



INTRODUCTION TO APPEALS EBOOK

RVSR, Appeals



Department of Veterans Affairs, Veterans
Benefits Administration, Compensation Service,
STAFF



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 - 2) NOTICE OF DISAGREEMENT
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References

- U.S.C. Chapters 71 & 72
- [38 CFR part 20](#)
- [M21-1MR part I, 4.1-7 Formal Hearings](#)
- [M21-1MR part I, 5.A-K](#)
- [M21-1MR part III, subpart II.6](#)
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- 38 CFR Part 3, including:
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 - [M21-1MR III.i.3.A](#)
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 - [38 U.S.C. 5701](#)
 - [38 U.S.C. 7105](#) (d) (2)
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The Introduction

Compensation Service would like the reader to know that this is not a comprehensive guide covering all aspects of the Appeals process. It is a quick study guide for those individuals who need to gain a basic understanding of the Appeals process. Also, in the back of this book is some discussion of pertinent court cases to help the reader understand the direction that the claims process has taken and how decisions by the court have affected the claims process.

Compensation Service has chosen a number of cases to include in this guide that are important to enhance your understanding of the Appeals process. However, there are many other cases, beyond the ones we selected, that have had a significant impact on the Appeals process.

Compensation Service will start with a basic explanation of the claims process. A claim is defined as a formal request on a VA Form 21-526, from the Veteran to the VA seeking entitlement to a benefit, or award for disabilities incurred in or aggravated by military service. Entitlement to benefits can only be established if the claim is service-connected. Service connection means that the Veteran became injured or disabled as a result of military service. There are three requirements that must be met before the VA can grant service connection:

The Veteran must have the following:

- (1) Diagnosis of a present disability
- (2) In-service incurrence or aggravation of a disease or injury;
- (3) A causal relationship between the present disability and the disease or injury incurred or aggravated during service.

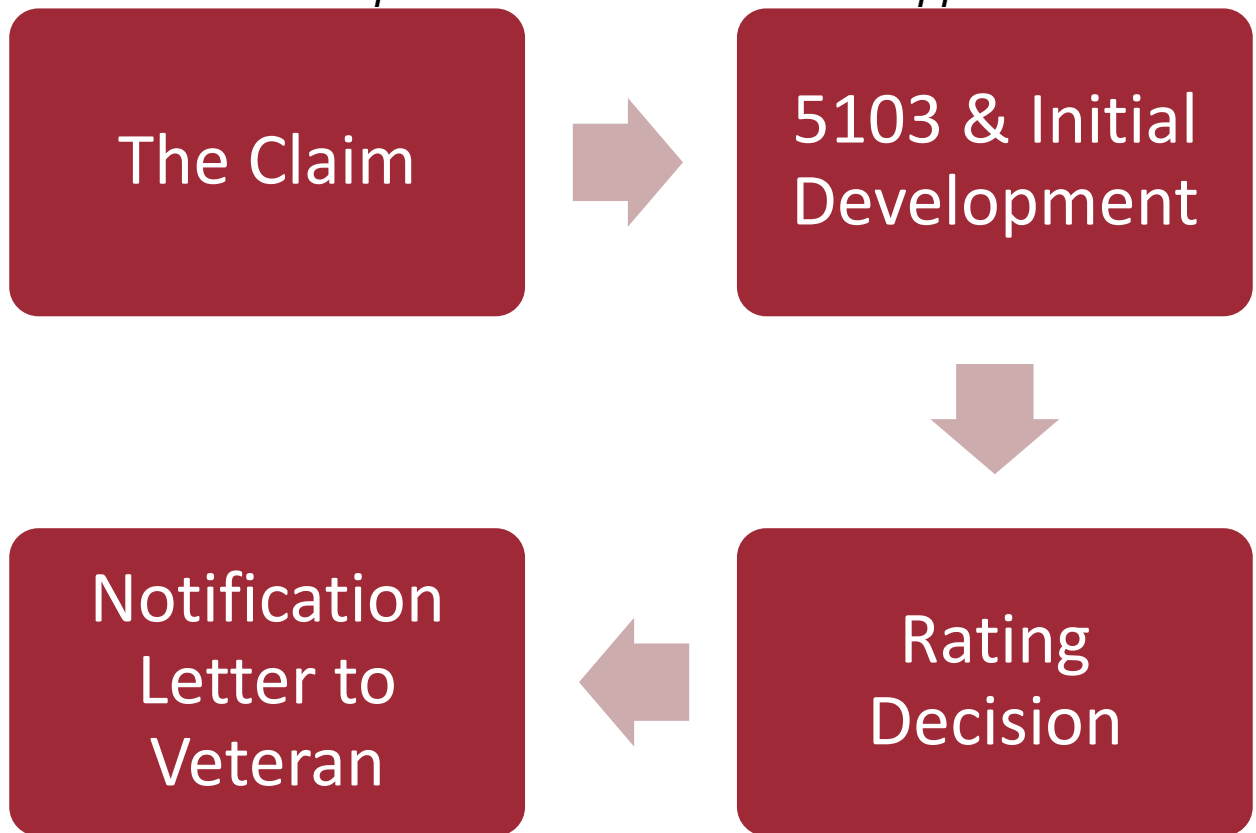
— See [*Shedden v. Principi*](#), 381 F.3d 1163, 1166-67 (Fed. Cir. 2004)

From the VA perspective, we need a diagnosis, an event, and the nexus (link between the diagnosis and the event in service) in order to establish service connection and grant benefits.

