

# **DEPARTMENT OF VETERANS AFFAIRS**



## **Congressionally Mandated Report Periodic Progress Report on Appeals P.L. 115-55 § 3**

**February 2025**

## **Table of Contents**

I. Requirement for Periodic Progress Reports .....	1
II. Government Accountability Office Recommendations on Appeals.....	1
III. VA Office of Inspector General Review on VHA Appeals Benefit Decisions .....	4
IV. Comprehensive Implementation Plan Updates Since the February 2024 Report.....	5
Section 3(a)(1) – Processing of Legacy Appeals.....	5
Section 3(a)(2) – Implementing the New Appeals System.....	11
Section 3(a)(3) – Timely Processing Under the New Appeals System.....	14
Section 3(a)(4) – Monitoring Metrics and Goals of the New Appeals System. ....	19
V. Plan element updates since the August 2024 report .....	23
Sections 3(b)(1) & (2) – Resources and Personnel Requirements. ....	23
Section 3(b)(3) – Legal authorities for Hiring and Removing Employees. ....	24
Section 3(b)(4) – Estimated Time for Hiring Employees.....	24
Section 3(b)(5) – Higher-Level Adjudicator Training and Experience Requirements. ....	25
Section 3(b)(6) – Estimated Percentage of Higher-Level Adjudicators Who Were Decision Review Officers. ....	25
Section 3(b)(7) – Decision Review Officer Functions in the New System.....	25
Section 3(b)(8) – Training Identification and Timeline. ....	25
Section 3(b)(9) – Costs of Training. ....	26
Section 3(b)(10) – Modification to Information Technology Systems. ....	26
Section 3(b)(11) – Estimate of Office Space by Phase. ....	28
Section 3(b)(12) – Projections for the Productivity of Individual Employees. ....	29
Section 3(b)(13) – Outreach Plan. ....	30
Section 3(b)(14) – Timeline for Policy Updates. ....	31
Section 3(b)(15) – Timeline for Promulgating Regulations. ....	31
Section 3(b)(16) – Outline of “Opt-in” Circumstances. ....	32
Section 3(b)(17) – Key Goals and Milestones for Reducing Legacy System Appeals. ....	32
Section 3(b)(18) – Risk Factors.....	35
Section 4 – RAMP Pilot Program. ....	41
Appendix A – Update on Board of Veterans’ Appeals Outreach Activities .....	42

## **Executive Summary**

This is the twelfth post-implementation report that satisfies section 3(d) of P.L. 115-55, the Veterans Appeals Improvement and Modernization Act of 2017 (Appeals Modernization Act (AMA)).

The VA core values of Integrity, Commitment, Advocacy, Respect, and Excellence are integral to fulfilling the statutory mission of the Department to fully consider and resolve matters raised by Veterans, family members, caregivers, and survivors.

This report focuses on updates to elements of the Comprehensive Implementation Plan since the August 2024 update report.

### **I. Requirement for Periodic Progress Reports**

Section 3(d) of P.L. 115-55 directs VA to submit a report every 180 days for the seven-year period following implementation of the AMA on February 19, 2019. This report must be sent to the appropriate committees of Congress and the Comptroller General and include a discussion of the progress of the Secretary in carrying out the comprehensive plan for processing of Legacy appeals and implementing the AMA appeals system and what steps, if any, VA has taken to address recommendations formulated by the Comptroller General pursuant to subsection (c)(2)(C).

### **II. Government Accountability Office Recommendations on Appeals**

This report provides an update on the findings contained in the Government Accountability Office (GAO) reports noted herein. Both reports align under the GAO high-risk list series, VA's Managing Disability Claims Workload. For more information on the GAO findings, including the status of the recommendations they contain, please see the following hyperlinked websites.

#### **A. Summary of Government Accountability Office Reports**

**Report 1:** VA Disability Benefits: Additional Planning Would Enhance Efforts to Improve the Timeliness of Appeals Decisions, [GAO-17-234 \(https://www.gao.gov/products/gao-17-234\)](https://www.gao.gov/products/gao-17-234), published on March 23, 2017.

