

VA

Board of Veterans' Appeals

VSO Quarterly- Q-2, January 19, 2023

Presented by

Deputy Vice Chairman Thomas Rodrigues



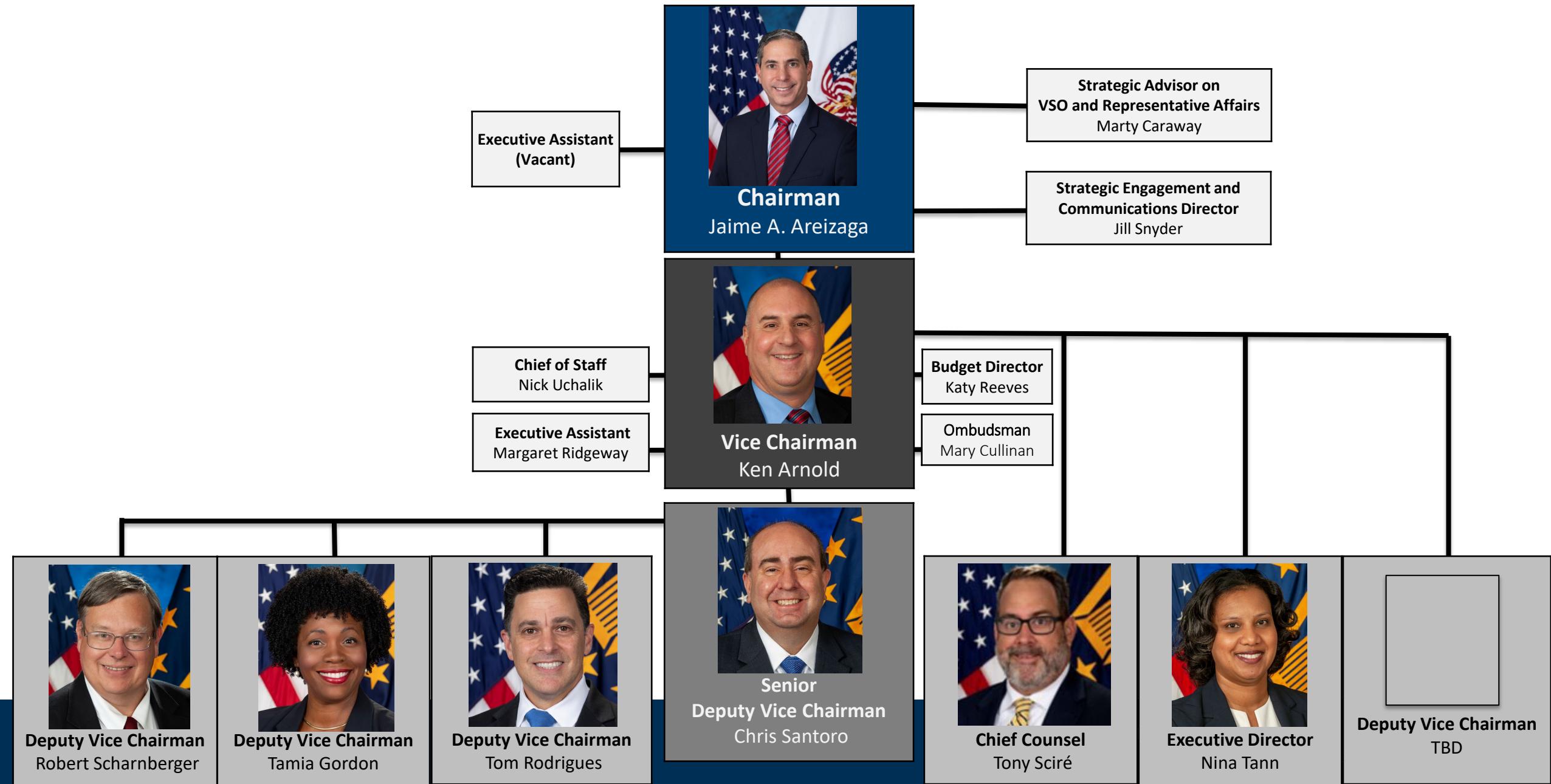
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Board of Veterans' Appeals Organizational Structure



Board of Veterans' Appeals



Mission: To honor America's promise to our Veterans by swiftly resolving their appeals to the fullest extent of the law.

