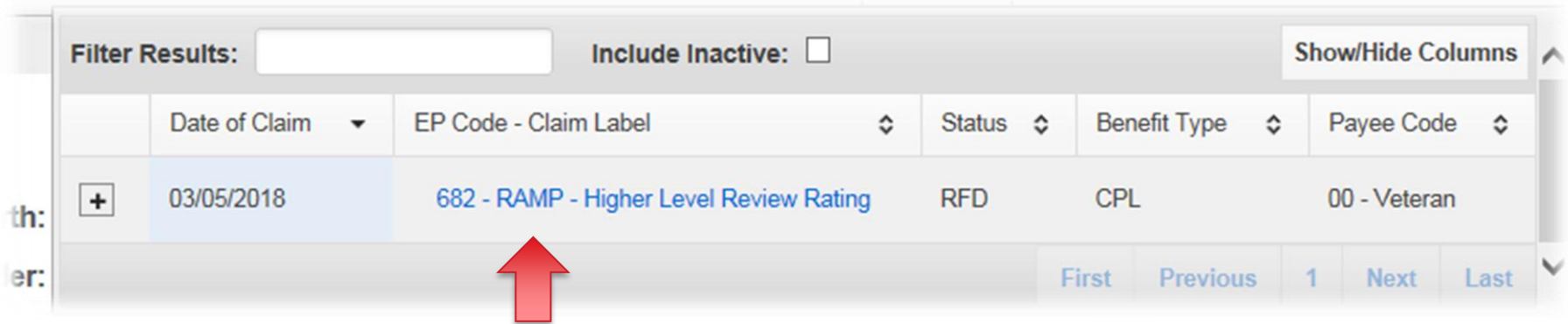
Issue	Levels 1-3	Disposition / Date
Increased rating	Other	P 03/12/2018

[Add](#) [Update](#) [Print](#) [Clear Disp](#) [Delete](#)

VACOLS is automatically closed out as historical (HIS) when a RAMP EP is established.

Identifying a RAMP Issue

- Issues processed under RAMP can be identified by reviewing VBMS.
 - Review the VBMS claims screen for an EP 682 or EP 683 and check the contentions list

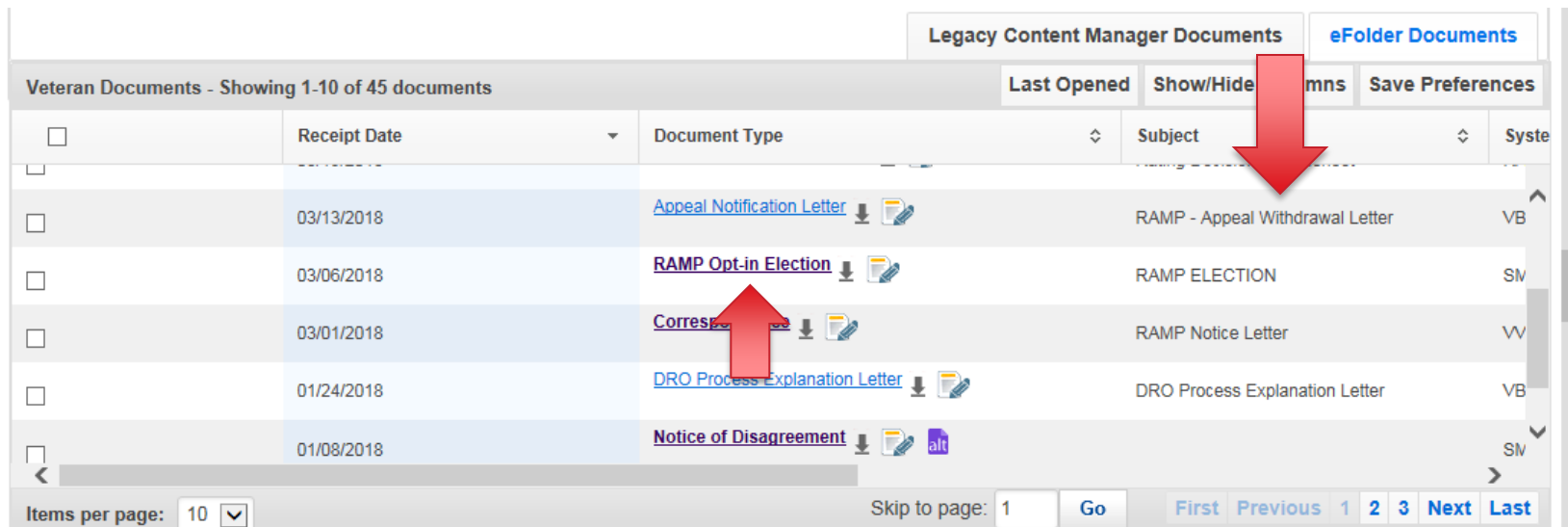


Filter Results: Include Inactive: Show/Hide Columns ^

	Date of Claim ▾	EP Code - Claim Label ⚡	Status ⚡	Benefit Type ⚡	Payee Code ⚡
th: +	03/05/2018	682 - RAMP - Higher Level Review Rating	RFD	CPL	00 - Veteran
er:				First Previous 1 Next Last	

