



Appeals Modernization and RAMP

January 2018

Veterans Benefits Administration

VA



**U.S. Department
of Veterans Affairs**

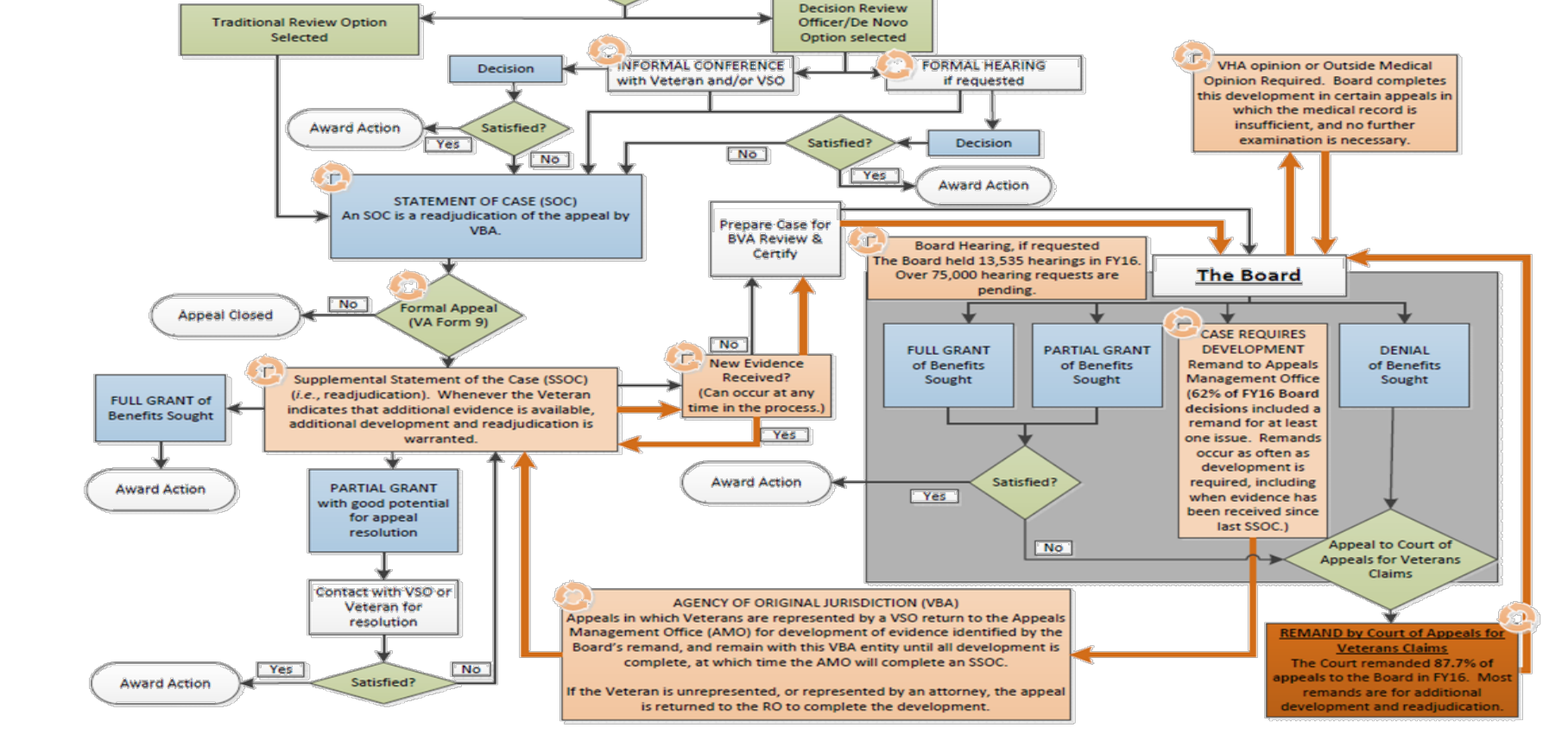
Overview of VA Appeal Process

The current VA appeal process, which is set in law, is a complex, non-linear process that is unlike other standard appeals processes across Federal agencies and judicial systems.

- Process takes too long – There is no defined endpoint or timeframe. Agency cannot manage to a set goal for resolution time.
 - On average Veterans are waiting 3 years for a resolution on their appeals.
 - For those appeals that were decided by the Board in fiscal year (FY) 2016, on average, Veterans waited at least 7 years from filing their NOD until the Board decision issued that year.
- Process is too complex – Veterans do not understand the process, it contains too many steps, and it is very challenging to explain it to them in a way that is understandable.
- Splits jurisdiction between VBA and the Board – Accountability does not rest with one appellate body. Also creates inherent competition for resources internally within VBA to process both claims and appeals.
- Features an open record and ongoing duty to assist – Continuous evidence gathering and readjudication prolongs the ability to reach a final decision. The appeal process essentially contains a hidden claims process.

