

Chapter 13 Appeals

Overview

Change Date

October 4 , 2021

- This chapter is updated as outlined in the transmittal.
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**In This
Chapter**

This chapter contains the following topics:

Topic	Title	See Page
1	General Procedures	13-2
2	Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims	13-9

1. General Procedures

Change Date October 4, 2021

- Chapter 13, Topic 1 has been revised to include clarifying language describing the impact of Public Law 115-55, the Veterans Appeals Improvement and Modernization Act of 2017 (AMA)
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a.
Terminology

Certain acronyms and abbreviations commonly used within the context of the VA Specially Adapted Housing (SAH) program are used in this chapter. A table of acronyms and abbreviations appears below for easy reference, so that acronyms and abbreviations do not have to be defined each time they appear.

Table of Acronyms and Abbreviations	
Acronyms or Abbreviations	Definition
AR	Authorized Representative – This is the Power of Attorney (POA) for a Veteran/claimant that has been approved to represent the Veteran/claimant regarding VA matters. (VA Form 646, <i>Statement of Accredited Representative in Appealed Case</i> , VA Form 21-22, <i>Appointment of Veterans Service Organization as Claimant’s Representative</i> or VA Form 21-22a, <i>Appointment of an Individual as Claimant’s Representative</i>)
BVA	The Board of Veterans’ Appeals reviews all formal appeals made by Veterans to determine eligibility for a denied VA benefit.
CA	Conditional Approval - Refers to any appeal request related to the denial of benefits related to a conditional approval decision.
COAR	Central Office Appeal Review – This is the review process for a Supplemental Claim filed by the claimant and/or AR.
DC	Death Case - Refers to an appeal related to any denial of benefits related to a death claim.

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1. General Procedures, continued

a.
Terminology,
continued

Table of Acronyms and Abbreviations	
Acronyms or Abbreviations	Definition
GA	Grant Approval - Refers to any appeal request related to a grant approval decision that denies a benefit.
HLR	Higher Level Review – A review performed by an SAH Coordinator , as a result of the claimant or AR’s written request to review the file again. No new information is provided for this review.
POA	A Power of Attorney is an individual or agency that has authority to receive and discuss the Veteran’s personal information regarding their benefits. See Authorized Representative.
SAHSHA	SAH Special Housing Adaptions (SHA) Case management used by Specially Adapted Housing (SAH) to track SAH, SHA, and TRA cases.
SAH SG	SAH Supplemental Grant- Refers to an SAH appeal request that addresses a denial of supplemental grant related benefits.

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1. General Procedures, continued

a.
Terminology,
 continued

Table of Acronyms and Abbreviations	
Acronyms or Abbreviations	Definition
SC	Supplemental Claim – A review of a denied claim, performed by a Valuation Officer (VO) or an Assistant Valuation Officer (AVO) at the appropriate Regional Loan Center (RLC) that contains additional evidence that is new and relevant to support granting the benefit(s) sought or you can identify existing relevant records that you would like VA to obtain.
SHARE	SHARE is the database where all Compensation information regarding a Veteran’s claim was input for VA personnel to obtain relevant Veteran information.
VBMS	The Veterans Benefit Management System houses all documents for Compensation to create a paperless claims processing system that incorporates improved business processes with technology.
VSC	The Veterans Service Center makes determinations of a Veteran’s service-connected disability(ies) to determine eligibility for Compensation benefits, when there are questions regarding exceptions to length of service requirements and character of service upgrades.
VSO	Veteran Service Organization provide a wide range of services for Veterans and their dependents. Some VSOs are "chartered," which means they are recognized or approved by the VA Secretary to advocate for and represent Veterans in VA claims.

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1. General Procedures, continued

b. Systems Access for Appeals Processing

The processing of Higher-Level Reviews (HLR) and Supplemental Claims (SC) requires the use of various systems to perform an accurate determination. The complete list of the access to required systems is below. For an AVO to perform HLR and SC reviews, it is necessary for management to provide access to the listed systems. The three systems utilized by SAH are SHARE, VBMS, and SAHSHA.