Now that the VA has the claim, the VA must communicate to the Veteran what the VA will do to assist with the development of his/her claim and if further information is needed. This is called a 5103 notification. If the three requirements listed above are met, the VA will grant service connection for a disability. Once service connection has been granted, the VA will determine the level of disability, expressed as a percentage, and the date the disability became effective. This is called the rating decision.

When the rating decision is made, the VA notifies the claimant of the decision and payment information if applicable. The letter also provides the Veteran with information about his/her appeal rights, using the VA Form 4107. The date shown on the notification letter is the beginning date used in the appeal process should the Veteran choose to appeal the decision. The VA Form 21-0958 should also be enclosed on compensation decision letters after March 24, 2015.

Fun Facts: *Eleven percent of all decisions are appealed.*



Here are some helpful hints on the topic of claim requirements:

In-service Element - Disease or Injury

- Documented in service treatment records (STRs) or otherwise established by other evidence

- Due consideration given to all medical and lay evidence. 38 U.S.C.A. § 1154(a)

In-service Element - Combat Status

- 38 U.S.C.A. § 1154(b) – relaxes the evidentiary standard for proving the onset or aggravation of an injury or disease during combat
- Generally, VA will accept a combat Veteran’s allegation of injury or disease as sufficient proof that the injury occurred or the disease was contracted [38 CFR §3.304 (d)]

Caution – service connection not “service connection” – term of art.

“Service connection” is a term of art that is used in two ways, depending on the context in which the term is expressed. The term applies to the ultimate entitlement to disability compensation, after a veteran has satisfied the three-element test or the test for entitlement to disability compensation for chronic diseases as set forth in 38 C.F.R. § 3.303(b). The term is also sometimes used to refer to the second element of the three-element test, namely that a disease or injury was incurred or aggravated while in service. The Secretary has promulgated regulations on “Principles relating to service connection” in 38 C.F.R. § 3.303, and in § 3.303(a), stating general principles of service connection, the term is used in both senses. “Service connection connotes many factors but basically it means that the facts, shown by evidence, establish that a particular injury or disease resulting in disability was incurred coincident with service in the Armed Forces, or if preexisting such service, was aggravated therein” (emphasis added). Subsection (a) also refers to “each disabling condition . . . for which [a veteran] seeks a service connection” and states that “[d]eterminations as to service connection will be based on review of the entire evidence of record.” Satisfaction of the three-element test thus achieves service connection, in both senses, under § 3.303(a). As noted above, the RO, the Board, and the Veterans Court measured Walker's claim for compensation under the three-element test. We need not dwell further on § 3.303(a), however, because Walker on appeal has waived any claim to entitlement under subsection (a) - See more at: <http://caselaw.findlaw.com/us-federal-circuit/1622844.html#sthash.LBkGtTqP.dpuf>

- See [*Walker v. Shinseki*](#), 708 F.3d 1331, 1334 (Fed. Cir. 2013)

In-service Element - Establishing Combat Status

- VAOPGCPREC 12-99-- defines “engaged in combat with the enemy”
 - Actual engagement – e.g., shrapnel wound, CIB Badge
 - Combat zone service or military occupational specialty (MOS), alone, not sufficient

- Attacking enemy without actual threat of physical harm may be combat service-
[Sizemore v. Principi](#), 18 Vet. App. 264 (2004)
- 38 U.S.C.A. § 1154(b) applies only to the in-service component as to injuries or diseases incurred or contracted during combat service

Present Disability

- Cornerstone of any VA Claim
- Impairment of earning capacity due to disease, injury or defect. [Allen v. Brown](#), 7 Vet. App. 439 (1995).
- A disability which resolves during the appeal period (becomes asymptomatic) subject to service connection. [McClain v. Nicholson](#), 21 Vet. App. 319 (2007)

What Present Disability Is the Veteran Claiming?

- The claimant knows what symptoms he/she is experiencing which are causing his/her disability (ies) and may assert potential causes of the disability (ies) even if he/she is not competent to make a medical diagnosis. Title 38 Regulations specify the terms and conditions allowable to compensate a service-connected disability based on a sympathetic reading of the material in a pro se submission.” [Ingram v. Nicholson](#), 21 Vet. App. 232, 256-57 (2007).