It's all about maximizing the number of Veterans and their families served through hearings and decisions.

- Responsible for fully considering and appropriately resolving final decisions on behalf of the Secretary for the provision of Veterans' benefits and services from all three Administrations and OGC.
- Strengthening employee and Veteran experience through strong partnerships with labor relations representatives, Veterans Service Organizations, private bar, Veteran advocates and the Hill.
- Solicit and publicize Veteran experience feedback to demonstrate Board's commitment to resolving appeals in our non-adversarial and duty-to-assist system.

FY 2023 Metrics through December 31, 2022

**22,265
Decisions**

**4,119
Hearings Held**

**214,588
Appeals Pending**

**75,917 Hearings
Pending (5,506
Legacy)**



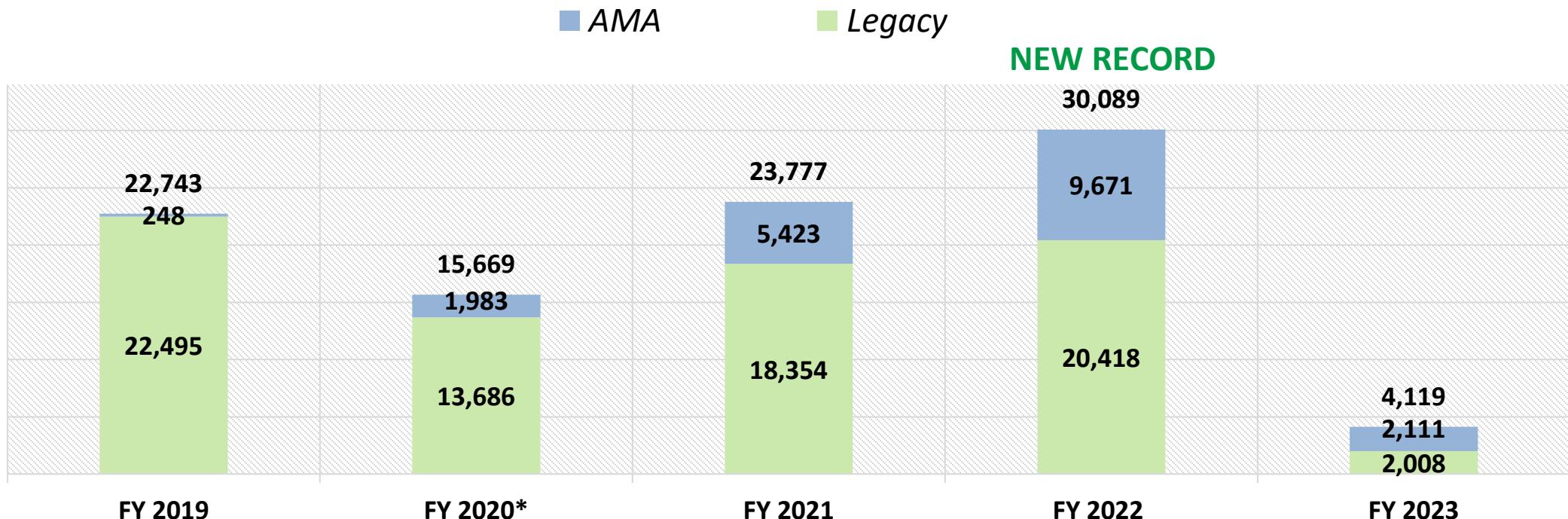
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Hearings Held: 5-yr Trend



*COVID-19 significantly impacted hearing operations in FY 2020. On pace to conduct 24K+ hearings prior to pandemic.