The GAO Findings: "VA is taking steps to improve the timeliness of its benefit compensation appeals process, in which Veterans, who are dissatisfied with claims decisions by the Veterans Benefits Administration (VBA), can appeal first to VBA and then to the Board of Veterans' Appeals (Board). VA has taken actions related to increasing staff, reforming the process, and updating information technology (IT), which are consistent with relevant sound planning practices." GAO made five recommendations and all recommendations were subsequently closed. The five recommendations were:

- Apply sensitivity analyses when projecting staff needs (closed).
- Develop a timelier and more detailed workforce plan (closed).
- Develop a robust plan for monitoring process reform (closed).
- Develop a strategy for assessing process reform (closed).
- Create a schedule for information technology IT improvements that considers plans for potential process reform (closed).

**Report 2: VA Disability Benefits: Improved Planning Practices Would Better Ensure Successful Appeals Reform**, [GAO-18-352 \(https://www.gao.gov/products/gao-18-352\)](https://www.gao.gov/products/gao-18-352), published on March 22, 2018.

The GAO findings: “VA’s plan for implementing a new disability appeals process while attending to appeals in the current process addresses most, but not all, elements required by the AMA. VA’s appeals plan reflects certain sound planning practices, but it could benefit from including important details in several key planning areas.”

GAO made four recommendations, and all recommendations were subsequently closed:

- Fully address all legally required elements in the VA appeals plan (closed).
- Articulate how VA will monitor and assess the new appeals process compared to the Legacy process (closed).
- Augment the master schedule for implementation of the VA appeals plan (closed).
- Fully address risk associated with appeals reform (closed).

## **B. Department of Veterans Affairs Progress to Address Government Accountability Office Reports**

In April 2024 GAO closed the final open priority recommendations from the 2017 and 2018 reports previously summarized herein based on significant progress the Board and VBA have made during the past several years. Specifically, GAO closed the last two open recommendations from [GAO-18-352](https://www.gao.gov/products/gao-18-352) (Recommendations 2 and 4 – both priority recommendations) and Recommendation 5 from [GAO-17-234](https://www.gao.gov/products/gao-17-234) (related to priority recommendation 2 from the 2018 report).

In deciding to close these remaining open recommendations, GAO specifically noted the Board compared remand rates, decision timeliness, and Veteran satisfaction under the Legacy and new appeals processes and then transparently “communicated these analyses through various vehicles, such as through periodic progress reports on appeals reform, its web site, and annual reports.” GAO also noted the VA progress to simultaneously manage two appeals systems, monitor and model workload trends, and project resource needs for processing these workloads. In addition, GAO noted VBA and the Board have risk registers to identify risks, and estimate their significance, likelihood of occurrence, and what actions VA will take to manage the risks. While it was an important milestone for VA to resolve these remaining High Risk List open

recommendations from GAO, VA recognizes the importance of continuing to evaluate and improve the full transition from the legacy appeals system to the AMA appeals system. In short, VA's commitment to Veterans, their families, and caregivers continues and the following activities and actions since the last periodic report help illustrate the ongoing efforts of VA:

#### Actions Demonstrating Commitment to Improved Appeals Modernization Act Implementation and Execution

- More transparent reporting of AMA and Legacy appeals trends in Board quarterly reports for the fiscal year (FY) 2024, Congressional mandated biannual reports, annual reports, and the recent FY 2025 Congressional Budget Justification.
- Continued collaboration on monitoring and reporting the VBA supplemental claims and higher-level review (HLR) rates and Board appeal receipts to determine whether a steady and consistent trend of Veterans choosing to “appeal first to VBA” continues to empower Veterans as AMA was designed to offer those choices previously not available in the Legacy appeals system. For example, the appeal rate to the Board was 17% in FY 2021, dropped to 14% for FY 2023, and continued to drop to 10% in FY 2024.
- More robust tracking and reporting show a consistent trend for the past 5 years that AMA remand rates are roughly 20% lower than remand rates under the Legacy appeals system, and AMA grant rates are consistently 8-10% higher than grant rates under the Legacy appeals system. This trend continues in FY 2025.
- Significant capacity-building of judges and decision-drafting attorneys occurred during FY 2023 and FY 2024 to address pending inventories and workload surges. During FY 2023, the inventory of appeals pending at the Board dropped for the first time since AMA was implemented and the current inventory continues to go down each month since the last periodic report. VBA's Office of Administrative Review (OAR) increased on-board staffing levels at the Decision Review Operations Centers (DROCS) in FY23 and FY24 with the passage of the PACT Act. As of December 31, 2024, OAR is above 90 percent of their authorized 1,763 full time employees (FTE).
- A focus on AMA quality assurance (QA) trends at the Board shows AMA decision quality continues to be as good or better than Legacy system decision quality. AMA QA rates at the Board during FY 2023 averaged 93.5%, which is higher than the expected goal and that trend is continued in FY 2024 with a QA rate of 95.4%. The HLR QA rate at VBA averaged over 96% for FY 2024.
- Education campaigns and workload shifts reduced Legacy system hearings to functional zero and caused AMA hearing requests to drop from 49% in FY 2019 down to a 35% request rate during FY 2023. That trend has continued. While 46% of all pending AMA appeals are currently on the Hearing docket with pending hearing requests, consistent multi-year trends have shown nearly 35% of those hearing requests are later withdrawn or cancelled and those Hearing docket cases are then decided without a hearing held before a Board judge.
- A 97.6% reduction in pending original Legacy appeals at the Board, from 40,994 on October 1, 2022, to 972 pending as of December 31, 2024.