Scope of Present Disability

- A lay claimant may not be competent to diagnose his/her particular condition, and the inquiry should not be limited to the diagnosis alleged by the claimant but should

include all diagnoses which may reasonably be encompassed by several factors including: the claimant's description of the claim; the symptoms the claimant describes; and the information the claimant submits or that the Secretary obtains in support of the claim. [Clemons v. Shinseki](#), 23 Vet. App. 1 (2009)

Present Disability - Unusual Circumstances

- "Pain" – not a disability, but may be basis for further development of claim. [Sanchez-Benitez v. West](#), 13 Vet. App. 282, 285 (1999).
- Service connection applies to diseases and the residuals of injury—not symptoms or clinical findings, such as laboratory test results. 61 Fed. Reg. 20440, 20445 (May 7, 1996) (Suppl. Information – Endocrine System)

Nexus Evidence

- Medical (Expert) Evidence
Weigh Favorable and Unfavorable Opinions
- Lay Evidence
Laypersons are competent to report facts that the Veteran observed (e.g. symptoms) and when they occurred
Whether laypersons are competent to opine as to etiology or diagnosis depends on particular question and facts of the case
- Presumptions Replace Proof of Nexus Element
Where applicable

Aggravation of Pre-existing Injury or Disease

- A pre-existing injury or disease noted at entrance into service
- Increase in the severity of the disability during such service
- But no benefits if shown by clear and unmistakable evidence that increase in severity of the disability was due to the natural progress of the disease
- 38 U.S.C.A. § 1153; 38 C.F.R. § 3.306

Effect of Presumptive Provisions

- Eliminates the medical nexus evidence requirement - [Walker v. Shinseki](#), 708 F.3d 1331, 1338 (Fed. Cir. 2013).
- Can be rebutted by affirmative evidence of an intercurrent cause. 38 U.S.C.A. § 1113; 38 C.F.R. § 3.307(d).
- Nothing in VA law prevents showing of service connection on another basis if a Veteran fails to establish service connection on a presumptive basis. 38 U.S.C.A. § 1113(b); [Combee v. Brown](#), 34 F.3d 1039, 1042 (Fed. Cir. 1994).

Presumptive Service Connection (Eliminates the Nexus Requirements)

- Chronic diseases—38 C.F.R. § 3.309(a)
- Tropical diseases—38 C.F.R. § 3.309(b)
- Prisoners of war—38 C.F.R. § 3.309(c)
- Radiation exposure—38 C.F.R. § 3.309(d)
- Herbicide exposure—38 C.F.R. § 3.309(e)

- Mustard gas – 38 C.F.R. § 3.316
- Undiagnosed illness/infectious diseases - 38 C.F.R. § 3.317
- Amyotrophic Lateral Sclerosis - 38 C.F.R. § 3.318
- Tuberculosis disease – 38 C.F.R. § 3.371

Secondary Service Connection

- Veteran has a service-connected disability
- Present additional claimed disability
- Nexus between claimed additional disability and service-connected disability
- 38 C.F.R. § 3.310 – Caused or aggravated
- [Allen v. Brown](#), 7 Vet. App. 439 (1995)

Claimant's Evidentiary Standard

Three ways of expressing it:

- (1) Claimant has burden to support each element of claim to an equipoise standard
- (2) Claimant gets the benefit-of-the-doubt
- (3) VA resolves reasonable doubt in claimant's favor
 - [Gilbert v. Derwinski](#), 1 Vet. App. 49, 54 (1990).
 - 38 U.S.C.A. § 5107(b); 38 C.F.R. § 3.102

Notice of Disagreement



Beginning March 24, 2015, each decision letter based addressing compensation contentions should inform the Veteran of the necessity of completing and returning the VA Form 21-0958, *Notice of Disagreement* to initiate an appeal. When the Standard Notice of Disagreement (SNOD) form is provided in the decision

letter to the veteran, the Veteran must use this form to initiate an appeal for compensation decisions.

If the decision being appealed was made prior to March 24, 2015 or if the decision being appealed is for a benefit other than compensation, the VA Form 21-0958 is not required. The NOD may be received on something other than the SNOD form.

For individuals provide a written disagreement with a compensation decision date on or after March 24, 2015 and provide that written disagreement on something other than a SNOD form, a letter will be sent to the individual reminding him/her that a NOD must be submitted on the standard form.

If the NOD does not need further clarification, such as clarifying which issues are being appealed when a decision contains multiple issues, the NOD is then input into the Veterans Appeal Control and Locator System (VACOLS), which is a system designed for tracking and timeliness purposes. Then, the ROJ sends a letter to the appellant giving them the option to elect (if the election is not received with the NOD) either a post decision review process involving a Decision Review Officer (DRO) or a post decision review process without involving a DRO. The review process utilizing a DRO is called a “de novo review”. The review process conducted without a DRO is called “traditional process.”

DE NOVO REVIEW VS TRADITIONAL PROCESS

The manual [M21-1MR I.5.C](#) provides the DRO the authority to review the evidence of record and render a different decision, if warranted, on the same evidence that was used in the initial decision. For example, in reviewing a case, the RVSR discovers that the Veteran is appealing his 30 percent evaluation for PTSD. The Veteran elects the de novo review process. In reviewing the claim, the DRO determines that a 50 percent evaluation is warranted. The DRO has that ability to render a new determination, granting the Veteran a higher evaluation. It should be noted that the DRO is the only position that has that ability and it's the only position that has its job description in the Manual Rewrite. A little bit of trivia, but something worthwhile to know.