Identifying a RAMP Issue

Review the VBMS eFolder for a “RAMP Opt-in Election” document and a “RAMP Appeal Withdrawal Letter”



Legacy Content Manager Documents | eFolder Documents

Veteran Documents - Showing 1-10 of 45 documents

	Receipt Date	Document Type	Subject	System
<input type="checkbox"/>	03/13/2018	Appeal Notification Letter	RAMP - Appeal Withdrawal Letter	VB
<input type="checkbox"/>	03/06/2018	RAMP Opt-in Election	RAMP ELECTION	SM
<input type="checkbox"/>	03/01/2018	Correspondence	RAMP Notice Letter	VV
<input type="checkbox"/>	01/24/2018	DRO Process Explanation Letter	DRO Process Explanation Letter	VB
<input type="checkbox"/>	01/08/2018	Notice of Disagreement		SM

Items per page: 10 | Skip to page: 1 | Go | First | Previous | 1 | 2 | 3 | Next | Last

RAMP Communications

RAMP information is disseminated to eligible Veterans through

- Web communication on internet sites such as VA.gov, and other VA social media sites (Facebook, Twitter, YouTube etc.)
- Communications through regular mail, email, print, and traditional media outlets
- Notice Letters mailed on a monthly basis based on a set schedule
 - Follow-up letters are sent 45 days after initial notice
 - RO contacts have a complete listing of mailed notices
- Outreach material such as signage, pamphlets, brochures, etc.
- Training products for external stakeholders (service organizations, congressional caseworkers, advocates for Veterans, and such other stakeholders)
- In-person engagements such as VA town halls, and national and local outreach events

Frequently Asked Veteran Questions

- **Will RAMP be faster than the current process?**
 - Yes. VA anticipates processing RAMP election in an average of 125 days. Current legacy appeals processing time can range from 3 to 7 years for resolution.
- **What will happen with my appeal if I choose not to participate in RAMP?**
 - If a Veteran chooses not to participate, the appeal will continue to be processed under the current process. However, keep in mind, choosing RAMP will not delay a Veteran's appeal or ability to seek Board review, it will more than likely result in faster resolution.
- **I have multiple appeals with multiple issues. Do I have to choose the same lane for all of them?**
 - Yes. Under RAMP, a Veteran must choose either the Higher-Level Review lane or the Supplemental Claim lane for all eligible compensation issues under appeal.
- **What do I do if I disagree with my RAMP decision?**
 - If a Veteran remain dissatisfied with the decision you receive in RAMP, he or she will have a year to use the other RAMP lane or appeal to the Board of Veterans' Appeals for all issues addressed under RAMP to protect the potential effective date for benefits.

Frequently Asked Veteran Questions

- **What if I have a Board or DRO hearing pending? Can I opt-in?**
 - It depends. If a Veteran's appeal has not certified and activated by the Board, the appeal may be processed under RAMP. Under RAMP, Veterans and representatives can request an informal conference under the Higher-Level Review lane if they wish to speak with the decisionmaker; however, they cannot request a hearing.
- **Will participation in RAMP result in another denial and loss of my place in line?**
 - No. VBA will review the claim anew and issue a new decision. If that decision is not favorable to the Veteran, he or she may continue the claim through an appeal to the Board. Veterans participating in RAMP will receive access to the new dockets, placing them at the front of the line when the new appeals process goes live in February 2019. This will likely result in faster review by the Board, than if the Veteran remained in the legacy process.
- **Will VA continue development on my appeal if I elect RAMP?**
 - Yes, if the Veteran elects the Supplemental Claim lane. VA has a duty to assist Veterans in gathering evidence to substantiate the claim under the Supplemental Claim lane. VA will complete all development actions prior to issuing a decision. If a Veteran elects the Higher-Level Review lane, VA will discontinue developing for evidence and the record is limited to the evidence of record prior to receipt of the RAMP Opt-in Election form.

Additional Information

You may visit the Appeals Modernization page on www.VA.gov for more information on VA's implementation of appeals modernization and RAMP.

<https://benefits.va.gov/benefits/appeals-ramp.asp>