## Future Actions Planned

- Use Board capacity-building during FY 2022 through FY 2024 to continue adjudicating even higher percentages of AMA appeals and substantially increase timeliness of decisions, especially on the AMA Direct Review docket. While only 32% of the Board's 103,245 decisions in FY 2023 were AMA appeals, the Board then doubled that number of AMA decisions during FY 2024, issuing 71,262 AMA decisions out of 116,192 total decisions. The Board is on pace to set a much higher record of AMA appeals in FY 2025.
- Full resolution of Legacy system appeals remains a risk that VA continues to monitor closely. Although VA reduced from over 472,000 in November 2017 down to under 55,500 in FY 2023, the VA-wide pending Legacy system inventory is still nearly 36,000 cases pending as of December 31, 2024. This number is predominantly due to persistent remand challenges and, accordingly, the time for full resolution of those appeals continues to climb to the same levels that Congress recognized as detrimental to the system and sought to avoid when passing the AMA legislation seven years ago.
- Better understand root causes for Board remands and enhance an enterprise-wide recognition that remands do not provide Veterans with final answers on their appeals and can cause unnecessary delays. For current inventory Legacy appeals returned to the Board after remand, 52% have been remanded at least twice; 27% have been remanded three times or more; 14% have been remanded at least four times; and 7% have been remanded five times or more.
- Continue to monitor the VA pending claims and appeals inventory for any emerging or changing trends.
- Continue to monitor Veteran choice under AMA enterprise-wide (especially at the Board and VBA) to identify trends to influence VA future training, potential system improvements, and related resource requests. The rate of Veterans choosing supplemental claims and HLRs continue to steadily climb, while AMA appeal receipts at the Board are relatively flat, with only a slight increase each year.
- Board attorney retention rates have vastly improved in recent years, and the Board is closely monitoring whether rapid attorney hiring and changes to onboarding and training during FY 2023 and FY 2024 will impact retention rates. At the moment, no impacts are noted as the Board's attrition rate in FY 2024 was a 6-year low at 7.7% and is only 3.9% in the first quarter of FY 2025.

### **III. VA Office of Inspector General Review on Veterans Health Administration Appeals Benefit Decisions**

Prior to this report, the VA Office of the Inspector General (OIG) conducted a review assessing the effectiveness of Veterans Health Administration (VHA) in processing and tracking claimants' health care benefit decision reviews according to the AMA requirements and two interim policy notices. The OIG report, [VHA Faces Challenges Implementing the Appeals Modernization Act](#)

(<https://www.vaogig.gov/sites/default/files/reports/2023-09/VAOIG-22-02064-155.pdf>), focused on HLRs and supplemental claims specifically. Based on this assessment, OIG made two findings and 14 recommendations to the Under Secretary for Health (USH). VHA has made progress on several recommendations but has not yet requested closure of any of the 14. With support from the Board, Office of Information and Technology (OIT), and other stakeholders, the VHA Claims and Appeals Modernization Office (CAMO) convened an Integrated Project Team (IPT) in December 2023 to establish a foundation for further progress toward closing the open recommendations. The IPT is slated to deliver its report and recommendations to VHA leadership by Q2 FY25.