SHARE	Provides service information, SCD, funding fee exemption, pension, fiduciary, and COS.	RLC management must request access through the Common Security Employee Manager (CSEM) and/or VA Form 20-8824e.
VBMS and Caseflow	Assist with determination of eligibility and appeals	RLC management must request access through the CSEM and/or VA Form 20-8824e.
SAHSHA	Case management used by SAH to track SAH, SHA, and Temporary Residence Adaptation (TRA) cases.	RLC management must request access through the CSEM and/or VA Form 20-8824e.

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1. General Procedures, continued

c. Appeals Modernization

Modernized appeals, also known as decision reviews, resulted from *Public Law 115-55*, the *Veterans Appeals Improvement and Modernization Act of 2017* (AMA). The President signed the law on August 23, 2017, and it became effective on February 19, 2019. AMA had numerous provisions, and it provided three choices for claimants dissatisfied with VA's decisions, including:

- authorizing two new decision reviews options, or lanes, such as
 - higher-level reviews (HLRs), and
 - supplemental claims
- creating new appeals options, or reviews, within the Board of Veterans' Appeals (Board).

References: For more information on modernized appeals and the AMA, see

- [*Appeals Modernization*](#), and
- [*Public Law 115-55*](#).

Additional changes in the AMA included:

- Expanded, eight-point notice requirements for all VA decisions
- protected effective dates for continuously pursued claims
- bound VA and Board adjudicators to findings favorable to a claimant, and
- gave the Board complete jurisdiction of appeals from the initial notice of disagreement (NOD), thus ending VBA's split jurisdiction of future appeals.

Eight Point Notice Requirements

Any time VA Specially Adapted Housing decides a claim for benefits, VA must provide the applicant an 8-point notice that:

- a. Identifies the issues adjudicated.
- b. Summarizes the evidence considered.
- c. Summarizes the applicable laws and regulations.
- d. Identifies findings favorable to the claimant.
- e. Identifies elements not satisfied leading to a denial of benefits.
- f. Explains how to obtain, or access evidence used in making the decision.
- g. Explains the procedure for obtaining review of the decision.

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1. General Procedures, continued

c. Appeals Modernization, continued

Review Lanes of the AMA

VA will not review the very same issue in both lanes simultaneously. VA will not allow an HLR of a previous HLR or an HLR of a Board decision. Either type of review, HLR or supplemental claim, may follow the other, and a supplemental claim may follow another supplemental claim or a Board decision.

The AMA maintains the ability of claimants to appeal to the Board, but with significant changes. Previously, the Board retained jurisdiction of appeals from the receipt of the *VA Form 9, Appeal to the Board of Veterans' Appeals*. However, for decisions issued on or after the February 19, 2019, the effective date of the AMA, the Board assumes jurisdiction of all appeals from the initial notice of disagreement, which is now the *VA Form 10182, Decision Review Request: Board Appeal (NOD)*.

The AMA created a total of three options, or lanes, for claimants to seek review of their VA benefits decisions: two lanes within VBA (HLR and supplemental claim) and one at the Board (the appeal). The table below shows the differences between the lanes within VBA:

Differences	HLR	Supplemental Claim
Submit New Evidence?	No, Closed Record	Yes, New and Relevant
Time Limit to File After Decision?	One Year	Anytime (but one-year protects the effective date)
Duty to Assist (DTA) Exists?	No	Yes
Decision makers?	Valuation Officers (VOs), Assistant Valuation Officers (AVOs)	SAH agents, VOs, AVOs

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1. General Procedures, continued

c. Appeals Modernization, continued

The table below shows the differences between the reviews at the Board:

Differences	Direct	Evidence Only	Hearing
Submit New Evidence?	No, Closed Record	Yes	Yes
Time Limit to File Evidence?	No Evidence	90 Days After NOD or Move to Docket	90 Days After Hearing
Duty To Assist Exists?	No	No	No
Hearing Available?	No	No	Yes

When documents related to an SC are received, the case will be placed in the Central Office Appeal Review RLC work bucket, to be assigned to either the VO or AVO within 2-business days of the receipt date. The VO or AVO has 7-business days to complete the SC review and provide a decision.

d. Timeliness Requirements

Because the timeliness of the appeals process, it is paramount to provide the Veteran with notification of the appeals decision within the timeliness requirement established for HLRs and SCs.

