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

**Veterans Benefits Administration July 18, 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, “Claimant’s 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 survivors file with VA. * Minor editorial changes have been made to * update incorrect or obsolete hyperlink references * update obsolete terminology, where appropriate * remove references to specific claims-processing systems, where doing so does not affect the clarity of the instructions or information provided * renumber each topic based on the standard that the first topic in each section is Topic 1 * reassign numerical designations to individual topics, where necessary, to account for new, relocated, and/or deleted topics * 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 documents into conformance with M21-1 standards. |

|  |  |
| --- | --- |
| Reason(s) for the Change | Citation |
| * To clarify that appeals are added to the Board of Veterans’ Appeals (BVA) docket after the receipt of any form of a substantive appeal. * To add a cross reference to the discussion of what constitutes a substantive appeal. | M21-1, Part I, Chapter 5, Section F, Topic 1, Block a (I.5.F.1.a) |
| * To add language clarifying that *VA Form 646, Statement of Accredited Representative in Appealed Cases*, is sent to all accredited representatives. * To delete language regarding when *VA Form 646* is submitted. | I.5.F.2.a |
| * To add language clarifying when VA must provide *VA Form 646* to an appellant’s accredited representative. * To add language clarifying the time limit for completing and submitting *VA Form 646*. * To delete language regarding when *VA Form 646* can be executed prior to the certification of an appeal. | I.5.F.2.b |
| * To add language clarifying when VA must provide *VA Form 646* for remanded appeals. * To add language clarifying the time limit to complete and submit *VA Form 646* for remanded appeals. * To delete language regarding the requirement for *VA Form 646* when an appeal is forwarded to BVA without further consideration by the agency of original jurisdiction (AOJ). | I.5.F.2.c |
| * To add language clarifying the actions to take when requesting *VA Form 646*. * To add language clarifying the time limit to submit *VA Form 646*. * To add a table describing the actions to take when *VA Form 646* is not submitted within the 10 day time limit. * To add references regarding certification and transfer of an appeal to BVA. | I.5.F.2.d |
| * To add language to the table to clarify action to take when the appellant’s representative identifies additional relevant evidence. * To add references on when to issue a supplemental statement of the case ( SSOC). | I.5.F.2.e |
| To delete outdated information in old Block f about completing *VA Form 646*. | I.5.F.2.f (old) |
| To add new Block b discussing BVA’s authority to perform the initial review of evidence. | I.5.F.3.b |
| * To add language clarifying when to certify an appeal. * To add language clarifying BVA’s responsibility to perform the initial review of evidence received after a substantive appeal is received. * To add language clarifying the procedures for including VA medical records from the Compensation and Pension Record Interchange (CAPRI). * To add references for automatice waiver of AOJ review of evidence and requirements for requesting records. | I.5.F.3.c |
| To add language clarifying when not to certify an appeal. | I.5.F.3.d |
| To delete language regarding physically sending a file to BVA when there is an electronically certified appeal. | I.5.F.3.e |
| * To add language regarding reviewing a file for inextricably intertwined issues. * To add language regarding completion of the Appeal Certification to BVA worksheet. * To add a reference for certification of appeals. | I.5.F.3.g |
| To add new Block h with updated procedures for certifying an appeal to BVA. | I.5.F.3.h |
| To delete (old) Block g, on completing *VA Form 8, Certification of Appeal,* which is now incorporated into the procedures in I.5.F.3.h. | I.5.F.3.g (old) |
| * Tocreate new Block a for the relocation and clarification of guidance from old Block b about when to transfer an appeal to BVA. * To add an exception for appeals pending BVA hearings to the policy of transferring appeals immediately after certification. | I.5.F.4.a |
| * To remove the table that provided proceudres for considering evidence received after certification, but before transfer of the appeal to BVA. * To add a cross reference to the new procedures for considering evidnce in I.5.E.2. | I.5.F.4.b |
| To add new Block c with guidance for paper appellate records not being sent for scanning. | I.5.F.4.c |
| To delete old Block d which contained outdated information on the transfer of claims folders to another RO. | I.5.F.4.d (old) |
| To add new Block d with guidance for paper folders being sent for scanning en route to BVA. | I.5.F.4.d |
| To update procedures for transferring the appellate record to BVA. | I.5.F.4.e |
| To replace procedures for receiving evidence after transfer of the appeal with mail processing procedures. | I.5.F.5.a |
| * To add language clarifying actions to take when a regional office (RO) receives an unrelated claim after certification. * To add a reference for inextricably intertwined claims. | I.5.F.5.b |
| To add language clarifying that instructions apply to the return of paper claims folders. | I.5.F.5.c |
| To add references regarding updating addresses. | I.5.F.5.d |
| To add a reference for handling requests for changes in representation after certification and transfer. | I.5.F.5.e |
| To add language clarifying actions to take upon receipt of a change in representation after certification and transfer. | I.5.F.5.f |
| To add language clarifying whether good cause exists to warrant advancing a case on BVA’s docket. | I.5.F.6.a |
| To delete old Block b, which outlined RO actions for processing requests to advance an appeal on the docket as BVA has sole authority to decide these requests. | I.5.F.6.b (old) |
| To add language clarifying the procedure for handling an advanced motion from the appellant or his/her representative. | I.5.F.6.b |
| To relocate old Topic 32 with BVA points of contact to new Topic 7, and delete old Blocks a-d. | I.5.F.7  (old I.5.F.32) |
| To add a new Block a including the phone number for the BVA Status Call line. | I.5.F.7.a |
| To add a new Block b listing updated BVA points of contact. | I.5.F.7.b |
| To add a new Topic 8 as an exhibit for the Appeals In-Process Checklist. | I.5.F.8 |
| To update Appeal Certification to BVA worksheet exhibit to reflect the most current version of the worksheet. | I.5.F.9 |
| To add a new Topic 10 as an exhibit for the Checklist for Transfer of Certified Appeals to BVA. | I.5.F.10 |

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

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

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

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