

Procedural Advisory: Committee on Waivers and Compromises and Appeals Improvement and Modernization Act of 2017

August 26, 2019

What Changed: Effective July 19, 2019, the Office of Financial Management (OFM) issued guidance for all Committee on Waivers and Compromises (COWC) to ensure procedures under the Appeals Improvement and Modernization Act (AMA) of 2017 are followed.

RPO Impact: Effective immediately, the St. Louis COWC is responsible for decision review requests on education waivers following the procedures outlined in https://vbaw.vba.va.gov/VBAORM/fin/fin241c/ro_guides/Chapter_2_COWC.docx

RPO Benefit: N/A

What RPO Action is Needed: As outlined in Chapter 2 of Regional Office Financial Procedures, 2.7D provides the guidance necessary to include AMA in waiver decisions.

The steps to make the waiver decision include:

1. Waiver request must be placed under control in Salesforce when received from DMC within **5** business days.
2. Waiver requests must be scanned/indexed into correct TIMS claimant folder within 7 business days of receipt.
3. The St. Louis COWC is expected to review and process waiver requests in date order.
4. When a waiver request is granted, the information is transferred to the Debt Management Center (DMC) and the debt is waived under current procedures.
5. When a debt is partially waived OR denied, the COWC member notifies the debtor or representative with a decision letter. The decision letter informs the debtor of his/her right to appeal the COWC's decision by filing a reconsideration request or appeal directly to the Board of Veteran's Appeals (BVA) using VA Form 10182. The appropriate COWC letter is [Decision Letter](#) and [Notice of Rights to Appeal](#)
6. All decisions made after February 19, 2019 should include AMA language and documentation.
7. If a waiver is received untimely, the appropriate letter to release is [Decision Letter DMC Untimely](#). Be sure to include the [Notice of Rights to Appeal](#).

When a review request of a waiver decision is received, the COWC should follow these procedures:

1. OFM has determined for waiver decisions, there are two lanes under the AMA for claimants. The claimant can submit new and relevant evidence (i.e. supplemental claim) or can submit VA Form 10182 directly to BVA. There is no consideration for a higher-level review (HLR) for COWC decisions.

2. Since all Education waiver decisions are made by the St. Louis COWC, any reconsideration requests will also be reviewed in St. Louis. A COWC member other than the member who made the original waiver decision, will review the case to determine if the original waiver decision should be upheld or revised
3. The COWC member will follow procedures regarding complete grant of waiver as discussed previously.
4. If the COWC member cannot change the previous decision, the [Reconsideration Decision Letter](#), [Rejection Letter – BVA Appeal](#), or [Rejection Letter – Status](#) should be prepared and released to the claimant.
5. Decisions made prior to February 19, 2019, are considered legacy appeals. Legacy appeals still require a Statement of the Case (SOC). There are no opt out procedures for claimants who have filed a decision review request under legacy appeals.

NOTE: Legacy appeals must still be tracked in VACOLS. Any review requests received for waiver decisions made AFTER 02/19/19 are not entered in VACOLS but are tracked in Caseflow.

Questions: If you have any questions or comments regarding this letter, please forward an email to the POLPROC.VBACO@va.gov. Please put in subject line, COWC question.

/s/
Procedures Team
Education Service