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# DROC Agent and Attorney Fee Workload Quality

**Target Audience:** Decision Review Operations Center (DROC) Management and Quality Review Teams (QRT), Decision Review Officers (DRO), Rating Veterans Service Representatives (RVSR), Veterans Service Representatives (VSR)

**Presenter:** Chelsey Kondrak, Senior Management and Program Analyst, Office of Administrative Review (OAR)

OAR is responsible for the adjudication of the legacy appeal and higher-level review program through its DROCs. OAR manages the DROC workload, including those cases requiring direct payment of agent and attorney fees. Agents and attorneys may charge claimants fees for representation for the preparation and filing of claims before the Department of Veterans Affairs as defined in 38 C.F.R. § 14.636.

OAR is responsible for 60% of the overall agent and attorney fee workload. The remainder of the agent and attorney fee workload is under the jurisdiction of the Office of Field Operations (OFO).

The Veterans Benefits Administration (VBA) centralized programmatic oversight for the agent and attorney fee program under OAR effective June 1, 2022.This realignment includes oversight of:

* Policy
* Procedures
* Training
* Quality Assurance
* System Enhancements
* Customer Service

To assess potential impacts to the workload because of the programmatic centralization to OAR, OAR conducted quality reviews of agent and attorney fee workload processed at the DROCs, to determine whether actions by claims processors were compliant with statutory, regulatory, and procedural requirements. These reviews help to identify gaps in performance to realign resources, inform training needs, and address identified areas of improvement.

As a result of the centralized programmatic oversight for the agent and attorney fee program under OAR effective June 1, 2022, OAR completed the following actions:

* Migrated the agent and attorney fee processing procedures from the M21-1 to the M21-5
* Developed and released numerous trainings
* Created and updated three attorney fee calculators
* Published multiple job aids, tip sheets and fact sheets
* Standardized a fee release memorandum
* Created a frequently asked questions (FAQ) document for additional resources for the field
* Established a recurring monthly call for agent and attorney fee processors and QRT to provide a national forum to address common error trends, provide communication on current and upcoming functionality, provide additional training and answer questions from the field

OAR also partners with the Office of Financial Management (OFM) on the monthly calls to include finance staff on a bi-monthly basis to ensure information is shared across divisions. OAR will continue to evaluate the agent and attorney fee program, seek automation and system enhancements, and create training and resources for the field to ensure the accurate and timely processing of the agent and attorney fee claims.

OAR’s Program Administration Staff reviews quarterly random samples of agent and attorney fee workload within the Quality Management System (QMS). OAR uses the Agent and Attorney Fee Checklist, assessing compliance with agent and attorney fee policies and procedures. The scope of this study was to identify national DROC error trends and provide recommended remediation measures.

OAR reviewed a random sample of 32 agent and attorney fee cases completed by the DROCs during FY 2022, Q4. A total of six unique agent and attorney fee cases contained eight critical errors. The claim-based accuracy rate for the FY 2022, Q4 DROC agent and attorney fee workload is 81.3%.

OAR identified the following error trends:

* Four critical errors cited under Question 8 for not sending the Fee Release Memorandum to finance following the 65-day appeal period and for delay in sending the Fee Release Memorandum to finance
* Three critical errors cited under Question 4 for an incorrect payment rate, failure to upload the Agent and Attorney Fee Calculator to the Veterans Benefits Management System (VBMS) eFolder, and failure to use the correct end date on the Attorney Fee Calculator uploaded to the VBMS eFolder

OAR reviewed a sample of 34 agent and attorney fee cases completed by the DROCs during FY 2023, Q1. A total of five unique agent and attorney fee cases contained nine critical errors. The claim-based accuracy rate for the FY 2023, Q1 DROC agent and attorney fee workload is 85.3%.