Otherwise, the NOD goes through the traditional process and we will talk more about that in the next chapter of this book.

In order to be considered as a Notice of Disagreement, we must have the following:

- Filed within one year of mailing of RO adjudication;
- By claimant or claimant's representative;
- Expressing disagreement with a specific determination of the RO; and
- Expressing a desire for appellate review
- 38 USC 7105; 38 C.F.R. 20.201, 20.300, 20.302(a)

How the Court looks at Notices of Disagreements

- “Liberally interpreted, the appellant’s ‘wonder why it wasn’t allowed back in 1985’ was an expression of disagreement with the effective date assigned.” [Anderson v. Principi](#), 18 Vet. App. 371, 375 (2004).

[Bernard v. Brown](#), 4 Vet. App. 384, 390 (1993) (38 U.S.C.A. § 7105 establishes generally a series of “very specific, sequential procedural steps that must be carried out by a claimant and the RO . . . before a claimant may secure ‘appellate review’ by the Board of Veterans Appeals”)

[Roy v. Brown](#), 5 Vet. App. 554, 555 (1993) (there is a “clear and unambiguous statutory and regulatory scheme which requires the filing of both an NOD and a formal appeal . . . The purpose of the NOD is to inform the RO of appellant’s disagreement with the decision”)

Notice of Disagreement Time Limits

The Veteran seeking a review of the local VA office decision (called “the appellant”) has one year from the

Date of the Notification letter, which the local VA office mails the appellant. After one year, the local VA office determination is considered final and cannot be appealed unless there is proof of a clear and unmistakable error (CUE) on the part of the VA.

Traditional Appellate Review Process

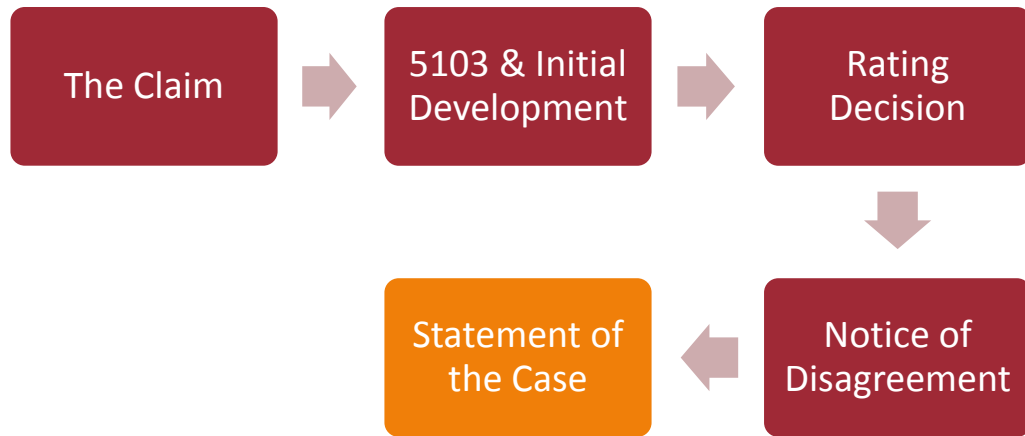
If the appellant *does not* elect the DRO review process on the NOD, or within 60 days of VA notification of the right to the DRO review process, the appeal proceeds in accordance with the traditional appellate review process. It is the DRO’s review that will determine if a change to grant the decision on appeal can be made. If a grant on all issues can be made, then we must include a complete statement of facts in the new decision with any discussion needed to clearly show the basis for the allowance. If only some issues can be granted, then a statement of the case (SOC) should be issued, confirming the decision on appeal and

explaining the reasons for the VA decision. Also, the appellant should be sent a VA Form 9, Appeal to Board of Veterans' Appeals. If no issues can be granted, the DRO/RVSR issues an SOC confirming the decision on appeal and explaining the reasons for the VA decision, and sends VA Form 9, Appeal to Board of Veterans' Appeals, to the appellant.

DRO Review Process ([M21-1MR I.5.C.13](#))

If the appellant elects the DRO review process, the DRO conducts a de novo (completely new) review of the prior decision. (Note: if the DRO participated in the original decision, another DRO or acting DRO must take jurisdiction over the appeal). Based on a review of the evidence of record, is there enough evidence to make a new decision? If yes, the DRO makes a new decision. If no, the DRO pursues additional evidence considered necessary to resolve the claim, and/or conducts an informal conference to obtain additional evidence from the appellant and his/her representative. Based on evidence gathered, the DRO upholds or overturns the original decision, works with the appellant and his/her representative to focus the issue and fully explain the decision in an effort to resolve the appellant's disagreement, and begins to prepare the appeal for BVA review by sending an SOC, unless there is a full grant of benefits.

Statement of the Case



The next stage is the Statement of the Case.

At this point, the local VA office will either allow or not allow (disallow) the claim. If the claim is disallowed, the ROJ will prepare and send to the appellant a Statement of the Case (SOC) and a blank VA Form 9. This form is to be used for continuation of the appeal. Basically, the SOC summarizes the VA office's reason(s) for disallowing the claim. In addition to going over the submitted evidence considered in the initial decision, the SOC also explains the relevant laws and regulations by way of an in-depth formal discussion for disallowing the claim.

