

Office of Administrative Review Tip Sheet

Legacy Appeals: Notification of Board Decisions



Purpose

This Tip Sheet provides helpful information, references, and high-level instructions for issuing notification of Board of Veterans' Appeals (Board) legacy appeals decisions.



Audience

Veterans Service Representatives (VSR), and any other personnel responsible for issuing notification of Board decisions.



References

- [M21-5, 4.5.f, Decision Notices](#)
- [M21-5, 7.A.1, Common Appeals Terminology and Definitions](#)
- [M21-5, 7.D.2, Partial Grants, Full Grants, SOCs, and SSOCs](#)
- [M21-5, 7.G.1, Reviewing and Processing Board Decisions](#)
- [M21-1, VI.i.1.B, Decision Notices](#)



Actions

- Ensure the Board's decision was mailed to the appellant's current address and mail a photocopy, if necessary
- Review the Board decision and VBA rating decision effectuating the Board's decision and assess if VBA decided any [downstream issues](#) such as awarding an evaluation level or effective date
 - **Hint:** Ask yourself if VA had to make **any** part of the decision. If so, then there are downstream issues
- Review each contention within the Rating Narrative to determine if the decision constitutes a [partial grant](#), [full grant](#), or both
- Create the appropriate notification letter in VBMS-A or PCGL by following the below instructions
- Mail the notification letter, rating decision, and as necessary any required VA forms to the appellant and their representative

Downstream Issues

No Downstream Issues

If there are no downstream issues or ancillary benefits within the scope of the

Office of Administrative Review Tip Sheet

Legacy Appeals: Notification of Board Decisions

appeal (i.e., VBA made no decisions other than effectuating the Board's decision), do *not* provide the appellant with new appeal rights.

If generating the letter in VBMS-A, suppress the auto-attachment of VA Form 20-0998, *Your Rights to Seek Review of Our Decision*, by selecting the "Suppress Appeal Rights VA Form 20-0998" checkbox.

Suppressing the form will remove the VBA decision review rights found in the section *What You Should Do If You Disagree with Our Decision* and replace it with the statement:

"Please refer to your Board of Veterans' Appeals Decision for information on how to seek additional review."

If generating the letter in PCGL, remove the *What You Should Do If You Disagree with Our Decision* paragraph and insert the following information:

"If you are satisfied with the outcome of your appeal, you do not need to do anything. However, if you are not satisfied with the decision of the Board of Veterans' Appeals, please refer to that decision for detailed information on seeking additional review."

Downstream Issues

If VBA made decisions on downstream issues or ancillary benefits within the scope of the appeal, then the decision warrants review rights.

Include the following wording when creating the letter in PCGL and as free text under the *Your Benefit Information* section as the last bullet (prior to the monthly entitlement amount) when creating the letter in VBMS-A:

"Please note: Options for further review differ between VBA decisions and the Board of Veterans' Appeals decisions. If you are not satisfied with the Board's decision, please refer to that decision for detailed information on how to seek additional review. This letter addresses options for further review of VBA decisions.

You can visit va.gov/decision-reviews to learn more about how the decision review process works.

If you would like to obtain or access evidence used in making this decision, please contact us by telephone, email, or letter as noted below letting us know

Office of Administrative Review Tip Sheet

Legacy Appeals: Notification of Board Decisions

what you would like to obtain. Some evidence may be obtained online by visiting [VA.gov](https://www.va.gov).”

Partial or Full Grant

Partial Grant

If VBA can only award a partial grant of the benefit sought, then

- prepare a rating decision that addresses only issue(s) that can be awarded, if applicable
- prepare a statement of the case (SOC) or supplement statement of the case (SSOC) if any issues remain denied, and
- attach the *Appeals Satisfaction Notice* by checking the ‘partial grant’ box in VBMS-A Partial Grant tab, or by adding it manually in PCGL.

In the decision notification, ensure to provide appellate rights by

- attaching VA Form 20-0998, and
- adding the following language in the decision notice under the heading *What You Should Do If You Disagree with Our Decision*

“If you continue to disagree with this decision, refer to the instructions in your Statement of the Case about how to continue your appeal.”

Full Grant

If VBA can award a full grant of all issue(s) on appeal, the decision notice must include the free-text statement below:

“This decision represents an award of all benefits sought on appeal for this issue, therefore, this appeal is considered satisfied in full.”

Important Reminders



Remember, new review rights are not warranted for issue(s) granted in full; however, new review rights are warranted for any downstream issues such as evaluation in the case of an appeal for service connection.

If a decision contains a combination of a full grant of one or more issues *and* a partial grant of one or more issues, then VBA must include decision notification requirements for *both* partial and full grants as listed above.

Office of Administrative Review Tip Sheet

Legacy Appeals: Notification of Board Decisions

Any finding favorable to the claimant made by either a VA adjudicator, or by the Board, is binding on all subsequent VA and Board adjudicators.

Appeals Modernization Act (AMA) notification requirements are applicable to effectuated Board grants for legacy appeals and modernized decision review requests.

Other Resources



- [VBMS Core User Guide](#)
- [VBMS Awards User Guide](#)
- Trainings:
 - [VA 4491586, AMA Board Decisions: Remands and Grants](#)
 - [VA 4557711, Effectuating Board Decisions with Downstream Issues](#)



Questions

Discuss any questions on this Job Aid locally with peers, experts, quality staff, and/or management. Management may route any questions requiring OAR assistance to VBAWASOARQUALITYTRN@va.gov.