OAR identified the following error trends:

* Four critical errors cited under Question 4 for incorrectly calculating fees. OAR cited two errors because the AAFC used the incorrect end date for the fee deduction amount, and the Agent and Attorney Fee Coordinator (AAFC) did not upload the calculator to the VBMS eFolder. OAR cited two additional errors because neither the AWARD ADJUSTMENT screen nor the HISTORICAL AWARDS reflect a prior incarceration adjustment, and the calculator was not uploaded to the VBMS eFolder at the time of authorization.
* Three critical errors cited under Question 5 for a request to finance, to establish the deduction to withhold fees from an award that had already been processed, failure to upload the OTHER ADJUSTMENTS screenshot to the VBMS eFolder at the time of authorization, and failure to upload the AWARD INFORMATION screenshot to the VBMS eFolder at the time of authorization.

Question 4, specifically related to correctly calculating fees and uploading the calculator to the VBMS eFolder, is a reoccurring error trend at the DROCs from FY 2022, Q4 to FY 2023, Q1. However, the accuracy of the DROC agent and attorney fee workload improved by 4% from FY 2022, Q4 to FY 2023, Q1. OAR continues quarterly quality reviews to assess accuracy and identify remediation efforts.

# Supplemental Claim and HLR Awareness Campaign

**Target Audience:** DROC Management, QRTs, RVSRs, and VSRs

**Presenter:** Autumn Paschke, Senior Management and Program Analyst, OAR

OAR falls under VBA, the Internal Controls team on Program Administration specifically focuses on things like customer experience and communicating with stakeholders. The Supplemental Claim and HLR Awareness Campaign focused on increasing awareness and understanding VBA-owned decision review options to internal and external stakeholders (VBA employees, Veteran’s Service Officer’s (VSOs) and attorneys. Included in the campaign, Internal Controls is reaching out to employees across VA.

OAR successfully completed an AMA Education Campaign in Fiscal Year 2022 to increase understanding and awareness about the decision review options and AMA. With the conclusion of the previous campaign in Fiscal Year 2022, OAR recognizes the timing is appropriate for a renewed awareness and education drive for the specific VBA decision review options. OAR will engage in a new strategic initiative campaign to increase understanding and awareness of the supplemental claim and HLR decision review options. The Supplemental Claim and HLR Awareness Campaign will focus on educating internal and external stakeholders on the process and opportunities for claimants within the two specific VBA decision review options. We can attain this using our resources available and reviewing resources online on a regular basis to ensure they provide current and relevant information and taking a proactive stance to find new ways to get information in the hands of internal stakeholders.

Some of the new and revised resources we are working on include:

* HLR Fact Sheet
* DTA Error Fact Sheet
* Supplemental Claim Internal Training Document
* Resource emails (VA.gov and VSO information)
* VA Insider blog article
* Updated training
* Briefs

There have been multiple resources sent out to VBA employees throughout the campaign in FY23, as shown below:

**Decision Review Option Resources:**

[AMA Brochure](https://www.benefits.va.gov/BENEFITS/factsheets/appeals/Appeals-Brochure.pdf)

[AMA Infographic](https://www.benefits.va.gov/BENEFITS/infographics/pdfs/Appeals-Infographic.pdf)

[AMA Poster](https://www.benefits.va.gov/BENEFITS/infographics/pdfs/Appeals-poster.pdf)

[AMA Fact Sheet](https://benefits.va.gov/BENEFITS/factsheets/appeals/Appeals-FactSheet.pdf)

[AMA Review Selection Toolkit](https://vbaw.vba.va.gov/OAR/docs/ama-review-flowchart.pdf)

[Informal Conference Fact Sheet](https://benefits.va.gov/BENEFITS/factsheets/general/InformalConference.pdf)

**Veteran’s Service Office (VSO) Resources:**

With feedback received from claimants, VBA is continuously trying to improve the customer experience. OAR has received feedback from claimants through the VSignals surveys regarding confusion about what a VSO representative is and when to use one.

