

Appeal Status



Public Contact Team CRM/UD-O Training

OFO-NCC
February 2022

Appeal Status Participant Guide

- Duration:** 1 hour
- TMS:** TMS survey will be completed at the end of training.
- Audience:** This lesson trains Public Contact Representatives (PCRs) within the Public Contact Teams (PCTs) as they transition into Customer Relationship Management/ Unified Desktop – Optimized.
- Purpose:** This lesson provides VA employees assisting the public an opportunity to refresh their knowledge on this topic. It fulfills the training requirement for experienced Public Contact Representatives.

- Objectives:** Upon completing this lesson, trainees will be able to:
- Understand the importance of providing an accurate status of an appeal
 - Identify an interaction flow for handling status of appeal inquiries
 - Successfully utilize mandatory scripting

**References:
KM ARTICLE**

- *Appeal Scripts, various*
- [Legacy Appeals FAQs](#)
- [Appeals Modernization](#)
- [CAVC \(Court of Appeals for Veterans Claims\)](#)
- [VACOLS Codes](#)
- [BVA Status of Appeal Scripts](#)

CPKM

- M21-1, Part I, Chapter 5

VA Forms

- [VA Form 20-0996](#), *Decision Review Request: Higher-Level Review*
- [VA Form 10182](#), *Decision Review Request: Board Appeal (Notice of Disagreement)*

Status of Appeal

Just as with status of claim, status of appeal is not always a linear process. You may have to review several different tabs in CRM/UD-O to provide the appellant a completely correct status. You are encouraged to develop a routine flow to your interactions when handling status of appeal questions as this will improve your clarity and efficiency.

The use of status of appeal scripts or components is mandatory. The reason is to provide consistency for the appellant in the information he/she receives from VA. While these scripts/components are required, you must still keep the interaction conversational. It is important that you convey the information naturally. It is a good idea to review and become very familiar with the scripting.

Legacy Appeal Process Recap

The appeal process provides claimants with a method for disagreeing with a Department of Veterans Affairs (VA) decision. The appeal process is formal and most steps must be completed in writing.

Under the current legacy appeal process:

- Notice of Disagreement (NOD): In most cases, claimant must send the NOD **within 1 year** of the date VA mailed the decision (60 days for contested claims).
- Statement of Case (SOC): If VA cannot grant all or if a partial grant is given, a SOC is issued. The SOC outlines:
 - The evidence reviewed
 - The laws and regulations applied in making the decision
 - The denial reasons
- VA Form 9, *Appeal to Board of Veterans' Appeals*: Must be filed **within 60 days** from the date of the SOC or **within 1 year** of the date VA mailed the decision, whichever is later, to continue the appeal.
 - Supplemental Statement of the Case (SSOC): If new evidence is submitted with VA Form 9, VA reviews the evidence. If VA is unable to grant, a SSOC is issued. The SSOC explains:
 - Evidence reviewed since the SOC
 - Denial reasons
 - Any additional laws and regulations used in the decision
 - Appellants have **30 days** from the date of the SSOC to provide additional evidence
- Board of Veterans Appeals (BVA): BVA will examine the evidence VA used to make the decision and issue a decision:
 - Grant
 - Deny
 - Remand
 - If remanded, BVA will return the appeal to the local office or Appeals Resource Center (ARC) to develop/obtain the information

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- U.S. Court of Appeals for Veterans Claims (CAVC): Appellants may appeal the BVA's decision to CAVC **within 120** days of the decision.

Status of Appeal Requirements

- Verify the appeal(s) for which the appellant is requesting status.
- Review Flashes for relevant information.
- Provide the correct script or mandatory components.
 - Discuss pending diaries/tracked items/letters within their suspense and federal records requests until received, regardless of suspense.
 - Timeframes for completion are not required if past due.
- Address opportunities for appeal development.

Tips for Providing Status of Appeal

PCRs can improve both their performance and the appellant's experience by practicing these delivery techniques.

- Verify which appeal(s) if multiple are pending.
 - Quickly browse the appeals (and sometimes claims) tab to ensure clarity on the appeal in question.
- Ensure the correct status is provided.
 - CRM/UD-O may not always suggest the correct script.
 - Utilize the KM articles related to Appeals Modernization and Board of Veterans Appeals.
- Review all systems to appropriately address pending diaries or tracked items.
 - Not all the pertinent information when providing the status of an appeal is available within the script, especially when development is needed.
 - Information requested in diaries or tracked items may have been received, but not updated. It's up to you to ensure the right information is provided.
- Provide all mandatory components or the full script.
 - Every person in this room can explain the exact same thing by using different words; scripts & components allow us to provide consistency.
 - Highlight your place on the script page so you can keep track of what you have already provided to the appellant and what still needs to be provided.
 - Handle interruptions politely by addressing the question/concern and then returning to the script or asking the appellant if you can address the issue after you finish providing the full status.
- Appropriately document developmental information.
 - Actively listen to developmental information that may be conveyed in SOA conversations.