RLC management must assign HLRs within 2-business days of the receipt date stamped. Any appeal must be reviewed by the AVO within 7-business days of assignment. The timeliness criteria for acceptable performance is meeting the 7-business day requirement at least 98 percent of the time, on a monthly basis. The exception will occur when the claimant requests an informal conference. The AVO must complete the HLR within 5-business days after an informal conference is completed.

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims

- Change Date** October 4, 2021
- Chapter 13, Topic 2 has been removed to simplify the policy manual as references to legacy appeals are not relevant to SAH Appeals.
 - Chapter 13, Topic 3 is reassigned as Topic 2, and has minor revisions to sections 3.c. and 3.d. to clarify the VA forms to be used in certain situations to submit a Higher-Level Review or Supplemental Claim.
-

a. General Information

The CA, GA, SAH SG, or DC must be denied in SAHSHA prior to the direct appeal option availability. The claimant must provide a written NOD directly to BVA. In the event the claimant sends the NOD to the RLC, the AVO will upload the document into SAHSHA and VBMS, then mail the documents to BVA.

The procedures indicated below are for any benefit denial created in SAHSHA, on or after February 19, 2019. The RLC will not have any additional required actions for direct appeals, with the exception of remands by BVA.

An eight-point notification letter must be sent to the Veteran/claimant indicating the action taken, and a copy uploaded into SAHSHA with documents received from the Veteran/claimant. Additionally, the claimant cannot concurrently request an HLR or SC review. The Veteran/claimant must follow the directions of BVA regarding an additional appeal.

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

b. ARs

In all cases, either the VO or AVO must check SAHSHA to verify if the claimant has an AR. If an AR is listed, then that representative must be provided with the proper correspondence.

Steps for Verifying an AR	
Step	Description
1	<p>In SAHSHA or SHARE, on the main page and POA section, determine whether the claimant has an approved representative. The representative can only receive a copy of the SOC if they are already in SAHSHA or SHARE.</p> <p><i>Note:</i> Any organization or individual requesting to represent the Veteran must be approved by VA. If the requestor is in SAHSHA or SHARE as an AR, steps 3 and 4 listed below are not necessary. However, if the representative is not listed in SHARE, then steps b or c must be followed. Upon receipt of the completed VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative or 21-22a, Appointment of an Individual as Claimant's Representative, the document must be submitted to the VSC for review and approval of the representative.</p>
2	<p>If the claimant has a POA listed in SAHSHA or SHARE, then a copy of the notification letter must also be sent to the POA with a completed VA Form 646, Statement of Accredited Representative, in the Appealed Case. The form must be uploaded into SAHSHA. Indicate that the representative must respond within 60-calendar days from the date of the letter and upload these documents into the SAHSHA record. If necessary, the representative form (VA Form 646, VA Form 21-22 or 21-22a) must be uploaded into SAHSHA.</p>

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

b. ARs,
continued

Steps for Verifying an AR, continued	
Step	Description
3	If the claimant has requested an attorney or a Veteran Service Organization to represent them in the appeal, and they are not listed in SAHSHA or SHARE, then VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative , must be sent to the representative to complete and return to VA. Do not send any documents to the potential representative. The representative must be approved before information may be shared with them.
4	If the claimant has requested that an individual represent them in the appeal and they are not listed in SAHSHA or SHARE, then VA Form 21-22a, Appointment of an Individual as Claimant's Representative , must be sent to the representative to complete and return to VA. Do not send any documents to the potential representative. The representative must be approved before information may be shared with them.

c. HLR
Process

Each RLC will be responsible for HLR of all the denials they process. The HLR is a review of the decision based on the same documented evidence presented in the CA, GA, SAH SG, or DC denial. This occurs when the Veteran/claimant provides a written request that they wish to appeal a CA, GA, SAH SG, or DC denial. The claimant must provide VA Form 20-0996 (Request for Higher Level Review) for an HLR. The claimant may request an HLR any number of times during the 1-year period after the date of the denial notification letter. Additionally, the claimant cannot concurrently request an SC or direct appeal with BVA while an HLR is pending review. This review will remain with the same RLC that issued the denial. The review must be assigned to an AVO. When the HLR request is received (postal mail or electronic mail), the HLR will be placed in the RLC management work bucket to be assigned to an AVO for review. Management must assign the case within 2-business days of the receipt date stamped.