- Focus on completing the 5.5K legacy hearings requests that remain pending
 - 2,008 legacy hearings held through 1st Quarter
 - ~42% of legacy hearings in FY 2023 are cancelled/withdrawn, no-show, or postponed
- 78% of hearings held virtually

Data as of: Dec 31, 2022



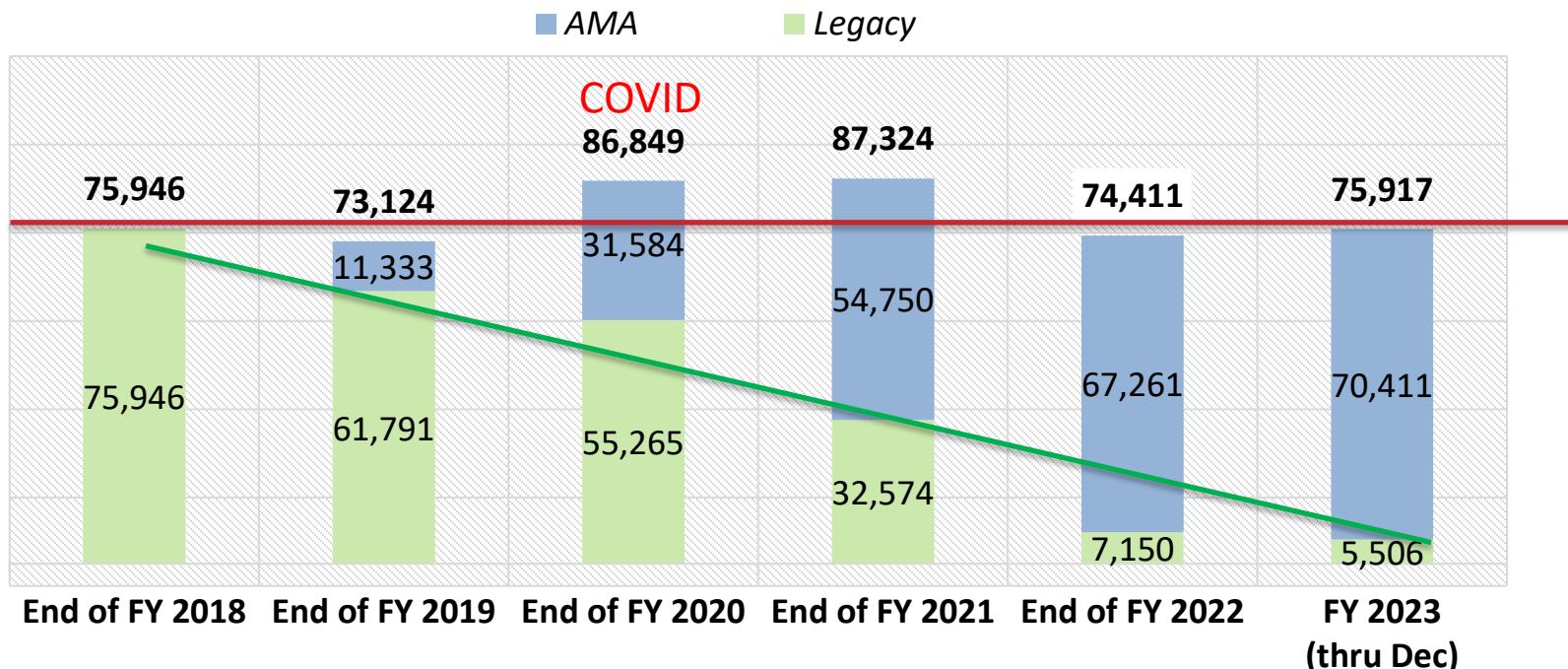
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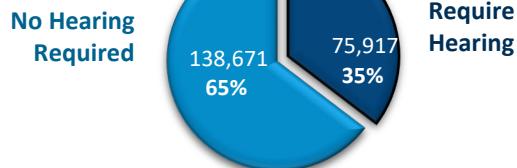


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Hearings Pending



Appeals Pending: 214,588



Data as of: Dec 31, 2022

- **Hearings Pending:** ~75.9K hearing requests pending / ↓~13% since Sep 2021
 - Held a record 30,089 hearings in FY 2022
 - Number pending has increased 1.5K since start of FY 2023
- **5,506 legacy requests pending; down 23% from start of FY 2023**
- **Declining % of Veterans choosing AMA hearing lane.**
 - 47% in FY21, 39% in FY22, 35% currently Qtr 1, FY23