Per [M21-1MR1.5.D.19](#).A you must provide the following items for a quality Statement of the Case that meets the needs of the agency and the Veteran and his representative:

- (1) You need to provide a cover letter to the Veteran.
- (2) You need to provide the Veteran with the issue that is being disagreed upon.
- (3) Next you will need to add the evidence that the decision was based on.

- (4) Also, you will need to provide a listing of the adjudicative actions.

The next part of the chapter is the pertinent laws. We have created a starter cheat sheet, but please keep in mind that this is a generic cheat sheet as we could not include everything that would be necessary for each type of case out there. You may add to this list.

The final section is the signature. This is where the preparer leaves his signature. If a second reviewer is necessary, her signature should also be placed here. Ensure that the transmittal letter includes the information concerning the notice the right to file a substantive appeal. Always verify that the VA Form 9 information is listed on this page and added as an enclosure.

To follow up on what we discussed in this chapter:

- An SOC is an explanation of the decision made on the appellant's case, and a continuation of the previous decision, so that the appellant can prepare an effective substantive appeal (VA Form 9).
- If the new decision does not fully satisfy the issue on appeal, both a rating decision and an SOC must be issued.

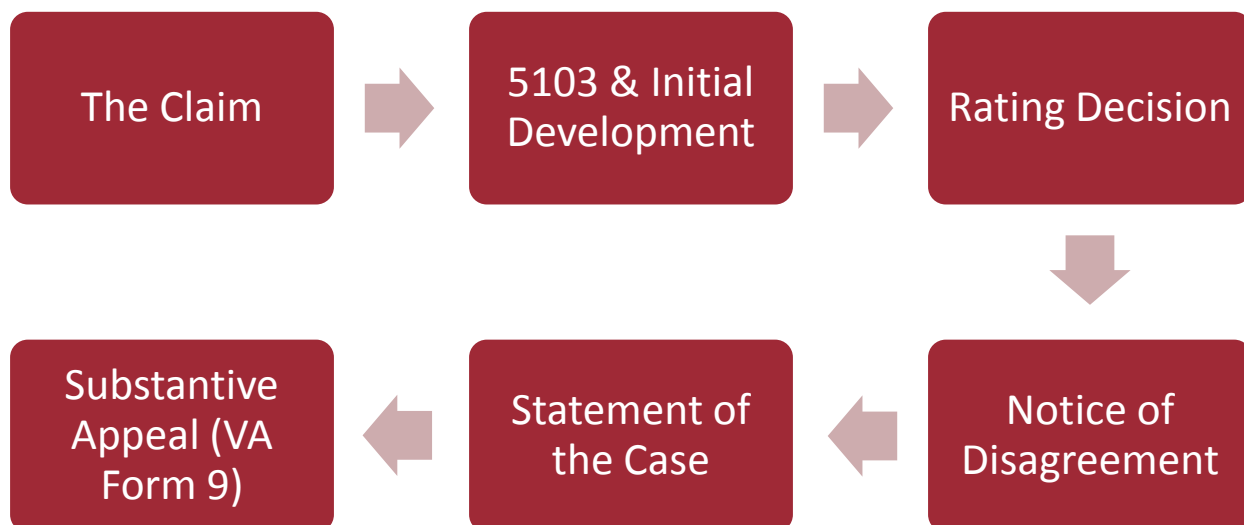
How the Court looks at Statements of the Case

[Manlincon v. West](#), 12 Vet. App. 238 (1999) (where there is an NOD, the proper action is to *remand* the issue to the RO for issuance of SOC)

Acosta v. Principi, 18 Vet. App. 53 (2004) (where Court found an NOD, the NOD remains pending, and case must be remanded for VA to issue a SOC)

Fenderson v. West, 12 Vet. App. 119 (1999) (the remedy NOD to is remand for VA to issue SOC)

Form 9



Let's talk a little bit about how truly important this form is. Without this form we do not have an appeal that has been perfected. Once this VA Form 9 is received the Board of Veterans' Appeals will assign a docket number to the Veteran's appeal. This will track the appeal until it is either withdrawn, or the benefit is granted (this includes evaluation or an earlier effective date). On the VA Form 9, the Veteran may indicate if he wants a hearing and what type of hearing the Veteran wants.

The big aspect here though, is the date that this form is received. I know that everyone has heard there is a year to appeal a claim. Well actually the Veteran could have more than a year to appeal a claim. Granted the Veteran has to provide the VA with a NOD, however we are required to provide the Veteran with a SOC and then the Veteran has 30 days after the SOC is furnished to submit a VA Form 9 but only after the year has expired otherwise the

Veteran has whatever time is left until that year expires. The manual has provided you with a good example of this so I'm not going to cover it again here but I will provide you with a copy of the manual reference to review [M21-1MR1.5.D.19.A](#).