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

c. HLR Process,
 continued

Any CA, GA, SAH SG, or DC appeals must be reviewed by the AVO utilizing the following procedure within 7-business days of assignment:

Steps for an HLR		
Step	Description	Purpose
1	<p>Verify that there is not a CA, GA, SAH SG, or DC denial, SC or BVA appeal pending in SAHSHA or VACOLS/Caseflow.</p> <p>a. If there is a SC or appeal in pending status, then upload the document into SAHSHA and send a letter to the Veteran/claimant indicating they currently have an SC/Appeal pending and they cannot have concurrent review/appeal requests. Then stop processing the HLR.</p> <p>b. If there is not a SC/Appeal pending, then go to step 2.</p>	<p>The claimant may request one type of review at one time, and cannot have a concurrent review or BVA Appeal pending on a CA, GA, SAH SG, or DC denial.</p>
2	<p>Verify the Social Security Number, PH or AH and reference number in SAHSHA. The AVO must review every application request because the claimant could have an application with sufficient documentation to move forward with issuing an appeal decision.</p>	<p>The claimant may have previous applications with relevant information under other reference numbers.</p>

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

c. HLR
Process
continued

Steps for an HLR, continued		
Step	Description	Purpose
3	Review all notes and documents within SAHSHA, SHARE, VBMS, and any other VA systems that may have pertinent information. Upload any service documents found that support the decision. Medical documents must not be uploaded; however, make notes in SAHSHA indicating how the information assisted in the decision. If there is a pending claim with the VSC that will affect the CA, GA, SAH SG, or DC denial, then close the HLR and send the applicant a letter with the need for the VSC's decision prior to making the CA, GA, SAH SG, or DC decision. (SAH claim)	There may be sufficient documentation and/or notes in another system that permits the VSC or AVO to make a decision. Otherwise, the VSC must make a decision prior to LGY making a decision.

Continued next page

2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

c. HLR Process, continued

Steps for an HLR, continued		
Step	Description	Purpose
4	<p>Determine whether a VSC referral is necessary.</p> <p>a. If a VSC referral is necessary, notify the claimant of the VSC referral with the standard letter in SAHSHA.</p> <p>b. Update SAHSHA, in the notes, with the reason for the referral.</p> <p>c. The AVO cannot make a final decision until the response is received from the VSC. The system places the case in pending status.</p>	<p>This is to ensure the CA, GA, SAH SG, or DC is not denied without a negative decision reached by the VSC.</p>
5	<p>Make the final determination whether the CA, GA, SAH SG, or DC can be issued, placed in an inactive status while awaiting VSC decision, or the benefit must remain denied. The SAH Coordinator must document the CA, GA, SAH SG, or DC denial with the final determination in the SAHSHA note section.</p>	<p>To ensure due diligence has been performed to establish eligibility or deny eligibility.</p>
6	<p>The SAH Coordinator must input the completion date in Caseflow.</p>	<p>The Appeals Management Office must report timeliness and actions for HLRs.</p>

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

c. HLR Process,
continued

For the approval or denial of CA, GA, SAH SG, or DC, the RLC must send out a letter to the claimant and/or AR. When the CA, GA, SAH SG, or DC can be approved, then SAHSHA will generate the approval letter. For CA, GA, SAH SC, or DC decisions that will remain denied, use the “HLR Denial Letter” and include VA Form 20-0998, *Your Rights to Seek Review of our Decision*

Informal Telephone Conference - In the event the claimant or AR have chosen an informal telephone conference, these steps need to be followed:

