#### Department of Veterans Affairs M21-1, Part I, Chapter 5

**Veterans Benefits Administration June 23, 2015**

**Washington, DC 20420**

#### Transmittal Sheet

|  |  |
| --- | --- |
| Changes Included in This Revision | The table below describes the changes included in this revision of Veterans Benefits Manual M21-1, Part I, “Claimants Rights and Responsibilities,” Chapter 5, “Appeals.”  ***Notes***:   * The term “regional office” (RO) also includes pension management center (PMC), where appropriate. * Unless otherwise noted, the term “claims folder” refers to the official, numbered, Department of Veterans Affairs (VA) repository – whether paper or electronic – for all documentation relating to claims that a Veteran and/or his/her dependent(s) file with VA. * Minor editorial changes have also been made to * update incorrect or obsolete references * update the term “notification letter” to “decision notice” * update obsolete terminology, where appropriate * renumber each topic based on the standard that the first topic in each section is Topic 1 * reassign alphabetical designations to individual blocks, where necessary, to account for new and/or deleted blocks within a topic * update section and topic titles to more accurately reflect their content * clarify block labels and/or block text, and * bring the document into conformance with M21-1 standards. |

|  |  |
| --- | --- |
| Reason(s) for the Change | Citation |
| To delete M21-1, Part I, Chapter 5, Section G, Topic 1, Blocks a-e (I.5.G.1.a-f), which are relocated to the new Topic 2. | M21-1, Part I, Subpart 5, Chapter G, Topic 1, Blocks a-e  I.5.G.1.a-e (old) |
| * To add new Block a with guidance on how to handle vacated decisions. * To add a reference on how to handle new and material evidence. | I.5.G.1.a |
| * To add new Block b with guidance about how to handle Board of Veterans’ Appeals (BVA) decisions on a clear and unmistakable error (CUE). * To add guidance that discusses the *de novo* authority of BVA. | I.5.G.1.b |
| To add new Block c with guidance on BVA’s initial review of evidence. | I.5.G.1.c |
| To revise guidance on how to review the claims folder and/or implement a BVA decision after BVA returns the claims folder to the regional office (RO) or Appeals Management Center (AMC). | I.5.G.1.d |
| * To update guidance on updating the appellant’s current address in all VA systems. * To add references on how to annotate a document and update an address in VA systems. | I.5.G.1.e |
| To add new Block h with guidance on how to address the subsequently raised issue of total disability individual unemployability (TDIU). | I.5.G.1.h |
| To add new Block i with guidance on how to process BVA requests for quality assurance records. | I.5.G.1.i |
| To add new Topic 2 with guidance on processing disagreements with BVA decisions. | I.5.G.2 |
| * To relocate Block from Topic 1. * To remove duplicate information about finality of BVA decisions and refer readers to III.iv.2.B.5.b. | I.5.G.2.a |
| To relocate Block from Topic 1. | I.5.G.2.b |
| To relocate guidance from IV.ii.2.B.5.C that discusses the requirements for a motion of reconsideration of a BVA decision. | I.5.G.2.c |
| To relocate Block from Topic 1. | I.5.G.2.d |
| * To relocate Block from Topic 1. * To add guidance about how to identify documents that disagree with BVA decisions. | I.5.G.2.e |
| * To relocate Block from Topic 1. * To revise guidance about how to handle documents disagreeing with BVA decisions. | I.5.G.2.f |
| * To relocate Block from Topic 1. * To update BVA’s fax number. | I.5.G.2.g |
| To delete old Block a due to relocation of appeals definitions to I.5.A.1. | I.5.G.3.a (old) |
| To add a new Block a discussing AMC’s role with remanded appeals. | I.5.G.3.a |
| To add a new Block b discussing AMC’s jurisdiction for remanded appeals. | I.5.G.3.b |
| * To add a reminder that the Court of Appeals for Veterans Claims (CAVC) may impose sanctions if I is determined that the VA did expeditiously comply with the remanded appeal. * To add a reference for the definition of a remanded appeal and a reference for expediting a remanded appeal. | I.5.G.3.c |
| * To add a note to cancel end product (EP) 170 upon final disposition of the appeal. * To add a reference to EP guidance. | I.5.G.3.e |
| To add a new Block f discussing Manlincon remands. | I.5.G.3.f |
| To add guidance for cases for which following BVA’s detailed instructions when developing evidence for a remanded appeal will not yield the desired results. | I.5.G.4.a |
| To add new Block b with guidance on how BVA determines an adequate examination. | I.5.G.4.b |
| To add guidance on how to request a BVA special examination when the claim is being processed in Veterans Benefits Management System (VBMS). | I.5.G.4.c |
| To add guidance on how to transfer a claims folder to an independent medical expert when the folder exists in an electronic database. | I.5.G.4.d |
| * To add a new Block e discussing when to refer a remanded appeal for rating or authorization activity. * To remove old Block e as outdated. | I.5.G.4.e |
| * To update procedures for reviewing evidence received for a remanded appeal. * To remove old Block f as outdated. | I.5.G.4.f |
| To add a reference to procedures for obtaining a *VA Form 646*, *Statement of Accredited Representative in Appealed Cases.* | I.5.G.4.g |
| To revise guidance about how to recertify a remanded appeal to BVA. | I.5.G.4.h |
| To update the signature block in the sample notification letter to conform to centralized mail standards. | I.5.G.5.a |

|  |  |
| --- | --- |
| Rescissions | None |

|  |  |
| --- | --- |
| Authority | By Direction of the Under Secretary for Benefits |

|  |  |
| --- | --- |
| Signature | Thomas J. Murphy, Director  Compensation Service |

|  |  |
| --- | --- |
| Distribution | LOCAL REPRODUCTION AUTHORIZED |