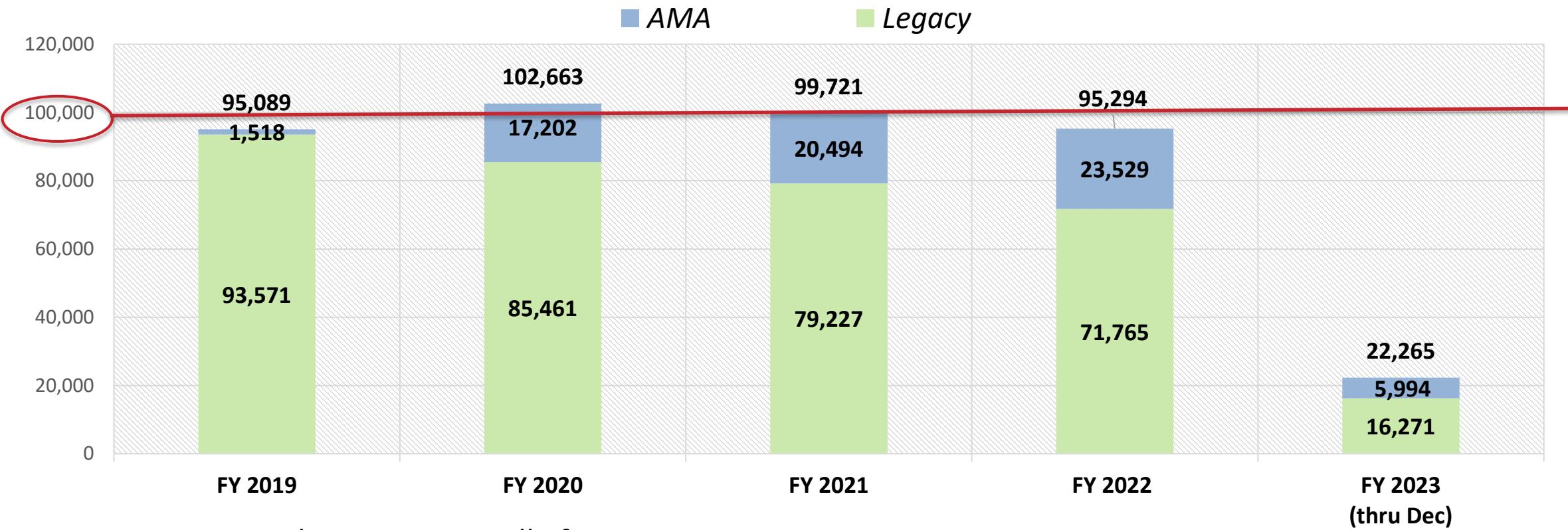
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Appeals Decided: 5-yr Trend



- 95,000+ decisions annually four consecutive years
- 22,265 Appeals Decided through 1st Quarter 2023
 - 1,796 more decisions than same period last year
 - ~73% of decisions are Legacy appeals and 27% AMA in FY 2023