Steps for an Informal Telephone Conference	
Step	Description
1	Within 5-business days, contact the claimant and/or AR and set up the informal telephone conference. The claimant and/or AR cannot request an in-person conference. If an in-person conference is requested, inform the claimant and/or AR that the HLR process only permits an informal telephone conference. The claimant and/or AR may request a direct appeal to BVA, which will permit an in-person hearing.
2	<p>The conference must occur within 30-business days of receipt of the HLR request, unless the claimant and/or AR have special circumstances that do not permit meeting the deadline. The informal telephone conference will be limited to 1-hour and only one informal conference per HLR.</p> <p>a. The AVO will schedule the conference call using Outlook calendar with Teams and ensure that VO will be present for the informal telephone conference. Input the scheduled conference call information within the notes section of SAHSHA, send a letter, and email to the claimant or AR to notify them of the telephone conference call.</p> <p>b. Send written notification (electronic or paper mail) to the claimant or AR of the scheduled informal telephone conference, with all the completed necessary information.</p>

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

c. HLR Process, continued

3	<p>In preparation for the conference, the AVO should familiarize him/herself with the CA, GA, SAH SG, or DC denial, and be prepared to discuss the reason for the denial. During the preparation for the conference, if the AVO realizes that the CA, GA, SAH SG, or DC denial benefit can be issued, then issue the CA, GA, SAH SG, or DC letter and contact the claimant and/or AR.</p>
4	<p>The informal telephone conference must be recorded and this must be announced at the beginning of the call. The informal telephone conference will be conducted in an orderly and professional manner. The AVO and RLC management actions must be characterized by fairness, impartiality, and cooperativeness. The AVO and/or RLC management will not engage in any argument with the adverse party, his or her counsel, or any witness. The AVO and/or RLC management may question the claimant and/or AR to gain a clear understanding of the claimant's and/or AR's question(s).</p> <p>a. The AVO will verify the identity of everyone on the call and respond to all questions posed by the claimant and/or AR during the 1-hour call.</p> <p>b. The AVO and/or RLC management will not accept any new evidence from the claimant and/or AR during the conference.</p> <p>c. After the informal telephone conference, the AVO and/or RLC management will indicate next steps, review the file, and provide a written response within 7-business days of the conference.</p>
5	<p>The AVO will upload a copy of the recorded conference in SAHSHA and ensure detailed notes are placed in SAHSHA. The AVO will perform the HLR review.</p>

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2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

d. SC Process SC CA, GA, SAH SG, or DC appeals include submission of documentation that was not previously provided by the claimant. The SC is a written request by the claimant, with additional documentation to support their request. The claimant may provide a written request for a SC any number of times during the period of 1 year from the date of the denial notification letter. Additionally, the claimant cannot concurrently request an HLR or direct an appeal with BVA. The SC will be reviewed by the VO and will require Assistant Director concurrence at the RLC through the COAR process.

After the CA, GA, SAH SG, or DC is denied and VA receives additional information, the case is submitted to RLC management for review of the additional information to determine if eligibility can be granted. When the CA, GA, SAH SG, or DC denial supplemental documents are received, the appeal will be placed in the COAR work bucket, for RLC management to assign within 2-business days of the receipt date. The field Assistant Directors and VO have 7-business days to complete the review and provide a determination.

After the VO completes the review, the case will need to be reviewed by RLC management and forwarded to the field Assistant Directors for response approval.

Steps for an SC	
Step	Description
1	The RLC VO will review the case, with the new information to determine if our original decision is accurate. The RLC has 7-business days to review the case from the receipt date stamped.
2	<p>The VO must ensure that the decision made in the initial denial and/or HLR were properly completed and notes properly placed in the SAHSHA notes section.</p> <p>If the person performing the COAR determines that the RLC failed to properly complete any required steps, the VO will document the file and notify the field Assistant Directors of the error. Additionally, this may negatively impact the RLC's quality performance or timeliness metric, based upon the type of error.</p>

Continued next page

2. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

d. SC Process,
continued

Steps for an SC, continued	
Step	Description
3	The VO or must review the decision based upon the additional information. Thereafter, an “SC Review” letter (not a denial letter) will be sent to the Veteran/claimant with specific language regarding the review of the additional information with the signature of the field Assistant Directors. If the benefit remains denied, use the “SC Denial Letter” and include VA Form 20-0998, <i>Your Rights to Seek Review of our Decision</i> . There will not be a new denial created in the system.
4	The VO must input the completion date in Caseflow and SAHSHA.