VA Appeal Process Today

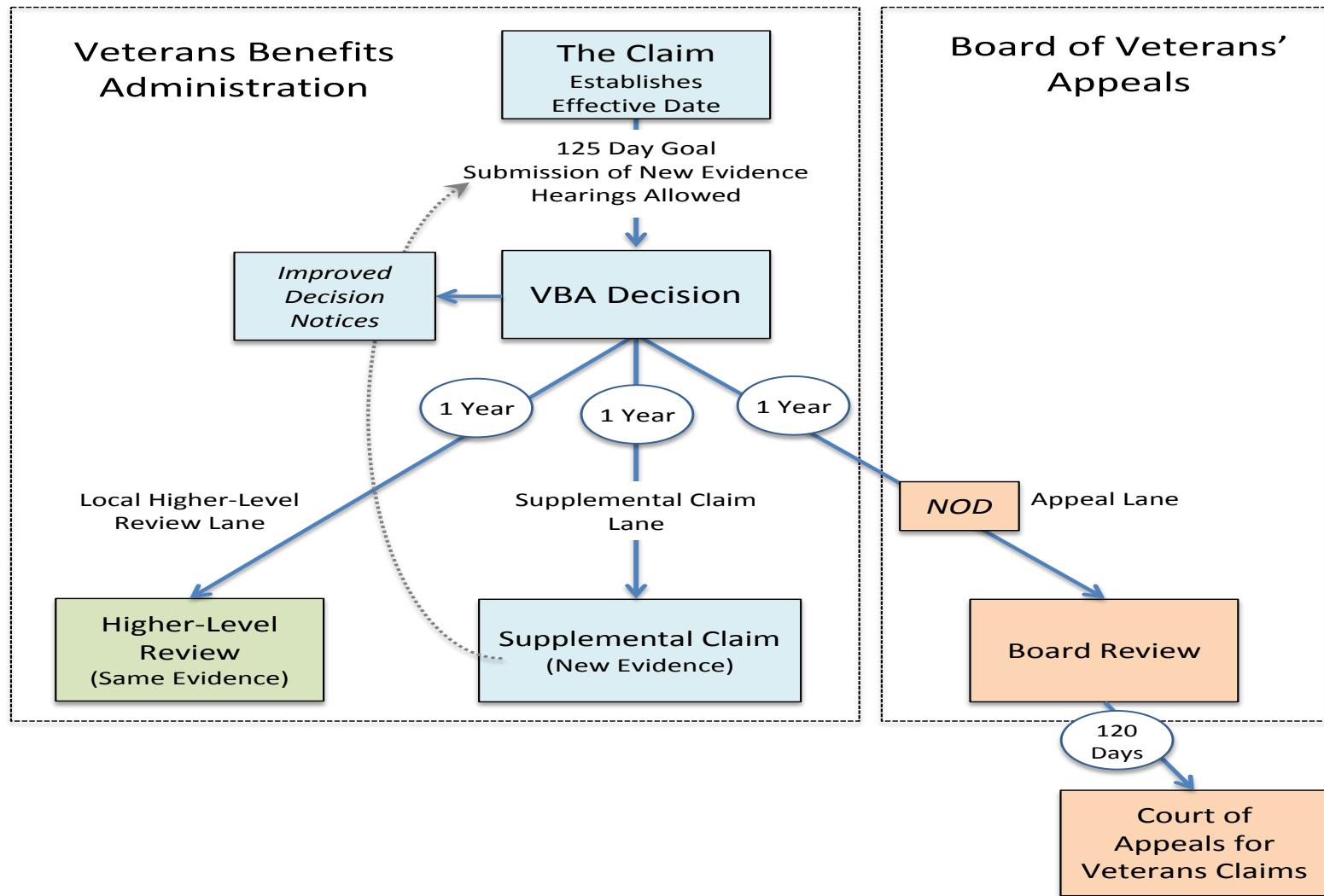
The VA Appeals Process
 This chart represents the path any one single appealed issue can follow towards resolution. An appeal may have several issues, each within a different stage of the process, and a Veteran may have multiple contemporaneous appeals. Any Veteran can enter and reenter the process, even when no further compensation is possible. While this chart represents the typical path for most compensation-related issues, other types of VA appeals have different processes.