To continue providing resources we would like to recommend employees check out the most current [VSO webpage](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.va.gov%2Fdecision-reviews%2Fget-help-with-review-request%2F&data=05%7C01%7C%7C0f91b919c128494327c208db14fdb143%7Ce95f1b23abaf45ee821db7ab251ab3bf%7C0%7C0%7C638126852047870943%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=3XvMgTDX6K8iFxs2lucI3vzeXUK7%2FPEwBTxsDXTSRoo%3D&reserved=0) on VA.gov to assist claimants when they have questions regarding VSOs. The webpage includes the following:

* Definition of a VSO and what it takes to be an accredited representative
* Explanation about when to use a VSO
* Explanation on how to find a VSO and instructions on how to select one
* Required forms for claimants to fill out when selecting a VSO

We hope the webpage is a useful resource to review and provide to claimants with questions regarding VSOs.

**Supplemental Claim Training**

Compensation Service updated both the Rating Veteran’s Service Representative (RVSR) and Veteran’s Service Representative (VSR) Supplemental Claim training based on the Military-Veterans Advocacy (MVA) v. Secretary of Veterans Affairs court decision. The training was mandated to all VBA field employees on March 24, 2023, via the policy letter and assigned to employees in TMS.

[Supplemental Claims for RVSRs (TMS 4634880)](https://www.tms.va.gov/SecureAuth35/)

[Supplemental Claims for VSRs (TMS 4635019)](https://www.tms.va.gov/SecureAuth35/)

**HLR and DTA Error Fact Sheets**

The HLR and DTA Error Fact Sheets were developed as resources for VBA employees to utilize and enhance awareness about HLRs. The fact sheets provide important information about the HLR decision review option and will assist employees with their customer discussions concerning the VBA-owned decision review option, and ultimately enhance the customer experience for Veterans and claimants. The resources were sent out and can also be located under the Stakeholder Resource page on the OAR Intranet page.

[Higher-Level Review Fact Sheet (va.gov)](https://vbaw.vba.va.gov/OAR/docs/hlr-fact-sheet-final-03mar23.pdf)

[Duty to Assist Error Fact Sheet (va.gov)](https://vbaw.vba.va.gov/OAR/docs/apr-23-duty-to-assist-error-fact-sheet-updated.pdf)

**Supplemental Claim Internal Training Document**

The Supplemental Claim Internal Training Document was developed as a resource for VBA employees to utilize and enhance awareness about supplemental claims. The training document provides important information about the supplemental claim decision review option and will assist employees with their customer discussions concerning the VBA-owned decision review option, and ultimately enhance the customer experience for Veterans and claimants.

The resource was sent out and can also be located under the Stakeholder Resource page on the OAR Intranet page.

[Supplemental Claim Internal Training Document (va.gov)](https://vbaw.vba.va.gov/OAR/docs/mar-23-supplemental-claim-fact-sheet-updated.pdf)

**Supplemental Claim and HLR Webpages**

To continue promoting awareness about the supplemental claim and HLR decision review options, OAR would like to recommend checking out the [Supplemental Claim Decision Review Option](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.va.gov%2Fdecision-reviews%2Fsupplemental-claim%2F&data=05%7C01%7C%7C4472c9b3124b43201b8c08db4c945db9%7Ce95f1b23abaf45ee821db7ab251ab3bf%7C0%7C0%7C638187972323245284%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=VBVnv1ibb0nCEcbOYSWr3mTufGPSjsOZ%2Fj9IPOirXO8%3D&reserved=0) and [HLR Decision Review Option](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.va.gov%2Fdecision-reviews%2Fhigher-level-review%2F&data=05%7C01%7C%7C4472c9b3124b43201b8c08db4c945db9%7Ce95f1b23abaf45ee821db7ab251ab3bf%7C0%7C0%7C638187972323245284%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=HRFcN0nQqgZaCRGwJoIH8bYc%2BrQwPt7lCvZIKINg5WI%3D&reserved=0) webpages on VA.gov.

The webpages were recently updated to provide a better experience for claimants when searching for information about the VBA-owned decision review options, and we hope you take a few minutes to review them.

**HLR Refresher Training**

OAR recommended refresher training for VBA employees pertaining to the HLR decision review option. The training can be found in the VA learning catalog by entering the TMS number in the search box. The training gives a great overview of the HLR process and procedures VBA employees should be aware of.