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3. Conditional Approval, Grant Approval, Specially Adapted Housing (SAH) Supplemental Grant, and Death Benefit Claims, continued

e. BVA and Remands Process

BVA can make three different determinations after a review or hearing, to include: SAH benefits denied, SAH benefits approved, or remands. At least once a month, RLC management must obtain and review reports regarding the status of all SAH appeals within the RLC's jurisdiction, in Caseflow, and SAHSHA. RLC management is responsible for a timely response to the BVA decisions and/or remands.

Denied: If BVA denies SAH benefits, a copy of the decision must be uploaded into SAHSHA under the appeal reference number where the appeal is located. Review SAHSHA for any other appeal reference numbers. In the event additional appeal reference numbers exist, the VO or AVO must place a comment in the note section of each appeal reference number and upload a copy of BVA's decision in the correspondence section.

Note: BVA provides the claimant and/or the AR their appeal rights for submission to the Court of Veterans Appeals. A copy of BVA's decision is sent to the claimant and/or AR, with a copy of [VA Form 4597](#), Your Rights to Appeal our Decision, [VA Form 4597a](#), Your Rights to Appeal our Decision Concerning the Reasonableness of Your Fee Agreement, or [VA Form 4597b](#), Your Rights to Appeal Decision on Your Motion for Review Clear & Unmistakable. The claimant and/or AR must appeal directly to the Court of Veteran Appeals. The claimant or AR does not file the appeal with the RLC of jurisdiction. In the event the Court of Veterans Appeals requests any additional documentation or information from Loan Guaranty, RLC management must discuss the request with the National Practice Group prior to a response.

Approved: If BVA approves the SAH benefit, a copy of the decision must be uploaded into SAHSHA under the appeal reference number where the appeal is located. The VO must issue the benefit and review SAHSHA for any other appeal reference numbers. In the event additional CA, GA, SAH SG, or DC appeal reference numbers exist, then the VO must place a comment in the note section of each appeal reference number and upload a copy of BVA's decision in the correspondence section.

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3. Conditional Approval, Grant Approval, SAH Supplemental Grant, and Death Benefit Claims, continued

e. BVA and Remands Process, continued

Request for action or documents: If BVA requests the RLC to take action, or provide documents for the appeal, the VO must review the remand request to understand what action or information BVA is requesting and perform accordingly. Generally, the BVA may request additional documentation and/or information from SAH, the VSC, the claimant, or another source to assist them in their review for a final decision. The following table provides the steps for providing information and/or documentation for remands.

Note: At each step below and upon receipt of any documents after the receipt of the remand, the documents and/or notes must be placed in Caseflow, and any necessary diaries established. Caseflow is a living system and must be kept current, for the Veteran/claimant to be aware of the status of their appeal at all times.

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3. Conditional Approval, Grant Approval, SAH Supplemental Grant, and Death Benefit Claims, continued

e. BVA and Remands Process, continued

Steps to Respond to BVA's Request for Action or Documents	
Step	Description
1	Upload a copy of the remand into SAHSHA.
2	<p>Review the remand and request any information and/or documentation requested by BVA. Time is of the essence to provide the information to BVA; however, there may be instances where the documentation is not readily available. After completion of the following steps, be sure to establish a 60-calendar day diary in Caseflow and SAHSHA to ensure a timely response to BVA. If the information and/or documentation is received prior to the diary date, the information must be submitted to BVA as soon as it is received. However, there are rare instances when the diary date may need to be extended. If the information and/or documents are not received within the initial 60-calendar day diary, then follow-up and extend the diary date.</p> <p>a. SAHSHA: If BVA requests the SAH file, the requested file must be ordered by the appropriate section in the RLC that has jurisdiction over the appeal. Upload the file or specific documentation into SAHSHA and VBMS. If the file cannot be located, then you must explain to BVA all steps taken to obtain the file.</p> <p>b. If a previous appeal was issued (or claimant states one was issued), provide documentation and explain why the previous appeal was issued. If the appeal information is not available, document all steps taken to obtain the information and explain why VA no longer has the documentation used to make the previous determination.</p> <p>c. If a previous appeal or other documentation is requested from the claimant, write him/her a letter for the additional information requested by BVA.</p>