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- Be aware of opportunities to advocate for the appellant by documenting and/or submitting appeal-related information on their behalf, when appropriate. This may help improve efficiencies within the appeals process and can help expedite the processing of a pending appeal.
- Do not:
 - Tell the appellant you must read a script,
 - Ignore the appellant's concerns while providing status, or
 - Speak over the appellant.

Beginning the Interaction

Once you have completed the search for the appellant's record, you will see information from the record populate in the **quick view** pane on the left side. Here, you can see how many appeals are currently pending.

VETERAN: VETERAN, JOHN

Document(s) exist in VBMS | Homeless | POW | VBMS

Name: **VETERAN, John**

SSN / File Number: 123123123 / 123123123

Branch Of Service: ARMY

Station of Jurisdiction: 328 - Chicago

Character of Discharge: HON

Rank:

POA: 2AX - JOEL B MITCHELL

DOB: 1/1/1945

Gender: M

DOD:

OGC Database Link: [OPEN LINK](#)

Fiduciary Info:

Person/Org Name:

S/C Combined Rating:

NSC Combined Degree:

Award Type:

Pay Status:

Last Paid Date:

Amount:

Next Scheduled Pay Date:

Next Amount:

Pending Claims: 0 open claim(s)

Pending Appeals: 1 pending appeal(s)

Mailing Address: 4676 LOGSDON DR TEST A11 APO AE 09021

Last Phone Call History: 03/28/2018 8:26 AM Claim General Status

Status: Success [REFRESH](#)

CALL SCRIPT

New Interaction

Hello! Please provide the veterans SSN

Instructions

Search for the veteran in the Search tab and select the veteran.

[Proceed to Caller Id](#)

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After you have identified the caller, you will need to **categorize the interaction** as follows: Type *Appeal*, Subtype *General Status*. You may select one of the other Subtypes when discussing appeals, as appropriate.

Select Request Type

A screenshot of a dropdown menu titled "Select Request Type". The menu is open, showing a list of request types. The "Appeals" option is highlighted with a grey background. Other options include: Appeals Modernization, BVA Appeal, Contract Examinations, Claim, Correspondence and Forms, Dependent Maintenance, eBenefits, Fiduciary, FNOD, FOIA/Privacy Act, General Benefits Information for VBA, Ghost Call/Disconnected Call, Hurricane, Media Inquiries, General Benefits Information for VHA, General Benefit Information For NCA, Mission Act, Non VA Calls, Novel Coronavirus, Payments / Debts, Potential Incident, and RAMP.

Select Request Sub Type

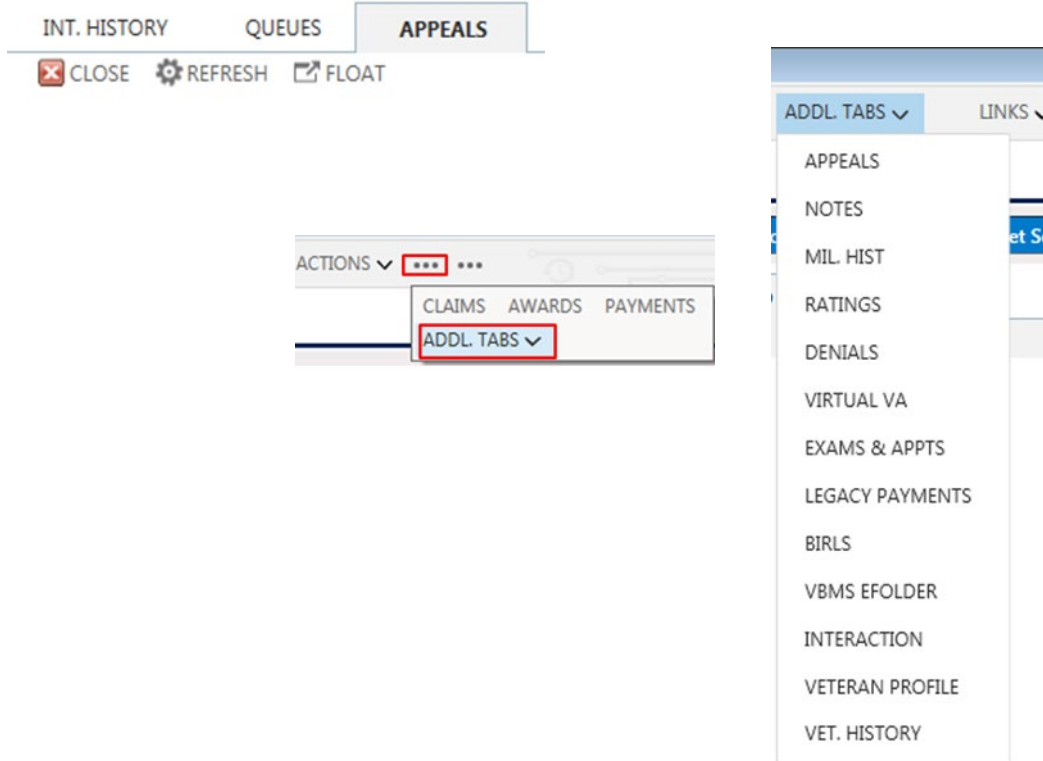
A screenshot of a dropdown menu titled "Select Request Sub Type". The menu is open, showing a list of request subtypes. The "General Status" option is highlighted with a grey background. Other options include: Documents Verification, SOC / SSOC Questions, Verify NOD / Form 9 received, and Withdraw Issue. There are "Create Request" buttons above and below the dropdown menu.