Appeals Modernization Act

- On August 23, 2017, the *Veterans Appeals Improvement and Modernization Act of 2017* was signed into law. The new law does not take effect until February 2019.
- The law creates a new claims and appeals process, which features three lanes:
 - **Higher-Level Review** lane, which consists of an entirely new review of the claim by an experienced adjudicator.
 - **Supplemental Claim** lane, which provides an opportunity to submit additional evidence.
 - **Appeal** lane, which provides an opportunity to appeal directly to the Board of Veterans' Appeals.

New Framework Process



New Framework – Overview

- Veterans cannot choose multiple lanes concurrently. They may pursue only one lane at a time for the same claimed issue.
- Choosing one lane over another does not preclude Veterans from later choosing a different lane.
- There are no limits to the number of times a Veteran may pursue a claimed issue in any of the given lanes.
- Effective date is protected as long as the Veteran pursues the same claimed issue in any of the lanes within the established timeframes.
- Duty to assist applies only in initial claims and the new framework's supplemental claim lane. It does not apply to the higher-level review or appeal lanes.
- Higher-level review replaces the current *de novo* Decision Review Officer process.

New Framework – VBA Lanes

Supplemental Claim Lane

- VA will readjudicate a claim if “new and relevant” evidence is presented or secured with a supplemental claim.
- VA will assist in gathering new and relevant evidence (**duty to assist**).
- This process replaces “reopening” claims with “new and material” evidence.

Higher-Level Review Lane

- Provides a second look at the **same evidence** before the initial adjudicator by a more experienced VA employee.
- Includes option for a one time telephonic **informal conference** with the higher-level reviewer.
- *De novo* review with difference of opinion authority.
- **Closed evidentiary record.**
- Return to lower-level for correction of duty to assist errors (quality feedback).

New Framework – Appeal Lane

Evidence Only Docket

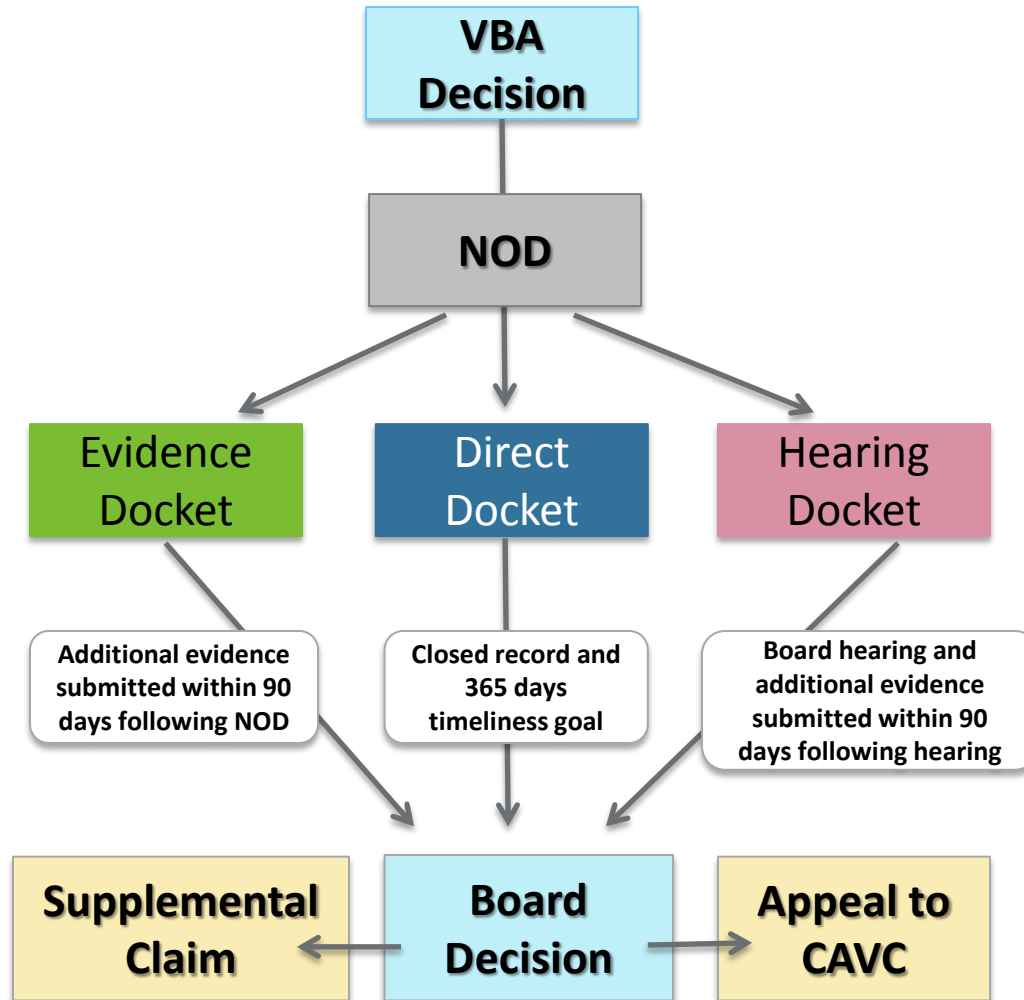
When this option is selected on the NOD, the appellant may submit evidence within the 90 day window following submission of the NOD.