To follow up on what we discussed in this chapter a VA Form 9, we discussed the time requirements of when this form should be received. We also talked about what to look at on this form to include hearing information and the importance of this form.

How the Court looks at the VA Form 9

[James I. Evans v. Eric K. Shinseki](#), Opinion Number 08-2133, decided January 28, 2011, involves confusion over what issues were appealed when an unrepresented VeteranVeteran completed a VA Form 9.

The VeteranVeteran sent in a notice of disagreement (NOD) from a decision that had 6 issues and the VA prepared a Statement of the Case (SOC). The VeteranVeteran then submitted a form 9 in which he checked the box saying he wished to appeal all of the issues in the SOC. However, he also specified three of the issues listed in the SOC. The VA took the position that he abandoned the other three issues. And, in fact, those were the only issues discussed in a hearing. The BVA decision dismissed the three unspecified claims.

On appeal, the VeteranVeteran argued the BVA should have addressed the *unspecified* claims because he had checked a box saying he wanted to appeal all the issues.

The Court agreed with the VeteranVeteran. It found the VA had a duty to liberally read pro se filing and the form is ambiguous because it does not explain that if a VeteranVeteran checks he wants to appeal all issues but then specifies some in the second box, that the second box controls.

A concurring opinion by Judge Schoelen concurred but disagreed with the finding the VA Form 9 was potentially ambiguous. Instead, it would have looked at the adequacy of the BVA's decision that the unspecified issues were waived.

Here is a snapshot of the Form 9

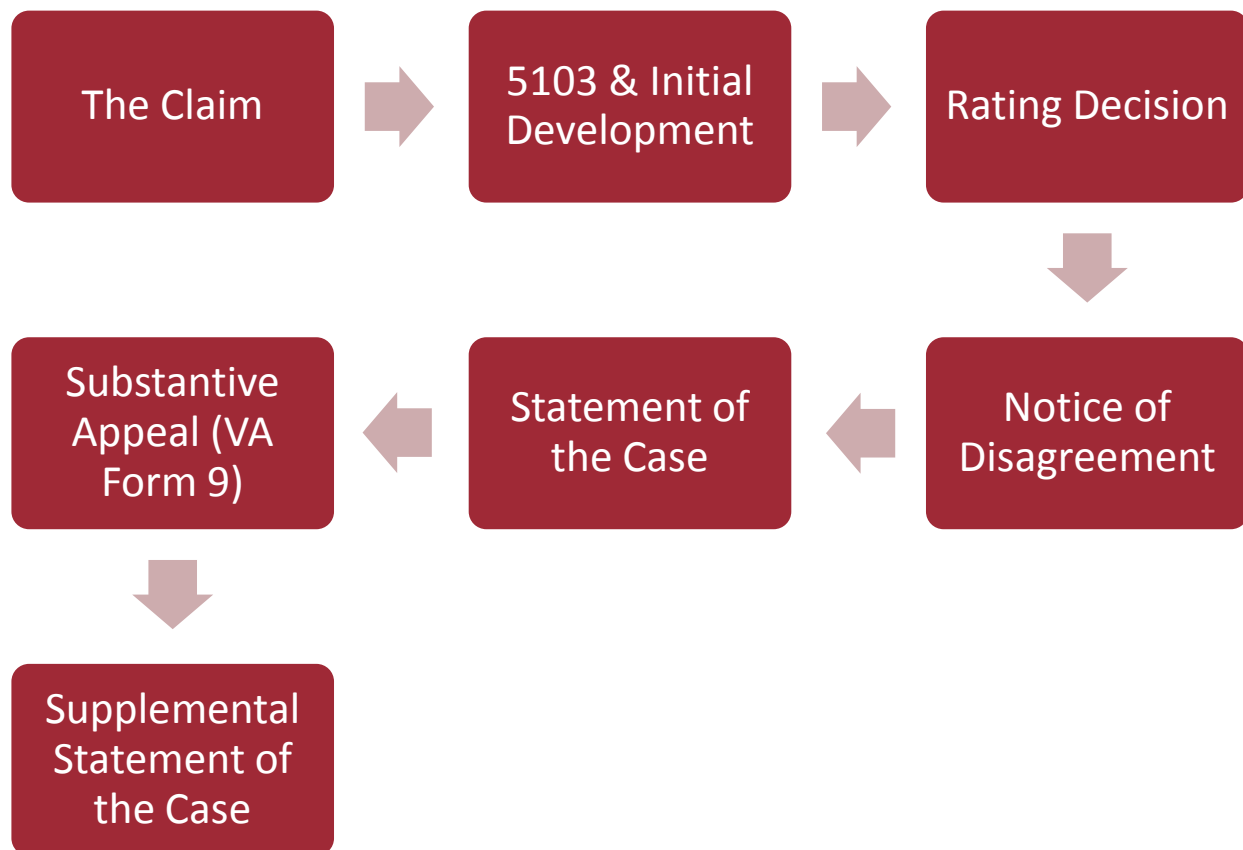
Form Approved: OMB No. 2900-0061
Respondent Burden: 1 Hour

Department of Veterans Affairs **APPEAL TO BOARD OF VETERANS' APPEALS**

IMPORTANT: Read the attached instructions before you fill out this form. VA also encourages you to get assistance from your representative in filling out this form.