[AMA Higher-Level Review Procedures (TMS 4491297)](https://vba-tpi.vbatraining.org/lc/?AspxAutoDetectCookieSupport=1)

# Updates to VA Form 20-0998, Your Right to Seek Review of Our Decision

**Target Audience:** DROC Management, QRTs, RVSRs, and VSRs

**Presenter:** Shireen Lackey, Senior Management and Program Analyst, OAR

**References:**

* M21-1, VI.i.1.B.1.j, *Providing Review Rights in a Decision Notice*
* M21-1, VI.iii.3.C, *Authorizing and Notifying Claimants of a Decision on a Contested Claim*
* M21-1, XI.ii.3.B.2.g, *Right to Appeal the Denial of a Request to Substitute*
* M21-5, 4.3, *Choosing Modernized Decision Reviews on Legacy Appeals*
* M21-5, 4.5, *Implementing Actions by the Board of Veterans’ Appeals*
* M21-5, 4.3.c, *Informing Appellants of the Options*
* M21-5, 8.B, *Processing a Case Seeking Direct Payment of Fees*

VA Form 20-0998, *Your Right to Seek Review of Our Decision* provides information on the options if a claimant disagrees with a VA benefits decision. This form is used across the organization for VA benefits decisions, including by VBA business lines, the National Cemetery Administration (NCA), and the Veterans Health Administration (VHA). It is released as part of the notification letter package for VBA benefits decisions. As part of OAR’s focus on continuous process improvement, updates were made to the form based on feedback received directly from Veterans that they would like easier access to each of the decision review forms. Additionally, we received feedback they would like more access to information about the three decision review options. The changes made to the form provide easier access to forms and information based on this customer feedback.

Two major changes were made:

* Incorporated use of QR codes to enable easier access to VA forms for filing decision reviews
* Added QR codes linking to the respective decision review websites to promote access to information and online filing

Minor formatting changes made to the form to accommodate the addition of the QR codes include:

* An update to the font size and alignment
* Removed icons at the top of each decision review column
* Title of fourth row changes to “Form to File” and added underneath “Scan QR Code to Access Form,” to include the appropriate QR code for each claim form
* Switched the order between the black text box with the time limits and the form website reference
* Edited the statement referring to the form website with an updated link and verbiage about the QR codes
* Moved the text box about submission timeframes from page 1 to page 2 and removed the text box outline to the content blends with the other text
* Lower left reads “VA FORM 20-0998 SEP 2022”
* Bottom middle reads “SUPERSEDES VA FORM 20-0998, FEB 2021”
* Made changes to the last sentence in the text box, “Get Help with Your Review Request” referencing how to get help from an accredited representative
* Added QR codes linking to the respective decision review websites

# COVID-19 Policy Guidance Expiration

**Target Audience:** DROC Management, QRTs, RVSRs, and VSRs

**Presenter:** Drew Martin, Management and Program Analyst, OAR

**References:**

* M21-1 III.i.2.D.2.d, *Situations Warranting Extension of the 30-Day Time Limit*
* M21-1 II.i.2.B.1.a*., Requirement to Stamp the Date of Receipt on All Incoming Documents*
* *M21-1 II.i.2.B.1.b, Handling Documents Processed Without a Date Stamp*
* *M21-1 ,* IV.i.2.G.1. *Handling Failure to Report for a Scheduled Examination*
* *M21-1 X.v.1.D.1.q, Attendance at Hearings*
* *M21-1 VIII.iii.10, Presumptive Service Connection (SC) for Coronavirus Disease (COVID-19)*
* *M21-1 V.iii.3.6, COVID-19*
* 38 C.F.R. § 3.109(b), Extension of time limit.
* 38 C.F.R. § 3.655, Failure to report for Department of Veterans Affairs examination.
* 38 C.F.R. § 19.52, Time limit for filing Notice of Disagreement, Substantive Appeal, and response to Supplemental Statement of the Case.
* 38 C.F.R. § 19.53, Extension of time for filing Substantive Appeal and response to Supplemental Statement of the Case.
* Policy Letter (PL) 20-02, COVID-19 Claims and Appeals Processing Guide (rescinded June 10, 2023)
* Memorandum, Rescinding PL 20-02 Novel Coronavirus (COVID-19) Claims and Appeals Processing Guidance

To provide some background on this topic, on March 13, 2020, the President declared the COVID-19 outbreak a national emergency, with an effective date of March 1, 2020, pursuant to the National Emergencies Act (NEA).

