APPEALS WORKLOAD MANAGEMENT & VACOLS REPORTS TRAINING HANDOUTS

PREREQUISITE TRAINING   Prior to completing this lesson, you should have completed the following lesson: *Introduction to Appeals and VACOLS*.

PURPOSE OF LESSON   The purpose of this lesson is to provide an overview of the appeals end products (EPs) and workflow. It will also introduce the various reports in VACOLS that can be used to manage workload. The lesson will also contain discussions and exercises that will allow you to gain a better understanding of how to:

- Determine the appropriate EP credit for an appeal action
- Provide an overview of appeals workflow and workload management
- Run and analyze VACOLS reports that apply to your position and station workload management plan

TIME REQUIRED   1.5 hours

INSTRUCTIONAL METHOD   Participatory discussion, demonstration and practical exercise

MATERIALS/ TRAINING AIDS   Classroom or private area where a discussion may be held. Chairs and writing surfaces are required.

Large writing surface such as an easel pad, chalkboard, dry erase board, overhead projector, etc., with appropriate markers, and computer with projection capacity for demonstrations are needed if training is conducted in a classroom setting.

- *Appeals Workload Management & VACOLS Reports* Handouts
- Access to the VACOLS system and User Guide

TABLE OF CONTENTS

REFERENCES

- M21-4.2.01.f

- M21-4.2.05.a-h

- M21-1MR I.5

- M21-1MR I.4

- VACOLS User Guide
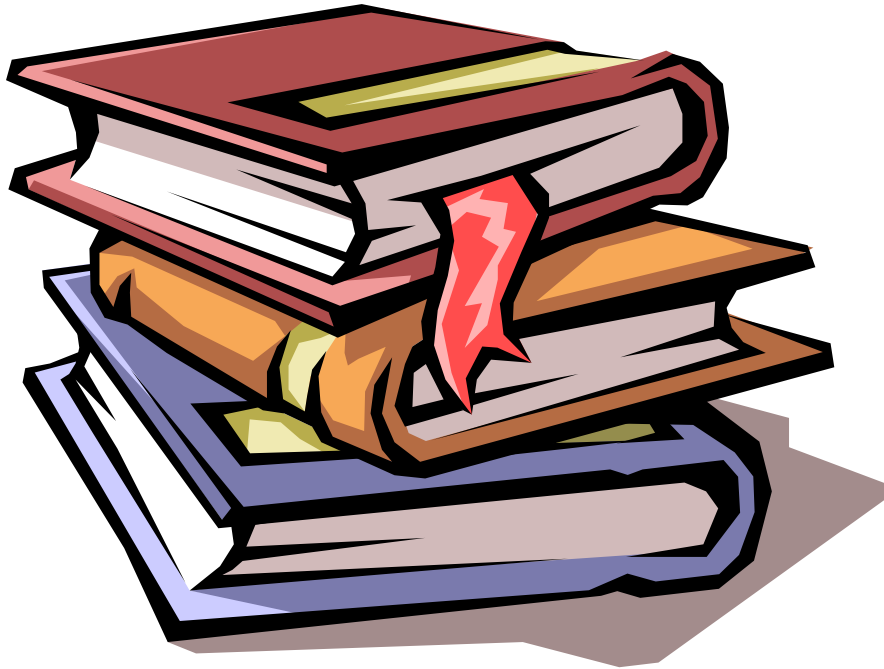
During the *Introduction to Appeals and VACOLS* lesson you were provided a basic overview of the Appeals process and information on how to read the information available in VACOLS.   In this lesson, we will discuss the end products (EPs) that are associated with appeals processing and tracking in VACOLS and how to produce reports with the use of the VACOLS system.

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APPEALS EPS
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The EP system is the primary workload monitoring and management tool. Correct use of the EP system facilitates proper control of the pending workloads and appropriate work measurement credit. Each claim received should be promptly (within seven days of receipt) placed under control.