1. NAME OF VETERAN (Last Name, First Name, Middle Initial)		2. CLAIM FILE NO. (Include prefix)	3. INSURANCE FILE NO., OR LOAN NO.
[Redacted]		[Redacted]	[Redacted]
4. I AM THE:			
<input type="checkbox"/> VETERAN <input type="checkbox"/> VETERAN'S WIDOWER <input type="checkbox"/> VETERAN'S CHILD <input type="checkbox"/> VETERAN'S PARENT			
<input checked="" type="checkbox"/> OTHER (Specify) [Redacted]			
5. TELEPHONE NUMBERS		6. MY ADDRESS IS: (Number & Street or Post Office Box, City, State & ZIP Code)	
A. HOME (Include Area Code)	B. WORK (Include Area Code)	[Redacted]	
[Redacted]	[Redacted]		
7. IF I AM NOT THE VETERAN, MY NAME IS: (Last Name, First Name, Middle Initial)			
[Redacted]			

Supplemental Statement of the Case



Well I am certain that you are wondering what a supplemental statement of the case is as I am sure that you have heard the term. An SSOC is basically a hybrid of a statement of the case in the aspect that the look and feel is similar to the SOC as there is:

- (1) A cover letter is issued to claimant.
- (2) There is the issue that is being disagreed upon.
- (3) Finally, there is the new evidence that was presented after the statement of the case was issued. This could be information that the Veteran has sent to the VA, a new examination or maybe the information that was obtained during the hearing. It could be just one of these aspects or all of them the big thing to remember here is that the VA is required to provide the Veteran with the information pertaining to his

appeal and if the Veteran provides new evidence we must issue a SSOC if a SOC has been previously sent even if we do a partial grant of benefits.

One note: if the Veteran has not filed a VA Form 9 they will need to still file one within the specified time frame, normally one year after the Veteran was notified of the decision, in order to perfect the appeal.

Other issues to consider are if the Board of Veterans' Appeals issues a Remand and VA is unable to grant the Veteran all of the benefits sought on appeal then the VA would have to issue additional SSOC.

The reason why Compensation Service brings this up is because DRO's have to remember a SSOC is to be prepared upon the receipt of additional evidence unless the evidence is duplicate or unrelated to the issue under appeal. In a particular case reviewed the evidence that the Veteran submitted was related to his appeal and was not a duplication of the evidence that was received before.

For substantive appeals received on or after February 2, 2013 an SSOC is not required for additional evidence received from the claimant or the claimant's representative unless a written request is received requesting that the RO review such evidence (see FL 14-02 and 38 USC 7105(e)).

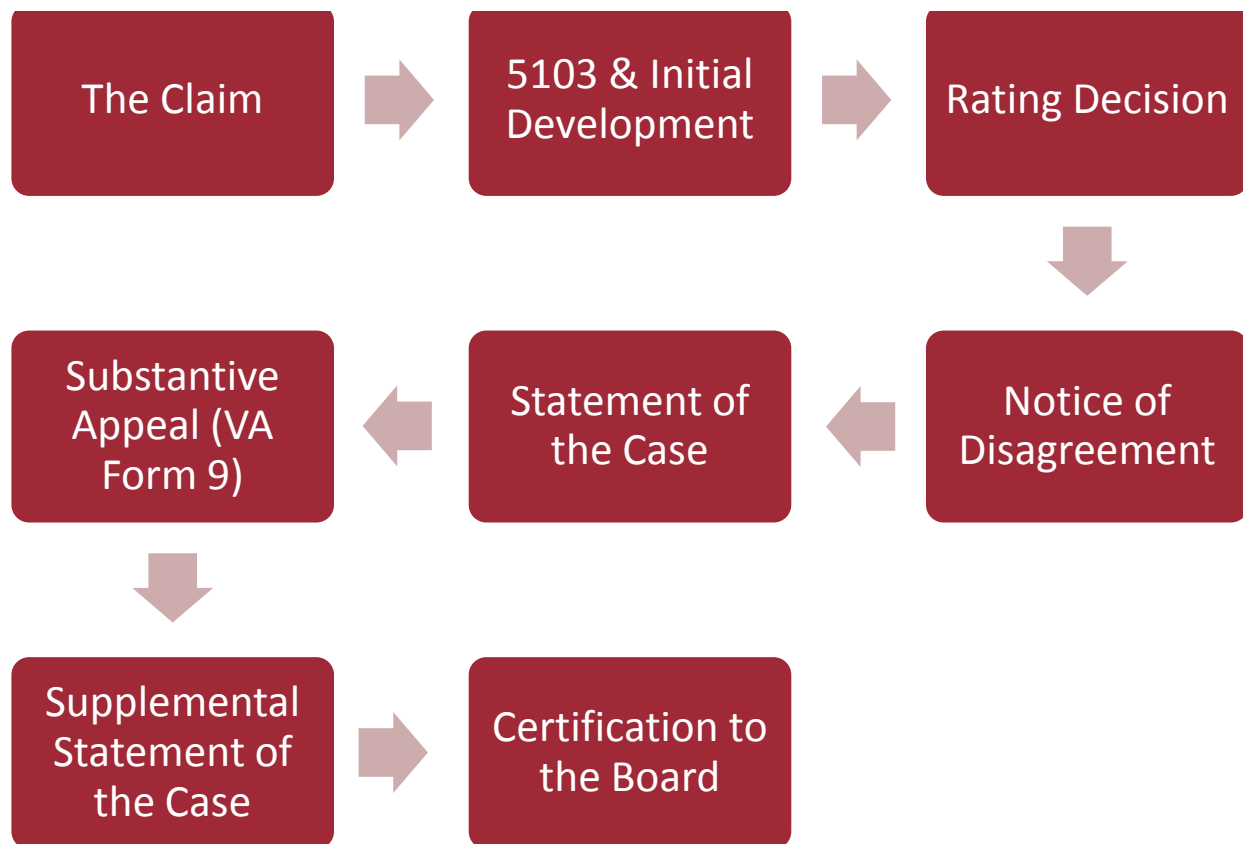
38 USC 7105(e)