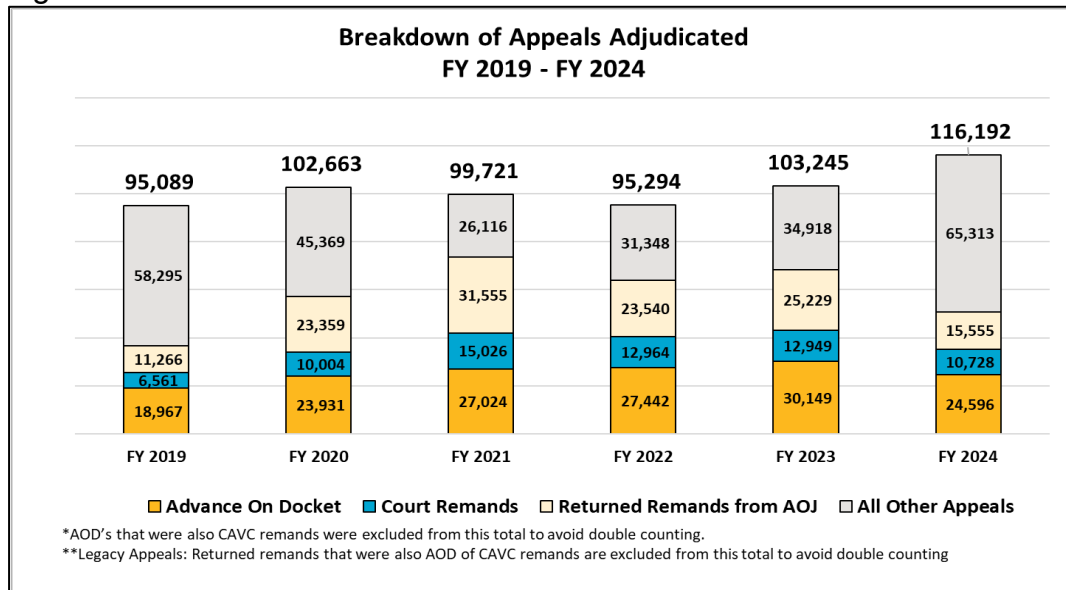
#### **IV. Comprehensive Implementation Plan Updates Since the August 2024 Report**

**Section 3(a)(1) of the AMA directs the Secretary to submit a comprehensive plan to the appropriate committees of Congress and the Comptroller General of the United States for the processing of appeals of decisions on Legacy claims that the Secretary considers pending.**

VA continued to make progress during the previous 180 days to resolve the remaining Legacy system appeals. Current data indicates there are 35,494 pending Legacy system appeals Department-wide, of which 972 are pending an initial decision by the Board, and an additional 19,467 pending have been remanded by the Board to the Agency of Original Jurisdiction (AOJ) for additional development. Both categories of pending Legacy system appeals remain higher than previously projected. Constraints placed on docket order, including advance on docket (AOD) cases (age, financial hardship, serious health conditions), remands from the United States Court of Appeals for Veterans Claims (Court), and post-remanded appeals with earlier Form 9 dates have caused the adjudication of the remaining original Legacy system appeals to take longer than anticipated. As a result, 30,659 (68%) of Legacy system appeals adjudicated in FY 2024 were either AOD, Court remand, or post-remand appeals recertified to the Board from the AOJ. The remaining 14,271 (32%) were original, non-AOD appeals.

As shown in Figure 1, on page 6, AOD, Court remand, and post-remand cases continue to dominate the workload of the Board.

Figure 1. Remands and AOD cases Dominate the Workload of the Board.



The Board continues to prioritize resources to address pending Legacy system appeal inventories. A record 116,192 decisions were issued in FY 2024, of which 44,930 (39%) were Legacy system appeals. The Board added approximately 155 decision writing attorneys in FY 2024, nearly matching the 195 attorneys that were hired in FY 2023. The production goal of the Board for FY 2025 is 118,000 decisions (Legacy and AMA).

As shown in Table 1 below, pending Legacy system appeals have been reduced Department-wide by approximately 58% from 83,734 at the end of Quarter 1 in FY 2023 to 35,494 at the end of Quarter 1, FY 2025. This downward trend will continue until all Legacy appeals are resolved.

Table 1. Pending Legacy System Appeals by VA Office (Q1 FY 2023–Q1 FY 2025).