The general process of placing Appeals related claims under control usually starts in IPC. Upon receipt of the appeals related item, IPC places a date stamp on the item. After placement of the date stamp, the mail is then routed to the appropriate person in the Appeals Team to establish a VACOL record within 7 days of receipt.

Below you will find a guide on when to use the various appeals EPs:

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DRO Involvement in Appeal Action:
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EP	When to Use
173	If an appeal is resolved by withdrawal of all issues but no decision is made by the DRO*
174	If an appeal is fully resolved by a favorable DRO decision (all issues granted and/or withdrawn). EP is not taken until the final DRO decision is rendered.*
	If an appeal is partially granted, or completely denied, and an SOC/SSOC is issued. The EP is not taken until the final DRO decision is rendered. There is NO separate EP 172 for an SOC and no separate 070 for an SSOC. *
	If an appeal is denied (confirmed and continued decision) by a DRO decision. EP is not taken until a final DRO decision is rendered. *
	If a formal hearing is requested, but the appellant fails to appear, and no further adjudicative action is required. If postponement is requested, cancel the EP and reestablish the EP using the date of postponement request as the new date of claim (DOC).
070	A DRO certifies an appeal or recertifies a remand to BVA. Certified or recertified means the case is being dispatched for immediate mailing to BVA.

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*Includes time spent in formal or informal hearings
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No DRO Involvement in Appeal Action

EP	When to Use
172	If an appeal is granted by BVA, in full or in part, and the Regional Office takes required rating or award action.
	If an appeal is granted in full by someone other than a DRO.
	If an SOC is issued by someone other than a DRO.
173	If a formal hearing is conducted by someone other than a DRO. Clear the EP after a final decision is made or when the appellant fails to appear for a requested hearing and no other adjudicative action is required.
	If an appeal is resolved by withdrawal of all issues (including any hearing, formal or informal, scheduled in front of someone other than a DRO).
070	If an SSOC is issued.
	If an appeal is certified or a remand is recertified to BVA. Certified or recertified means the case is being dispatched for immediate mailing to BVA.

Subsequent Appeal Actions

EP	When to Use
172	If all issues on appeal are granted in full (by a DRO or someone other than a DRO) after a Statement of the Case has been released. Typically the DOC is the date of receipt of the evidence that resulted in full grant of the appeal.
070	If an appeal is granted in part (by a DRO or someone other than a DRO) after a Statement of the Case has been released. The EP must be PCLR'd and the award must be worked under EP 930. Typically the DOC is the date of receipt of the evidence that resulted in partial grant of the appeal.

PCLR appeals EPs. Annotate in the claims folder the number of the appeals EP that was cleared. Do NOT use EPs 070, 172, 173, and 174 to *control* appeals. You should assign a one-day control and processing time for all PCLR'd 070, 172, 173, and 174 EPs. Below is a guide to use of the various appeals EPs:

APPEALS WORKFLOW AND PROCESSING

As provided in M21-1MR, Part I, Chapter 5, VACOLS must be used to ensure proper management of the appeals workload. Prompt resolution at the different appeal stages will ensure timely service to Veterans and their beneficiaries.

Below you will find a condensed version of the Appeals process and when the EPs are applied.

1. An NOD/DRO election is received:
- Establish a VACOLS record within 7 days of receipt.
- Check to see if the 5103 notification is compliant (any deficiencies must be corrected before forwarding for appeals rating action).
- Send appropriate letter (depending on whether or not the appellant requested the DRO process).
- Ensure that all identified evidence (*e.g.*, current VAMC records, evidence identified on VA Form 21-4142a) is received (or all development requirements have been met *and documented*).
- If a hearing has been requested, complete the hearing tab in VACOLS.
- Establish a VACOLS Diary.

2. Additional development is directed by DRO/RVSR:
- Complete the directed development, tracking with a diary in VACOLS.
- Update VACOLS diaries when directed development is complete.
- When the appeal is ready to go back to the DRO/RVSR, establish a new VACOLS diary and route the appeal back to the DRO/RVSR who directed the development.

