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| **PART III. Program Administration**  **Section C. Rights and Responsibilities Under Chapter 31** | |
| **CHAPTER 3. Administrative Reviews, Advisory Opinions, Appeals and Equitable Relief** | |
| **Objectives:** | After completion of this training, VR&E staff is expected to:  • Understand the processes in which a claimant may exercise his/her appeal rights.   * Discern the different processes and procedures for submitting an advisory opinion, administrative review, and VBA appeal. * Determine clear and unmistakable error. |
| **Contents:** | **Notification and Appellate Rights**  **Advisory Opinion**  a. Definition  b. The Process  c. Guidelines for Submission of a Request for an Advisory Opinion  **Administrative Review**  a. Definition  b. Timeline for an Administrative Review  c. Veteran Notification of the Administrative Review Outcome  d. The Process  e. Guidelines for Submission of Request for Administrative Review  f. Administrative Review Decision Completed  **Decisions on Advisory Opinion or Administrative Review**  **Board of Veterans’ Appeal (BVA)**  a. General Information  b. Requirements  c. The Appeals Process  **Veterans Claims Assistance Act (VCAA) of 2000**  **Veterans Appeals Control and Location System (VACOLS)**  a. Definition  b. Use of VACOLS  c. Appeals Coordinator  d. Updating VACOLS  **Notice of Disagreement (NOD)**  a. Definition  b. Receipt of an NOD  c. Timeline for an NOD  **Statement of Case (SOC)**  a. Definition  b. Requirements for an SOC  c. Format  d. Issues Not to be Disclosed in an SOC  e. Sending SOC to the Claimant and Designated Representative  **Development of a Supplemental Statement of Case (SSOC)**  a. Format  b. Information for an SSOC  c. The Process  d. Timeline  **Board of Veterans’ Appeals (BVA) Remands**  a. Definition  b. Required Actions  **Processing Appeals to Court of Appeals for Veterans Claims (CAVC)**  a. Definition  b. The Process  c. Informing the Claimant  d. Remands from CAVC  **Timeline for Receipt of Substantive Appeal**  **Equitable Relief**  a. General Information  b. Requirements for Issuing Equitable Relief  c. Development for Equitable Relief  d. Guidelines for Submission of Request for Equitable Relief  e. Final Decision  **Clear and Unmistakable Error**  a. Definition  b. Determinations  c. The Process  d. Effective Date  e. Action |
| **Exercises:** | 1. At what instance can a claimant be provided notification and his/her appellate rights? 2. Discuss the guidelines for submitting and processing an advisory opinion and an administrative review. 3. Differentiate a statement of the case from a supplemental statement of the case. 4. What are the steps and the timelines required for submitting an appeal to BVA? 5. When can an equitable relief granted? 6. What is the process for establishing a clear and unmistakable error? |
| **Rescission Information:** | Part III rescinds the following chapters of the M28, M28-1, and M28-2:  M28, Part IV, Subpart l, Chapter 4; Part III, Chapter 1, 2, 3, 4  M28-1, Part I, Chapters 6, 7, 8  M28-2, Part I, Chapters 1, 2, 3, 4, 5, 6; Part II, Chapter 2; Part IV, Chapters 1, 2, 3  The following VR&E Letter was also rescinded:  VR&E Letter 28-04-15 |