Data as of: Dec 31, 2022



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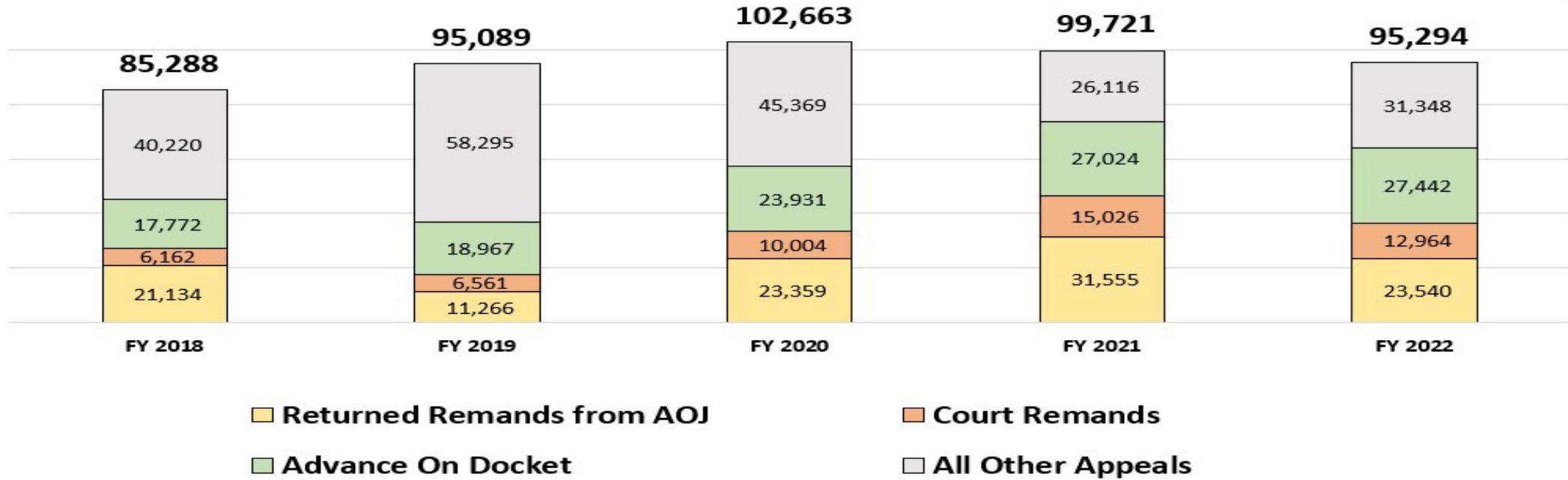
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Appeals Decided: 5-yr Trend

Breakdown of Appeals Adjudicated FY 2018 - FY 2022



* AOD's that were also CAVC remands were excluded from this total to avoid double counting.

** Legacy Appeals: Returned remands that were also AOD or CAVC remands are excluded from this total to avoid double counting.

- ~40% of all cases decided last FY have had a previous Board decision on same issues.
- ~30% of cases decided were advanced on the docket (AOD)

Data as of: Dec 31, 2022 | Updated annually



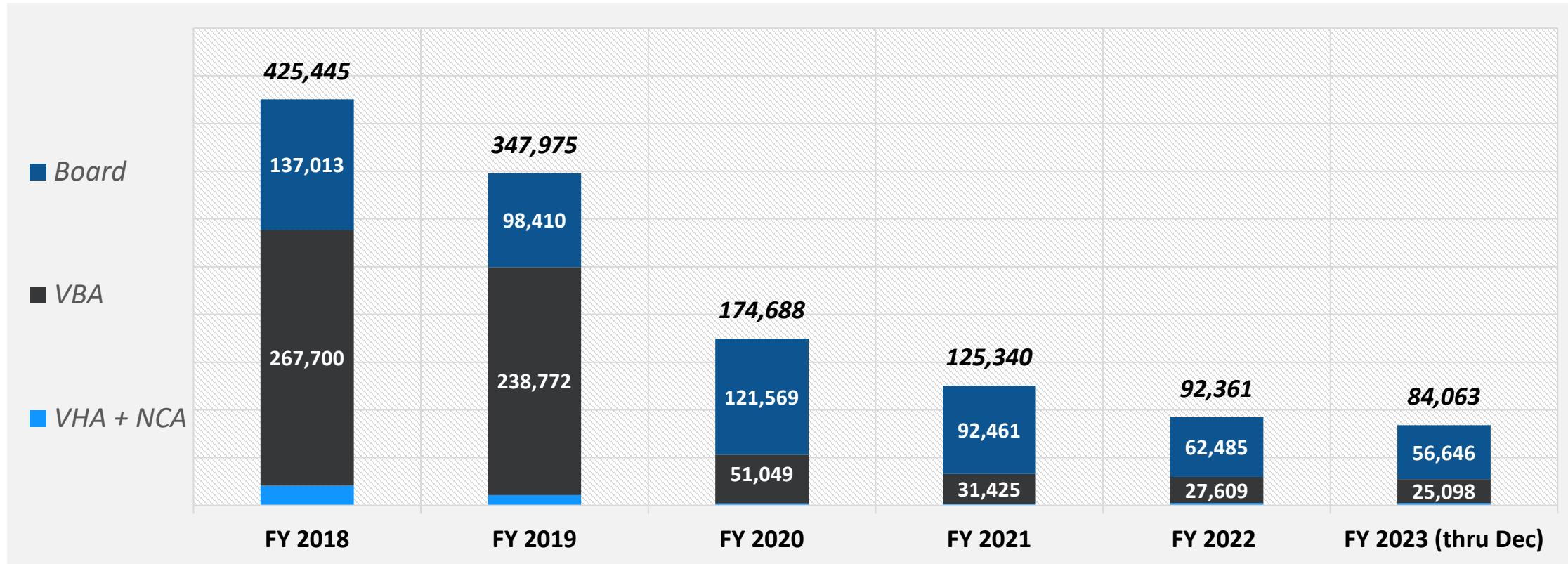
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VA Appeals – Focus on Legacy Case Drawdown