3. SOC is complete:
- Date and mail the SOC. Send a copy to the POA (if applicable).
- Update VACOLS.
  - Enter the date that the SOC was mailed (typically today's date) in the "SOC date" field, and indicate whether the decision was a partial grant or a denial.
- Close all VACOLS diaries.
- PCLR EP 172 (if the SOC is completed by someone other than a DRO), or EP 174 (if the SOC is completed by a DRO). DOC for the EP is today's date.
- Annotate in the claims folder that VACOLs was updated, and EP 172 or 174 was cleared.
- If the appeal was granted in part, generate an award and letter and send the file to authorization.
  - DOC: EP 172: date of receipt of the NOD; EP 174: date of receipt of the DRO election.
- Check for other pending issues. Take action as necessary.

An appeal is not considered "active" until a Form 9 is submitted. The appellant has a year from the notification letter, or 60 days from the date of the SOC, whichever is later, to perfect the appeal. If new evidence comes in during this time for the issues on appeal, it will need to be reviewed by the appropriate appeals team member as an SSOC may be required. At this time a diary is established to track this review.

4. **VA Form 9 is submitted indicating that the claimant continues to disagree with our decision (SOC/SSOC), is received:**
    - Check to see if Form 9 is timely and if the issues it addresses are the issues addressed in the SOC.
        o   If the Form 9 is not timely, then send an explanatory letter with appeal rights.
    - Did the claimant communicate their hearing desires?
        o   If they did not communicate their hearing desires, send a letter requesting this info.
        o   If they did communicate their hearing desires, complete the hearing tab in VACOLS accordingly.
    - Update VACOLS to show the date that the Form 9 was received.
    - Review the Form 9 and any accompanying submissions for additional notification or development requirements.
        o   If additional notification or development is required before the appeal can be certified to BVA, complete the necessary action(s).
        o   If the appeal is ready for BVA certification, complete VA Form 8.
    - If the appellant has a service organization representative (*e.g.*, DAV, VFW) service, then forward the appeal to the POA and request a 646.
    - Create any necessary new diaries. The appeal is now active again.
    Additional Instructions:

5. **SSOC complete:**
    - Date (stamp) and mail the SSOC.
    - Update VACOLS to show the date the SSOC was mailed.
    - PCLR EP 070.
        o   If no Form 9 is in file then no diary is needed.
        o   If Form 9 is in file then create an SSOC diary. The RO must allow appellant 30 days to submit additional evidence or argument before transferring the appeal to BVA. The appellant may waive all or part of the time period in writing.
    - If the SSOC is completed because a hearing was held (or a claimant failed to appear), PCLR EP 173 (hearing held by someone other than DRO) or EP 174 (formal hearing by a DRO).

<u>**Things to Remember**</u>

- Examinations regarding the current evaluation of service-connected conditions on appeal should not be more than one year old. Additionally, an appellant's contention that a service-connected condition on appeal has "gotten worse" generally triggers a need for updated VA exam.

- Identified Social Security disability records must be requested and received (or verified as not available) before we can send a file to BVA.

- New 5103 letters should be sent to Veterans during the appeals process if they are needed to rectify any deficiencies in prior letters.

- Full grants of benefits consist of things such as going from a denial to a grant of service connection, awarding the highest evaluation under the law, *or assigning a specifically requested evaluation or effective date*.

- Any increase that does not award the highest evaluation or a specifically requested percentage or effective date must have an SOC/SSOC with it.

WORKLOAD MANAGEMENT

Workflow management is a coordinated system used to control how claims and other work move through the adjudicative process.

Control and follow-up are the key factors in workflow management. Control contemplates such items as setting accurate suspense dates (diaries) and properly recording requested and received evidence. Follow-up is the process of using those controls to assess what should happen once they expire or are otherwise satisfied in order to facilitate completing the appeal at the earliest possible time.