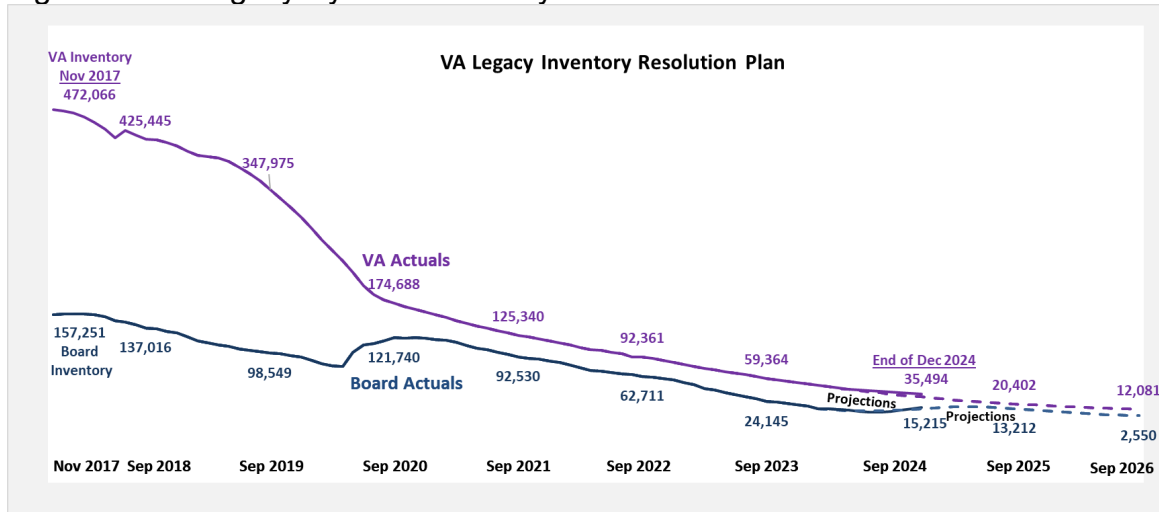
	FY 2023				FY 2024				FY 2025
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
<b>VBA</b>	24,769	28,226	30,844	33,259	32,688	32,410	30,945	28,483	19,400
<b>VHA</b>	2,319	2,051	2,187	1,949	1,833	1,394	1,426	1,223	1,087
<b>NCA</b>	0	0	0	2	2	2	3	2	2
<b>Board</b>	56,646	43,940	33,995	23,967	18,729	12,732	9,187	8,797	15,005
<b>Total:</b>	<b>83,734</b>	<b>74,217</b>	<b>67,026</b>	<b>59,177</b>	<b>53,252</b>	<b>46,538</b>	<b>41,561</b>	<b>38,505</b>	<b>35,494</b>

Note: There were 347,975 Legacy system appeals pending Department-wide at the start of FY 2020, dropping down to 125,340 pending at the end of FY 2021. Quarterly VBA and VHA totals reflect removal of the pending AOJ statement of the case (SOC) inventory to provide uniform data reporting. (Data Source: Historically reported data and VBA Pending Month Summary Report (December 2024)).

Figure 2, on page 7, shows the projected inventory of pending Legacy system appeals Department-wide through the end of FY 2026. A revised resolution plan was completed at the end of March 2024. The revised plan accounts for actuals through the end of March 2024, and future inventory levels through the end of FY 2026. The Board finished

CY 2024 with 200,156 appeals pending adjudication, 14,432 (6.7%) less than the total pending at the conclusion of CY 2023. Of those currently pending, 15,215 are Legacy system appeals, which is 2,120 appeals above the projected inventory level of 13,095. The Board has issued 28,049 decisions (24,498 AMA and 3,551 Legacy) and held 5,634 hearings (5,506 AMA and 128 Legacy) in Q1 of FY 2025.

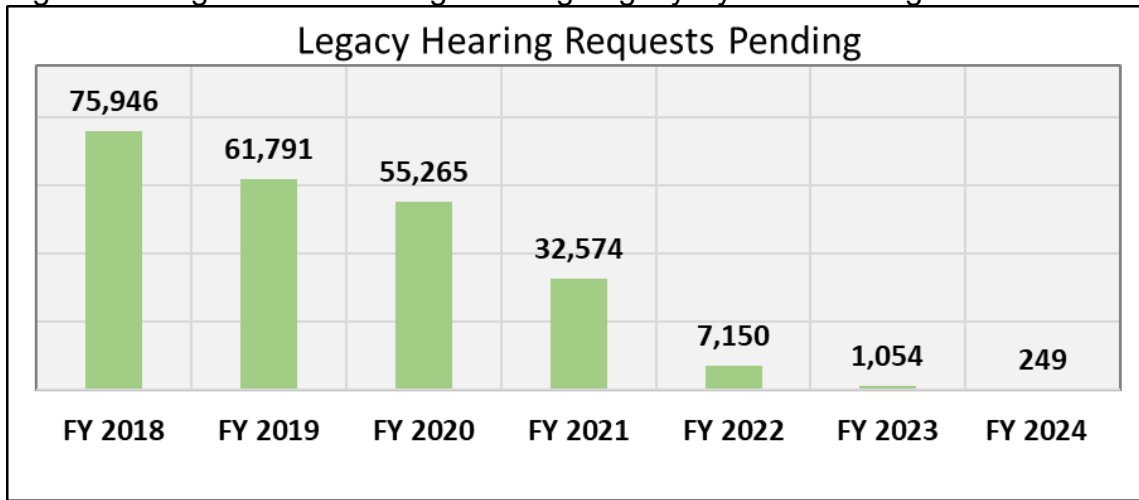
Figure 2. VA Legacy System Inventory Resolution Plan.