Legacy Resolution Prioritization

- 80% reduction in appeals pending since end of FY 2018
 - ✓ 242,000+ less VBA appeals pending
 - ✓ 80,000+ less Board appeals pending
- 84,063 remain pending; 52%+ are remanded appeals

Data as of: December 31, 2022. Updated monthly.

Data Source: VBA Tableau – Pending Month Summary



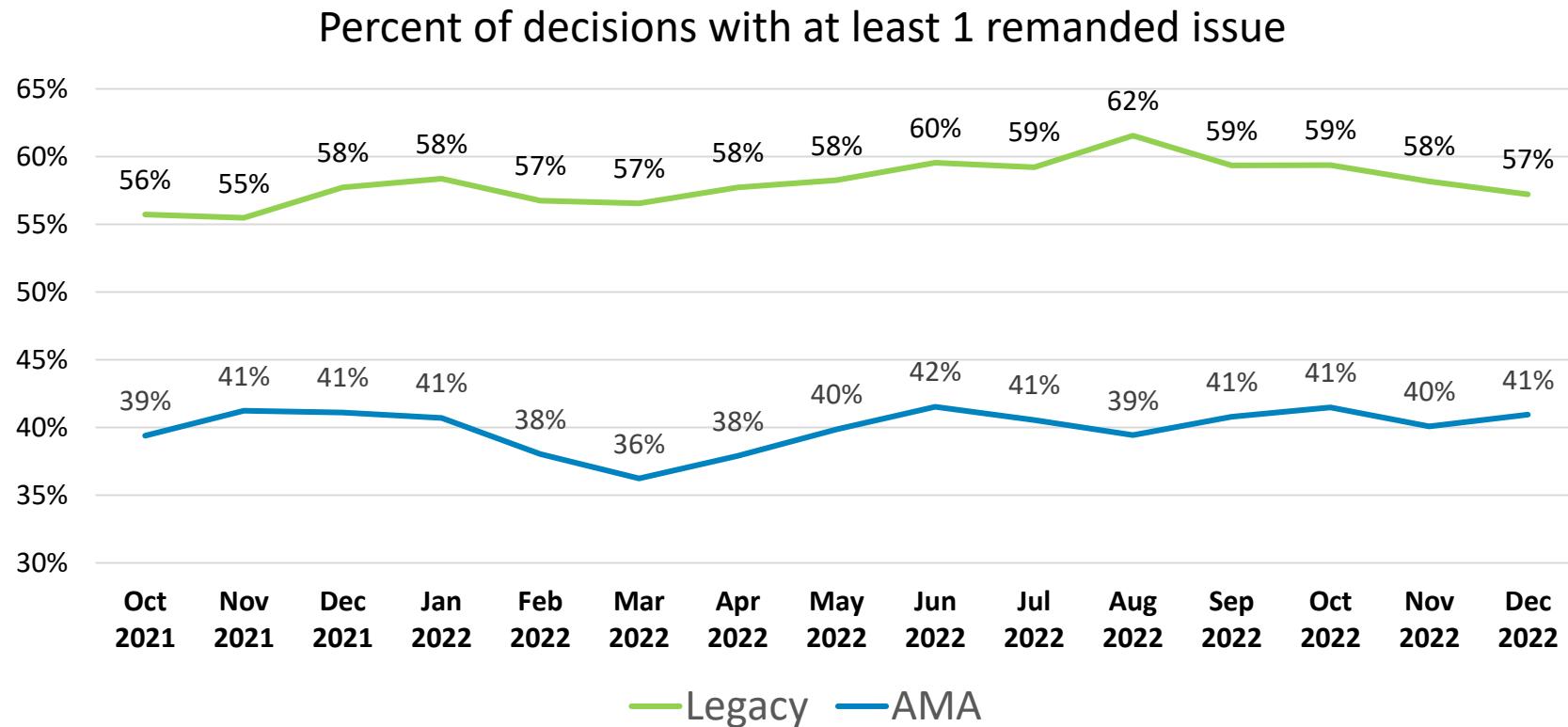
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Remand Rates