Effective workflow management begins with ensuring that VSC employees understand their responsibilities, that they have the proper tools to function effectively, and that they have clear, appropriate direction on when to conduct reviews and how to use various information technology (IT) applications

VACOLS REPORTS

VACOLS is the primary application for control of appeal cases. Use of this system is mandatory. Each appeal in NOD, Form 9, SSOC or remand status must have an active diary control. Cases with expired diary controls should be reviewed on a regular basis in order to timely move the appeal through the various appellate stages. Prompt resolution at the different appeal stages will ensure timely service to Veterans and their beneficiaries.

VACOLS is capable of running various reports to assist in managing appeals workload. You will need to be familiar with your station's workload management plan regarding which reports you are expected to run and the frequency at which you are to run them. Below is a brief description of the reports available. You may want to highlight the reports you are expected to run. For more specific instructions regarding these reports, you should consult the VACOLS User Guide.

**Reports found in Part 4 of the VACOLS User Guide:

Queries Menu
From the menu bar, click on "Queries" and the drop-down menu, shown above, appears. The seven query options that can be searched are displayed.
1. **Outstanding Advance Cases** – a query used to display *all* outstanding advance appeals. This query will display multiple appeals (multiple NODs for the same appellant) if more than one NOD has been filed. This will display advance records prior to and after the docketing of the Form 9.
2. **Remands by RO** – a query used to display all appeals that have been remanded to a specific regional office and are still listed as unresolved appeals on the BVA docket. This query ***does not*** include cases remanded to the AMC. These include cases remanded to the agency of original jurisdiction and have not been received by the Board as a post-remand action, or closed outbid filed station personnel. This will also display remands that have been transferred to your regional office from other regional offices.
3. **Pending DRO Appeals** - a query used to display all appeals where a DRO hearing process is elected. The list is also updateable for individual appeals or for multiple appeals.
4. **Advance Cases Transferred to your RO** – a query used to display the cases that have been transferred to your regional office from other regional offices. Transferred cases will also be displayed on the receiving station's "All Outstanding Advance Cases."
5. **Active Appeals at BVA** – a query used to display appeals received at the Board and in appeals process.
6. **Active Court Remands** – a query used to display cases remanded by the U.S. Court of Appeals for Veterans Claims (Court) to BVA and in an active status as well as those appeals remanded by the Court and, in turn, remanded to your regional office for further development.
7. **MVR Notices of Death** – a query used to display appeals where BVA has been notified by VA facilities of the death of veterans.
8. **Clear and Unmistakable Error Cases** – a query used to display the cases that need to be sent to BVA for the processing of a CUE claim of a prior Board decision.

9. **Pending Paperless Appeals** - a query used to display the number of paperless appeals that are pending.

10. **Pending ECA Appeals** - a query used to display the number of ECA appeals pending.

<u>**Suspense Reports Menu**</u>

From the menu bar, click on "Suspense Reports" and the drop-down menu, shown above, appears. The five query options that can be searched are displayed.

1. **NOD Status** – a query used to display all advance appeals in which a Notice of Disagreement (NOD) has been received in the same station and added to the database creating separate appellate records for each separate NOD received for the same appellant.

2. **SOC Status** – a query used to display all advance appeals for which a Statement of the Case (SOC) has been dispatched by the receiving field station for each separate NOD received for the same appellant.

3. **SSOC Status** – a query used to display all advance appeals for which up to eight Supplemental Statements of the Case (SSOC) has been dispatched by the receiving field station for each separate NOD and SOC received for the same appellant.

4. **Form 9 Status** – a query used to display all appeals for which a Form 9 (or its equivalent) has been received by the field station, added and docketed for each separate NOD and SOC for the same appellant. For those appeals with VA Forms 9s that may have subsequent SSOCs, the report offers the option to include those appeals.

5. **Currently Certified BVA** – A query option of all appeals that have been certified for transfer to BVA, but not yet sent.

6. **Advance Files Sent To BVA** - A query option of all original appeals that have been certified for transfer to BVA.