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3. Conditional Approval, Grant Approval, SAH Supplemental Grant, and Death Benefit Claims, continued

e. BVA and Remands Process, continued

Steps to Respond to BVA’s Request for Action or Documents, continued	
Step	Description
2	<p>d. If service, medical, or other documents are requested and cannot be found, they must be obtained through the VSC. The VSC will upload the documents into VBMS. You must periodically check VBMS, in the event the system does not send a notification that the documents have been received.</p> <p>e. If BVA requests the VSC to perform a new adjudication based on all documents currently in VA’s possession, then request the VSC to complete the adjudication.</p> <p>f. If BVA provides a request that is not listed in a – e, then review the request and perform the required request.</p>
3	<p>After all remand requirements have been completed, in step 2 above, then determine if the benefit can be issued or if the information must be returned to BVA for their action.</p> <p>If the CA, GA, SAH SG, or DC benefit can be issued, then perform the following steps:</p> <p>a. Issue the CA, GA, SAH SG, or DC in SAHSHA and indicate in the notes what information and/or document that was provided to support issuing the benefit.</p> <p>b. Ensure that all diary dates in VACOLS/Caseflow and SAHSHA have a completed date.</p> <p>c. Update the VACOLS/Caseflow “Dispatch Appeal” field with the date that the benefit was issued.</p>

Continued next page

3. Conditional Approval, Grant Approval, SAH Supplemental Grant, and Death Benefit Claims, continued

e. BVA and Remands Process, continued

Steps to Respond to BVA's Request for Action or Documents, continued	
Step	Description
3	<p>If the information must be returned to BVA, then perform the following steps:</p> <p>a. Ensure that all diary dates in Caseflow and SAHSHA have a completed date.</p> <p>b. Verify that all required documentation requested in the remand has been uploaded into SAHSHA and VBMS.</p> <p>c. Draft the BVA cover letter which addresses all BVA's requests indicated in the remand and then upload it into SAHSHA and VBMS.</p> <p>d. Send a letter to the claimant and/or AR advising them that the file has been returned to Loan Guaranty.</p> <p>e. Update Caseflow in "Dispatch Appeal" field with the remand return date (see the Dispatch in Caseflow" table below, for instructions).</p>

Dispatch in Caseflow	
Step	Description
1	On the main screen, input the claimant's Social Security Number.
2	If there is another appeal is in the system, be sure to choose the appeal from RO88.
3	Choose "Dispatch Appeal."

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3. Conditional Approval, Grant Approval, SAH SG, and Death Benefit Claims, continued

e. BVA and Remands Process, continued

Dispatch in Caseflow	
Step	Description
4	<p>On the next screen:</p> <p>a. Enter the date the CA, GA, SG, or DC benefit was issued in the “disposition date/date sent to BVA”. The date should be entered as “mm/dd/yy.”</p> <p>b. In the “disposition of appeal” section, you will need to complete the following fields:</p> <p style="padding-left: 40px;">i. In the “Advance Allowed in Field” section, choose from the drop down - the grant reason as CUE (Clear Unmistakable Error), De Novo, or New Evidence.</p> <p style="padding-left: 40px;">ii. CUE is chosen when there is a clear and unmistakable error by the RLC.</p> <p style="padding-left: 40px;">iii. De Novo is chosen when the RLC did not make an error; however, the reviewing individual determines that the benefit can be issued.</p> <p style="padding-left: 40px;">iv. New Evidence is chosen when the claimant provides new evidence and/or research indicates information that was not previously available supports issuing the CA, GA, SAH SG, or DC benefit.</p> <p>c. Check the “VO or AVO” box and select “OK.”</p>

After a remand is returned, BVA can make three different decisions: (1) SAH benefit approved, (2) SAH benefit denied, or (3) request for additional information and/or documents. Thereafter, BVA will provide their decision and the table above must be utilized to perform the necessary action.

If a paper file was used for the appeal process, then a copy of the completed file should be uploaded into SAHSHA and physically stored in a secure location and must be retained permanently until added to the Records Control Schedule VB-1, Part 1.