- ~57% of legacy decisions continue to be remanded; 41% of AMA decisions
- Extends time in which it takes to resolve legacy appeals
- 56% of legacy remands pending at Board remanded two or more times already
 - 7.7% pending have been remanded more than five times



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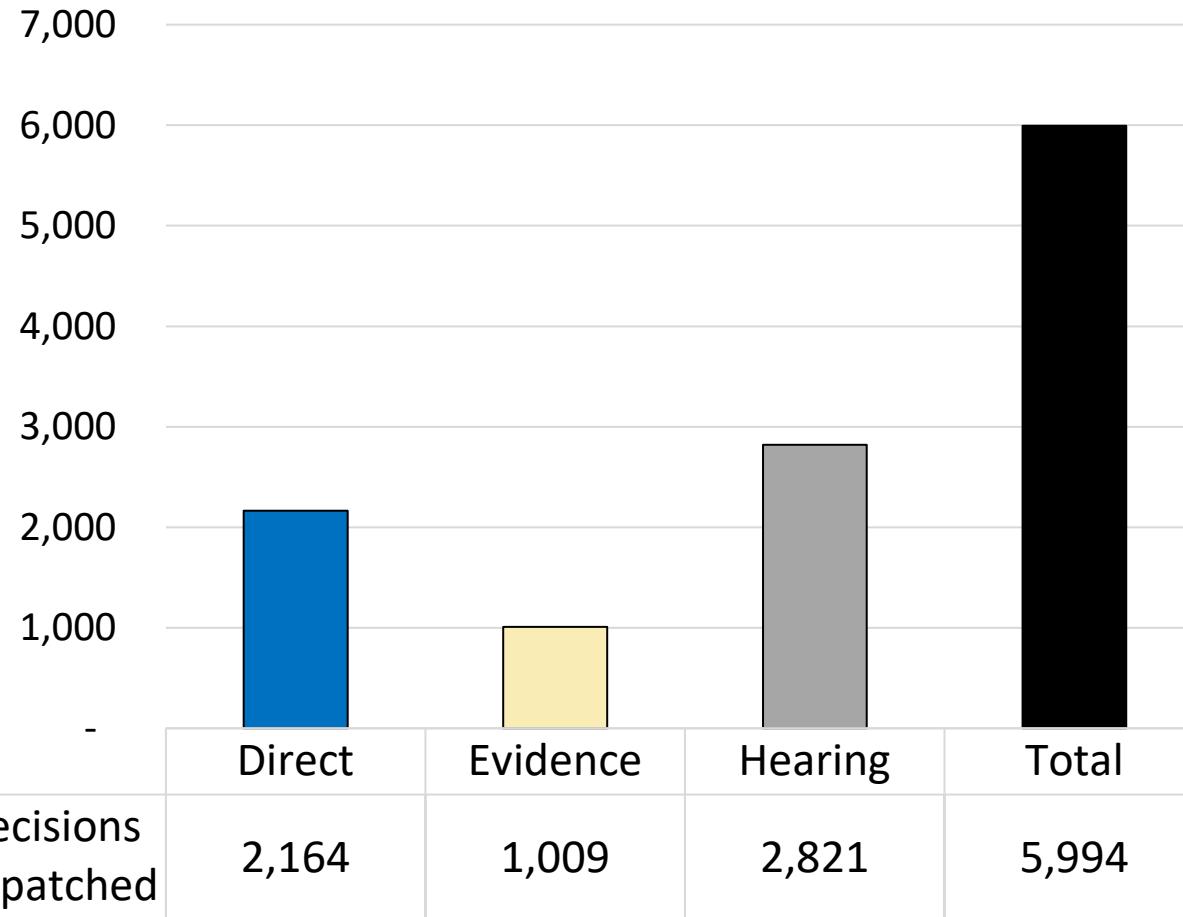
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AMA Appeals – FY 23 Decided & Pending