7. **Returned to RO From AMC -** A query option of all BVA Remands to the AMC or Resource Center and subsequently returned to the Regional Office or VAMC for processing of the Remand developmental action.

8. **Ready to Rate** - A query option that will allow the AOJ to run a report of all cases that are ready to rate.

9. **Brokered to the Appeal Resource Centers (ARC)** - A query option which will allow the AOJ to run a report for all cases an AOJ has brokered to the appeals resource centers.

** Reports found in Part 5 of the VACOLS User Guide:

<u>**Diary Reports Menu**</u>

From the menu bar, click on "Diary Reports" and the drop-down menu, shown above, appears. The two options that are available are displayed.

1. **Past Due** – a module used to display all field-based diaries in Advance or Remand status that are past the due date.

2. **Coming Due** - a module used to display all field-based diaries in Advance or Remand status that are coming due within a specified period of time defined by the user.

<u>**Productivity Reports Menu**</u>

From the menu bar, click on "Productivity Reports" and the drop-down menu, shown above, appears. The eight options that are available are displayed.

1. **Field Dispositions** - A query option to generate a report of all appeals dispatched in the field during a specified date range.

2. **BVA Dispositions** - A query option to generate a report of all appeals dispatched by BVA during a specified date range.

3. **Monthly Summary Cases Certified to BVA** - A query option to generate a report of all appeals certified to BVA for appellate consideration during a specified month range.

4. **Monthly Summary Cases Received at BVA** - A query option to generate a report of all original and post-remand appeals received at BVA for appellate consideration during a specified month range.

5. **Monthly Summary of Remands Returned** - A query option to generate a report of all remanded appeals returned to BVA for post-remand appellate consideration during a specified month range. This report includes appeals remanded to BVA by CAVC for which BVA subsequently remands to the field.

6. **Detail Cases Certified to BVA** - A query option to generate a report of all type action appeals certified to BVA for appellate consideration during a specified date range with appellate identifiers.

7. **Detail Cases Received at BVA** - A query option to generate a report of all type action appeals received at BVA for appellate consideration during a specified date range with appellate identifiers.

8. **Detail Remands Returned to BVA** - A query option to generate a report of all remanded appeals returned to BVA for post-remand appellate consideration during a specified date range with appellate identifiers. The report differentiates between Board remands returned to BVA from the regional office or AMC.

9. **Summary of Remand Reasons** – A query option to generate a report demonstrating why issues were remanded by BVA. These reports further break down the remand reasons into those, which occurred before certification to BVA, and those caused by events after certification to BVA for your station.

10. **Pre-Cert Remand Reasons Summary By RO** – A query to generate a report to provide specific Regional Office and AMC totals for pre-certified appeals. It provides overall percentages of issues and appeals that were remanded for pre-certification reasons.

11. **Pre-Cert Remand Reasons Detailed Report** - A query option to generate a report of all remanded appeals returned to BVA for post-remand appellate consideration during a specified date range with appellate identifiers. The report differentiates between Board remands returned to BVA from the regional office or AMC. This new report added to the Productivity Reports menu shows details (claim number, name, decision date etc.) for Remands with Pre-cert Remand Reasons during a specified time period.

12. **Detail For Selected Remand Reasons –** A query to select specific Remand Reasons for a specified decision date range, pre or post-certification, and receive a detailed report of all appeals remanded for the selected reason(s).

VACOLS REPORTS REVIEW

1. Which VACOLS reports are you required to generate and analyze, and how often are you required to run each report?

2. For each report, write down the steps to you take to run the report:
Report:_____
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*It is recommended you practice running each of these reports yourself, or with a partner to ensure you understand how to run each report.

APPEALS PROCESS CLAIM REVIEWS

You will be given various appeals in different stages in the appeals process. For each appeal, answer the following questions on a separate piece of paper.

1. What is the stage of this appeal in the appeals process?

2. What is the next action to take on this appeal?

3. What EP credit (if any) should be taken?

4. What diary (or diaries) should be established? What is the suspense date(s)?

5. Where does the file go next?