Make sure to review **flashes** associated with the record. Remember, these appear as blue icons at the top of the screen. Flashes provide important information about an appeal or appellant and may impact your actions during the interaction. For example, a homeless flash may indicate priority processing of appeals.

For appellants who have more than one appeal pending, make sure you **clarify which appeal** he or she is requesting the status for before you begin looking at the appeal information.

By selecting Appeal as the request type, the Appeals tab will be available for view. You may also access the Appeals tab from the Additional Tabs dropdown menu.

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The Appeals tab displays pending and historical appeals. You can view the status of an appeal up until the point it reaches the Court of Appeals for Veterans Claims (CAVC). You can see the general appeal status, date of the notice of disagreement (NOD), decision date, and Regional Office information.

The screenshot shows a table with the following data:

Name	Status Code	Status Description	Notice of Disagreement	Decision Date	Region Office Code	Region Office Description	Action Type Code	Action Type Description
	HIS	History (BVA action is complete and appeal is closed)	3/18/2008	2/28/2009	320	Nashville, TN	1	1 - Original
	ACT	Active (Case at BVA)	2/20/2019	---	320	Nashville, TN	1	1 - Original

It is a good idea to sort the appeals (if there is a lengthy list) by the Status Code column to view the pending appeal(s).

Status Codes and Status Descriptions Include:

ACT	Active (case at BVA)
ADV	Advanced (NOD Appeal Filed and/or on Docket—Case in RO)
CAV	CAVC (U.S. Court of Appeals for Veteran’s Claims)
HIS	History (BVA action is complete and appeal is closed)
REM	Remand (case has been Remanded to VBA)

To see more information about a particular appeal, double click on the appeal. A series of subtabs will populate with information specific to that appeal.

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[Appeal Record](#) [Issues/Remand](#) [Diaries](#) [Decision/Special Contentions](#) [Appeal Dates](#) [Hearing Request](#) [Appellant Info](#)

Appeal Record: Provides information about DRO election/decisions, docket number, and location of file.

Issues/Remand: Provides the contentions on the appeal and remand reasons, as appropriate.

Diaries: Provides pertinent information to determine the appeal's status. Diaries for appeals function similarly to tracked items, suspense dates, and notes for claims.

Decision/Special Contentions: Provides little/no information for the status of the appeal.

Appeal Dates: Provides a history of the appeal concerning the dates of the original notification letter, NOD, SOC, VA Form 9, certification to BVA, remand from BVA, etc.

Hearing Requests: Provides information regarding scheduling for BVA hearings, if requested.

Appellant Info: Provides appellant's name and contact information.

Additional Appeal Review

Additional information pertaining to an appeal's complete status may be located beyond the Appeals tab. The claims tab offers details pertaining to appeals, i.e. appeals in remand status may have tracked items available within an EP 170. Also, a review of pending examinations or documents within VBMS may be necessary. PCRs are expected to thoroughly review the record to provide an accurate status of the appeal. Once the review is complete, PCRs must return to the Appeals tab for Status of Appeal scripts (excluding RAMP EPs).

Appeal Development

PCRs have a unique opportunity to advocate on behalf of appellants.

For example, an appellant may be within their 60-day timeframe to elect between a DRO or traditional review and PCRs may explain the processes and take the appellant's election.

Diaries

Recall that the diaries tab contains a list of development items and internal notes. Look at the bottom right. If there is a blue arrow by the page number, there are additional pages of diaries.