AMA Decisions Dispatched FYTD

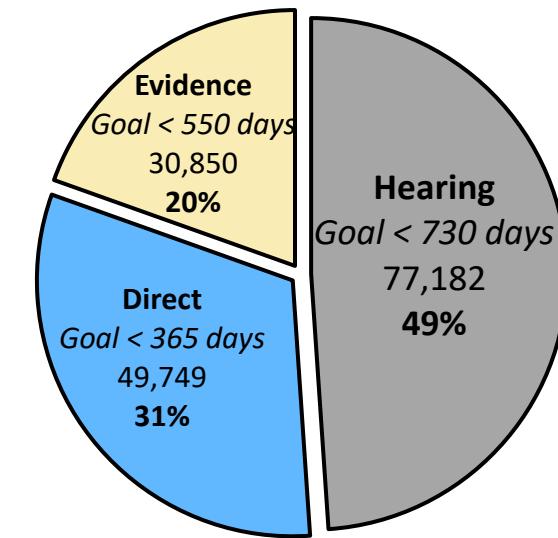


Data as of: December 31, 2022

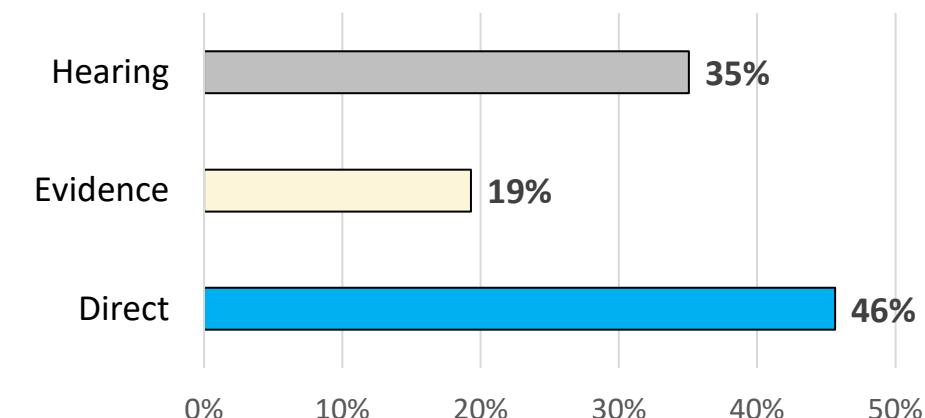


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AMA Pending by Lane



AMA Lane Choice – FY 2023



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CAREGIVER APPEALS

The Board created a pre-docket queue in Caseflow, so that when an AMA PCAFC appeal is received by the Board. VHA's Caregiver Support Program (CSP) has visibility on pre-docket queue and provide the evidentiary record needed for adjudication of these appeals.

When the Board receives the evidence files from CSP, the Board will formally docket the appeal, which will be distributed to a VLJ for adjudication based on docket order (*i.e.*, the date the appeal was received by the Board).

As of Dec 31, 2022:

- 3,481 AMA PCAFC appeals pending at the Board
 - Most (85%) of these appeals are currently awaiting evidence files and have yet to be docketed.



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PRESUMPTIVE CONDITIONS

On August 10, 2022 President Biden signed the Sergeant First Class (SFC) Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act, establishing presumptive service connection for certain conditions due to environmental exposures based on certain geographical locations.

The law has immediate application to cases pending adjudication at the Board.

For cases that have been finally adjudicated, the Veteran must file a supplemental claim to re-open the claim.



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Contacting the Board



- **CONTACTS** -
 - **General Case Status Inquiries:**
 - www.va.gov/claim-or-appeal-status
 - **VA benefits hotline:** [800-827-1000](tel:800-827-1000)
 - **Hours: Monday through Friday, 8:00 a.m. to 9:00 p.m. EST
 - **Inquiries pertaining to purely procedural questions, email** BVALitSupport@mail.va.gov
 - **Emergent issues or concerns email**
 - Boardcustomerservice@va.gov and indicate urgent