In response to this, VBA issued PL 20-02, Novel Coronavirus (COVID-19) Claims and Appeals Processing Guidance to acknowledge the pandemics impacts to the claim process.

There were notices of the temporary procedures, regarding disruption of mail service, published in the Federal Register in April and August of 2020. These notices stated that the guidance was effective during the period of March 1, 2020, through 60 calendar days following the date the President ends the national emergency. Fast-forward to April 10, 2023, the President signed *P.L. 118-3, related to a national emergency declared by the President on March 13, 2020*, which terminated the national emergency. Following the expiration of the 60-day time, VBAs temporary procedures outlined in PL 20-02 expired at midnight on June 9, 2023.

Based on the rescinding of PL 20-02, requests for extensions of time limits or submission of evidence, received on or after June 10, 2023, will be processed using guidance found in 38 C.F.R. § 3.109 and the applicable manual guidance, to determine if an extension is warranted.

Under the current guidance, VA will extend the 30-day time limit for a response if:

•The response to initial development action raises new issues requiring resolution

• Initial development action did not include a request for essential evidence, or

• The claimant requests an extension, and is making an honest effort to obtain and

submit the requested evidence

Regarding establishing the date of receipt of incoming documents, all mail including claims and associated evidence received on or after June 10, 2023, should be date stamped using guidance found in the manual. Use of the postmark date is no longer warranted.

It is important to note that the date of receipt guidance in PL 20-02 applies to any claim pending, received, or postmarked between March 1, 2020, and June 9, 2023.

For example, if a claim is received on June 12, 2023, but has a postmark date of June 9, 2023, we would follow the guidance in PL 20-02, as the postmark date falls within the dates of the policy letter. The Office of Policy & Oversight (OPO) memo includes several examples addressing different scenarios and can be used as a helpful reference when processing claims.

Effective June 10, 2023, claims processors will apply 38 C.F.R. § 3.655, along with guidance found in the manual when a Veteran fails to report for a scheduled exam.

* Failure to report for an exam solely on pandemic concerns is no longer considered as good cause.
* Exams should not be postponed or rescheduled simply based on pandemic concerns.
* A positive COVID-19 illness may be considered as good cause

As of June 10, 2023, there will no longer be a hold on claims with a pending examination or hearings due to pandemic concerns. The needed examination or hearing should be scheduled.

If the Veteran has expressed pandemic concerns, claims processors will now send a letter explaining that VA is no longer delaying exams and hearings due to COVID-19, but encouraging the Veteran to attend the exam or hearing.

Rescinding PL 20-02 does not impact 38 U.S.C. § 1164, Presumptions of service-connection for Coronavirus Disease 2019 or the policy guidance in VBA letter 20-22-06, Processing Claims Involving the Novel Coronavirus Infection (COVID-19).

Rescinding PL 20-02 does not warrant a grace period for the citing of national quality errors.

# Utilizing QRT for Production on Regular Time

**Target Audience:** DROC Management and QRTs

**Presenter:** Beth Huck, Management and Program Analyst, OAR

OAR would like to remind all DROC employees that if stations are utilizing QRT for production during regular time, OAR needs to be notified. The standardized reporting format for notifying OAR remains a local leadership decision.

Any questions can be directed to the OAR program administration mailbox at VAVBAWAS/OAR/ADMIN [OARADMIN.VBAWAS@va.gov](mailto:OARADMIN.VBAWAS@va.gov).