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Appeal Record Issues/Remand **Diaries** Decision/Special Contentions Appeal Dates Hearing Request Appellant Info

Refresh Run Report Excel Templates

Req Activity Description	Response Notes Description	Diary Description	Assigned To	Assigned ...	Days to Complete	Due Date	Closed Date	Status	BVA/RO
---	---	READY TO RATE	DRO	7/16/2020	30	8/15/2020	7/16/2020	Closed	RO
cert	---	SENT TO AUTHORIZ...	CERT	7/16/2020	7	7/23/2020	7/16/2020	Closed	RO
---	---	FORM 9 RECEIVED	VSR	7/13/2020	30	8/12/2020	7/16/2020	Closed	RO
SOC and deferred	---	SENT TO AUTHORIZ...	SOC	5/28/2020	7	6/4/2020	5/28/2020	Closed	RO

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The diaries tab identifies the following information for each diary:

Required Activity Description: Provides a description of the development action or an internal working note.

Diary Description: Provides an abbreviated description of the development action or internal working note.

Assigned To: Provides information on who the diary is assigned to.

Assigned Date: Provides the date the diary was created.

Days to Complete: Provides the number of days between when the diary was created and when it expires.

Due Date: Provides the date the diary expires.

Closed Date: Provides the date the required actions were taken or when the note was closed.

Status: Provides whether the diary is pending or closed.

BVA/RO: Provides whether the diary was entered by BVA or an RO.

PCRs must also be mindful to review the Tracked Items subtab under the Claims tab if there are appeal end products pending. Additional development actions may be tracked in the Tracked Items subtab.

You are required to discuss the diaries and tracked items when appropriate based on the status of the appeal. You must address diaries or tracked items that have not been received and are still within their suspense date, meaning the date has not passed. Regardless of suspense date, you must address open diaries or tracked items for federal record requests, including personnel records, service treatment records, VAMC records, compensation and pension (C&P) exams, or any other request for records in the custody of the federal government.

You may need to review other resources when discussing diaries or tracked items. It is possible a response to an item has been received, yet the item remains open.

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You may need to review the VBMS eFolder, notes, exams & appointments tab, evidence sub-tab, or mail portal, if you have access, to determine if VA is still waiting for a response. It is your responsibility to make sure accurate information is provided to the appellant.

27-0820s

Recall from the Status of Claim lesson that you will document a VAF 27-0820 when the appellant provides information that requires:

- An action by the VSC/PMC regarding an appeal or award, or
- Documentation for the record (i.e. evidence for an appeal).

When documenting appeal-specific information, you must include the date of NOD on the VAF 27-0820.

Appeals Modernization

The *Veterans Appeals Improvement and Modernization Act of 2017* (AMA) was signed into law on August 23, 2017. The law is the result of collaborative efforts between VA, Congressional staff, and Veterans Service Organizations. Full implementation of the new legislation occurred on February 19, 2019. The review system applies to all claims for which a notice of decision is provided by the agency of original jurisdiction on or after that date. Claimants who received decisions prior to the effective date of the new system had the option to file an appeal under the legacy process.

The law modernized VA's claims and appeals process by:

- Providing review options for claimants who disagree with VA decisions
- Updating and improving the elements of notice for all VA decisions
- Mandating and protecting findings favorable to claimants
- Increasing protection for effective dates when a claim is continuously pursued

AMA Inquiries Recap

Public Contact Representatives (PCRs) are responsible for responding to AMA inquiries about:

- The decision review process and available lanes
 - PCRs must not provide recommendations on lane selection. VA personnel should encourage claimants to speak with their representative about which choices are best for their individual situation.
- Decision notices
- Instruction on obtaining required forms and timeframes for submission

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- PCRs must offer all available options to obtain VA forms (mail/fax/email/download) and provide instruction on returning the form within the applicable time limit.
- Status of decision reviews
 - For claimants requesting the status of a Higher-Level Review or Supplemental Claims, PCRs must utilize existing status of claim scripts. PCRs must not provide the estimated timeframe for completion from CRM/UD-O claim status scripts. PCRs must provide the average/goal timeframe of 125 days for completion.
 - For appellants requesting the status of an appeal to the Board, PCRs must provide status using Board status of appeals scripts.
 - If a claimant indicates he/she missed a call from VA regarding an informal conference under the Higher-Level Review process, PCRs must review the system of record to locate the requested information entered by VA personnel and document the claimant's response on VA Form 27-0820, Report of General Information.
- All [Priority Processing requirements](#) apply to the decision reviews.

KM Guidance

- *Appeal Scripts, various*
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- [CAVC \(Court of Appeals for Veterans Claims\)](#)
- [VACOLS Codes](#)

Role Play Scenarios

The instructor should have a variety of test file numbers for trainees to use during role play. Depending on the number of trainees and the time available, role play scenarios can be conducted in small groups of two or three trainees or with a trainee taking the "hot seat" in front of the class. The instructor must ensure trainees are following the proper procedure and steps in CRM/UD-O.

It may be beneficial to use live records to demonstrate the process for providing status of an appeal.

When an appellant inquires about the status of his/her appeal, Public Contact Representatives (PCRs) must appropriately review the system to determine the status and provide the correct script/components. Appellants depend on PCRs to provide accurate information and assist with the appeals process.