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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.
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| **Contents:** | **Notification and Appellate Rights****Advisory Opinion**a. Definitionb. The Processc. Guidelines for Submission of a Request for an Advisory Opinion**Administrative Review**a. Definitionb. Timeline for an Administrative Reviewc. Veteran Notification of the Administrative Review Outcomed. The Processe. Guidelines for Submission of Request for Administrative Reviewf. Administrative Review Decision Completed**Decisions on Advisory Opinion or Administrative Review****Board of Veterans’ Appeal (BVA)**a. General Informationb. Requirementsc. The Appeals Process**Veterans Claims Assistance Act (VCAA) of 2000****Veterans Appeals Control and Location System (VACOLS)**a. Definitionb. Use of VACOLSc. Appeals Coordinatord. Updating VACOLS**Notice of Disagreement (NOD)**a. Definitionb. Receipt of an NODc. Timeline for an NOD**Statement of Case (SOC)**a. Definitionb. Requirements for an SOCc. Formatd. Issues Not to be Disclosed in an SOCe. Sending SOC to the Claimant and Designated Representative**Development of a Supplemental Statement of Case (SSOC)**a. Formatb. Information for an SSOCc. The Processd. Timeline**Board of Veterans’ Appeals (BVA) Remands**a. Definitionb. Required Actions**Processing Appeals to Court of Appeals for Veterans Claims (CAVC)**a. Definitionb. The Processc. Informing the Claimantd. Remands from CAVC**Timeline for Receipt of Substantive Appeal****Equitable Relief**a. General Informationb. Requirements for Issuing Equitable Reliefc. Development for Equitable Reliefd. Guidelines for Submission of Request for Equitable Reliefe. Final Decision**Clear and Unmistakable Error**a. Definitionb. Determinationsc. The Processd. Effective Datee. 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?
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| **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, 4M28-1, 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, 3The following VR&E Letter was also rescinded:VR&E Letter 28-04-15 |