Direct Docket

When this option is selected on the NOD, the appellant receives direct review by the Board of the evidence that was before the AOJ in the decision on appeal. VA has established a 365-day timeliness goal for the Direct Docket.

Hearing Docket

When this option is selected on the NOD, the appellant will be scheduled for a Board hearing. Additionally, the appellant may submit evidence within the 90 day window following the scheduled hearing.



New Framework – Benefits

New framework provides:

- Understandable process.
- Multiple options for Veterans instead of one.
- Improved notice as to which option might be best.
- Early resolution of disagreements.
- Each lane with a clearly defined start/end point.
- Higher-Level Review and Appeal lanes provide quality feedback to VBA.
- Workload transparency for better workload/resource projections.
- VBA as claims agency, Board as appeals agency.
- Efficient use of resources for long-term savings.

Rapid Appeals Modernization Program

- VA began a new program known as the ***Rapid Appeals Modernization Program (RAMP)*** on November 1, 2017.
- RAMP is a test program that allows eligible Veterans **with pending compensation appeals** the option to have their decisions reviewed in VBA's **Higher-Level Review** or **Supplemental Claim** lanes outlined in the new law.

RAMP Rollout

- **RAMP is divided into three phases:**
 - Phase I - Initial start-up at the Appeals Resource Center (ARC) in Washington, DC.
 - Phase II - Roll out to additional ROs.
 - Phase III - Close out.
- VA will utilize data gathered during RAMP to make improvements in the process for full implementation of the law.

RAMP Initiative – Benefits

Benefits for Veterans:

- Faster decisions and potential for early resolution of disagreements.
- Improved decision notices.
- Expanded opportunities for Veterans to enter the new, more efficient process.
- Demonstrates VA's commitment to improve services for all Veterans who have appeals, not just those who receive a future decision.
- Accelerates resolution of legacy appeals at the earliest points in the process.
- Same potential effective date for benefits regardless of the Veteran's choice of review option.
- Requires VA to have clear and convincing evidence to change any findings favorable to the Veteran in a VA decision.

RAMP Initiative – Benefits

Benefits for VA and External Stakeholders:

- Eliminates the inherent inefficiencies in the legacy system, thus decreasing the number of work hours spent resolving legacy appeals.
- Shortens the time that VA must operate two appeal systems.
- Allows VBA to fully assess and employees to adapt to the legislative changes.
- Early resolution in VBA reduces legacy appeals to the Board and Federal courts.

RAMP Eligibility

- Participation is voluntary.
- VA will notify the Veterans and/or their POA.
- Veterans must have an active disability compensation appeals in the following stages:
 - NOD
 - Form 9
 - Certified to the Board (not activated), and
 - Remand.

RAMP Opt-in Notice

- Eligible Veterans and or their representatives will receive a RAMP Opt-in Notice from VBA that contains:
 - 2-page letter explaining RAMP
 - RAMP Fact Sheet
 - RAMP Election Document, and
 - ARC Coversheet with routing Barcode.
- Appellants/Authorized Representatives must opt-in in writing using the RAMP Opt-in Election document.
- Response requested within **60 days** of mailing.

Sample RAMP Opt-in Election

SAMPLE

RAMP OPT-IN ELECTION

RETURN THIS PAGE ONLY IF YOU WANT TO PARTICIPATE IN RAMP

Once you have read and understood the attached VA letter, please indicate your election by completing and returning this notice with the coversheet provided to the address noted below.