(e)(1) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant's representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans' Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant's representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence.

(2) A request for review of evidence under paragraph (1) shall accompany the submittal of the evidence.

Now let's get into certifying the claim to go to the Board of Veterans' Appeals.

Form 8



The VA Form 8 is the last stage before the claim is sent to the Board of Veterans' Appeals. It means that we have completed all the development for the Veteran's appeal and that everything is ready to go to the Board for their decision.

Some key note to remember:


- If the Veteran has a POA, a Form 646 needs to be of record,
- All issues raised by the Veteran on appeal have been addressed and
- All the development or documentation concerning the development has been resolved.

The VA has recorded many times cases have been remanded back because an ROJ have forgotten one of these steps. So the

importance of this is essential. Once all of these steps are complete then we certify the claim and enter this data into VACOLS. Then the DRO needs to send the file for final review to the VSCM or their designee before the claim is shipped to the Board.

There is one more step to talk about before we discuss the court cases and you can watch some videos concerning some of the ones that have made a large impact on the decision making process.

Here is a snapshot of a VA Form 8

 Department of Veterans Affairs		CERTIFICATION OF APPEAL	
1A. NAME OF APPELLANT <i>(If other than veteran)</i>	1B. RELATIONSHIP TO VETERAN	2. FILE NO.	
3. LAST NAME - FIRST NAME - MIDDLE NAME OF VETERAN		4. INSURANCE FILE NO. OR LOAN NO. <i>(If pertinent)</i>	
THE APPEAL IS FOR <i>(State the question(s) at issue clearly and concisely.)</i>			
5A. SERVICE CONNECTION FOR		5B. DATE OF NOTIFICATION OF ACTION APPEALED	
6A. INCREASED RATING FOR		6B. DATE OF NOTIFICATION OF ACTION APPEALED	
7A. OTHER		7B. DATE OF NOTIFICATION OF	



Board of Veterans' Appeals

Ok, for as long as I can remember there are stories out there concerning the Board. However, as to the veracity of these stories I am unable to attest. I will explain one simple aspect. The Board is not bound to the Regional Offices' decisions or our training letters, fast letters or manual. However, **The Board is bound by 38 CFR part 3 and part 4** and of course the **courts decisions** as well. I will also share with you that it is a myth that the attorneys that write the decision do not have production requirements or quality requirements as both of these aspects are in place. Plus just to let everyone know, Regional Offices do not have the authority to overturn BVA decision in the absence of new and material evidence that would change the outcome of their decision. If you would like additional information concerning the jurisdiction for BVA decisions please see [M21-1MR, Part III, Subpart iv,2.B.8.](#)

Some other guidance

You will often see that a Veteran will submit a BVA decision to help support his/her claim. Previously issued Board decisions will be considered binding only with regard to the specific case decided. Please understand that neither the Board decisions nor Board remands have precedential value. 38 C.F.R. § 20.1303.

I know that this is a quick summary of the Board and functionality. We could actually talk for hours on this topic however, as this is just an overview. I decided to just leave you with this. The rest of the information is helpful hints for everyone concerning court cases. The hope is that this information helps and provides the reader with a simple guide for the appeals process. Have a super day and enjoy the short videos dealing with the court cases and please note that the photo is not a photo of the Board of Veterans' Appeals in Washington DC.

Acronym List

- BVA= Board of Veterans' Appeals
- C.F.R= Code of Federal Regulations
- CVA= Court of Veteran Appeals
- DRO= Decision Review Officer
- MR= Manual Rewrite
- NOD= Notice of Disagreement
- POA= Power of Attorney
- RVSR= Rating Veterans Service Representative
- RO= Regional Office
- ROJ= Regional Office of Jurisdiction
- SOC= Statement of the Case
- SSOC= Supplemental Statement of the Case
- VACOLS= Veterans Appeals Control and Locator System