DEPARTMENT OF VETERANS AFFAIRS
EVIDENCE INTAKE CENTER
PO BOX 4444
JANESVILLE WI 53547-4444

By completing this form, I elect to participate in RAMP. I am withdrawing all eligible pending compensation appeals in their entirety, and any associated hearing requests, to participate in VA's RAMP initiative and have my eligible appeals proceed under the new process described in the Appeals Modernization Act. I understand that I cannot return to the current (legacy) appeals system for the issues withdrawn. I also acknowledge that, in the event I want the Board to review my claim, the Board will not consider my appeal until after the new appeals system goes into effect, which will not be earlier than February 2019.

I elect the following review option (select only one):



Supplemental Claim

I elect to have all eligible issues currently on appeal processed as a supplemental claim. I would like to submit or have already submitted new and relevant evidence in support of my claim for benefits. I understand that I have 30 days from the date of my election to submit additional evidence or notify VA of evidence that VA can assist in gathering.



Higher-Level Review

I elect to have all eligible issues currently on appeal reviewed in the higher-level review process. I understand that this review will be based upon the evidence submitted to VA as of the date of this election and VA will not seek additional evidence on my behalf as part of the higher-level review.

Place a check in the box below if you would like a one-time telephonic informal conference with the Higher-Level Reviewer. If you have an accredited representative (VSO, attorney, or agent) please include his or her contact information below. (This option may cause some delay in the processing of your higher-level review.)

Informal Conference Representative/Org. _____

Phone Number _____

Claimant or Authorized Representative Signature

1/1/2018

Date

ARC Centralized Mail Fax Coversheet

NOTICE

Appeals Resource Center

Please place this cover sheet on top of any information or documents you send in response to this letter. Failure to do so may delay review of the material you submit.

Section completed by VA personnel:

VA File Number (or Social Security Number)

Last Name

First Name

Access to these records is limited to: AUTHORIZED PERSONS ONLY.

Information may not be disclosed from this file unless permitted by all applicable legal authorities, which may include the Privacy Act; 38 U.S.C. §§ 5701, 5705, 7332; the Health Insurance Portability and Accountability Act; and regulations implementing those provisions, at 38 C.F.R. §§ 1.460 – 1.599 and 45 C.F.R. Parts 160 and 164.

Anyone who discloses information in violation of the above provisions may be subject to civil and criminal penalties.

Appeals Resource Center/397



Version 1.2 - September 2017

RAMP Monthly Mailing

Proposed Monthly Mailing Schedule					
Date	Primary Batch Letters	Newly Established NODs (Estimated)	Date	Primary Batch Letters	Newly Established NODs (Estimated)
01-Nov-17	500	N/A	1-Jul-18	30,000	12,000
01-Dec-17	5,000	N/A	1-Aug-18	30,000	12,000
01-Jan-18	10,000	N/A	1-Sep-18	30,000	12,000
01-Feb-18	25,000	12,000	1-Oct-18	30,000	12,000
01-Mar-18	25,000	12,000	1-Nov-18	30,000	12,000
01-Apr-18	30,000	12,000	1-Dec-18	30,000	12,000
01-May-18	30,000	12,000	1-Jan-19	N/A	N/A
01-Jun-18	30,000	12,000	1-Feb-19	Appeals Modernization Enactment Date	
			TOTALS	335,500	132,000

- Notice by letter each month.
- Started with oldest appeals in each stage.
- Will add in newest NODs beginning February 2018.
- Increase the number of letters mailed each month.
- Add follow-up letters 45 days after initial invitations.

RAMP Supplemental Claim Lane

Supplemental claims consist of:

- Review of additional evidence that is ***new and relevant*** to support granting the benefit(s) sought.
- Tracking under **EP 683** with claim label ***RAMP-Supplemental Claim Review (Rating or Non-Rating)***.
- Open evidentiary record with **duty to assist** Veterans in gathering evidence to support the claim.
- Decision authority given to **RVSRs** for rating issues and **VSRs** for non-rating issues.
- Any decision to award benefits under the supplemental claim lane must be based on **new and relevant evidence** or a **clear and unmistakable error** in the prior decision.

RAMP Higher-Level Review Lane

Higher-level reviews (HLRs) consist of:

- **De novo review** of the issue(s) previously on appeal.
(difference of opinion authority)
- Tracking under **EP 682** with claim label **RAMP - Higher Level Review (Rating or Non-Rating)**.
- Decision authority granted to **Decision Review Officers (DROs)**.
- **Evidence review limited** to only evidence that was of record prior to VA's receipt of the Veteran's RAMP election.
(**NO duty to assist**)
- Optional one-time telephonic **informal conference** to identify specific errors in the case.
- Return of the claim for correction when a **duty to assist error or missed development** is found and the reviewer cannot grant the maximum benefit.