Legacy system appeals have been significantly reduced from a Department-wide high of 472,066 in November 2017 to 35,494 pending at the end of December 2024. However, the VA pending Legacy system appeals inventory remains higher than was originally projected. The initial drawdown plan, developed prior to the Coronavirus Disease 2019 (COVID-19) pandemic, was shared on October 29, 2019, and has been updated several times with the most recent version having been issued during Q2 of FY 2024. Each iteration incorporates historical actuals, updated assumptions to include the changing environment, workload projections, Board resources, hiring plans, and various other factors that influence outcomes. 39% of the Board’s workload was adjudication of Legacy system appeals in FY 2024 compared to 73% in FY 2023. As projected, Legacy inventory levels have continued declining which has provided additional capacity to decide a higher number of AMA decisions in FY 2024. 71,262 AMA decisions were issued in FY 2024, more than doubling (118%) the total number decided in FY 2023 (32,661).

Ongoing communication with Veterans regarding their hearing options has allowed the Board to continue to make progress in reducing the number of pending Legacy system appeals with a Veteran-requested hearing. As shown in Figure 3, on page 8, the Board ended FY 2024 with 249 pending Legacy system appeals with a hearing request, a decrease of 76% from the 1,054 pending at the conclusion of FY 2023.

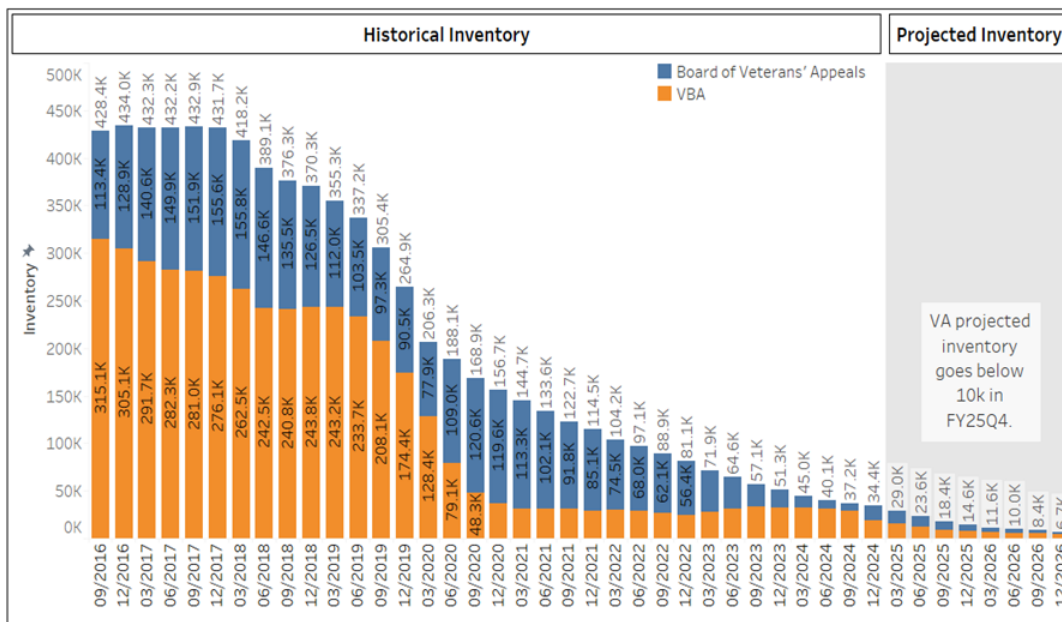
Figure 3. Progress in Reducing Pending Legacy System Hearings.



The Board continues to receive a small number of new Legacy system hearing requests from returned remands from VBA and from Court remands. As a result, the Board projects a residual number of Legacy system hearing requests will remain pending for the foreseeable future.

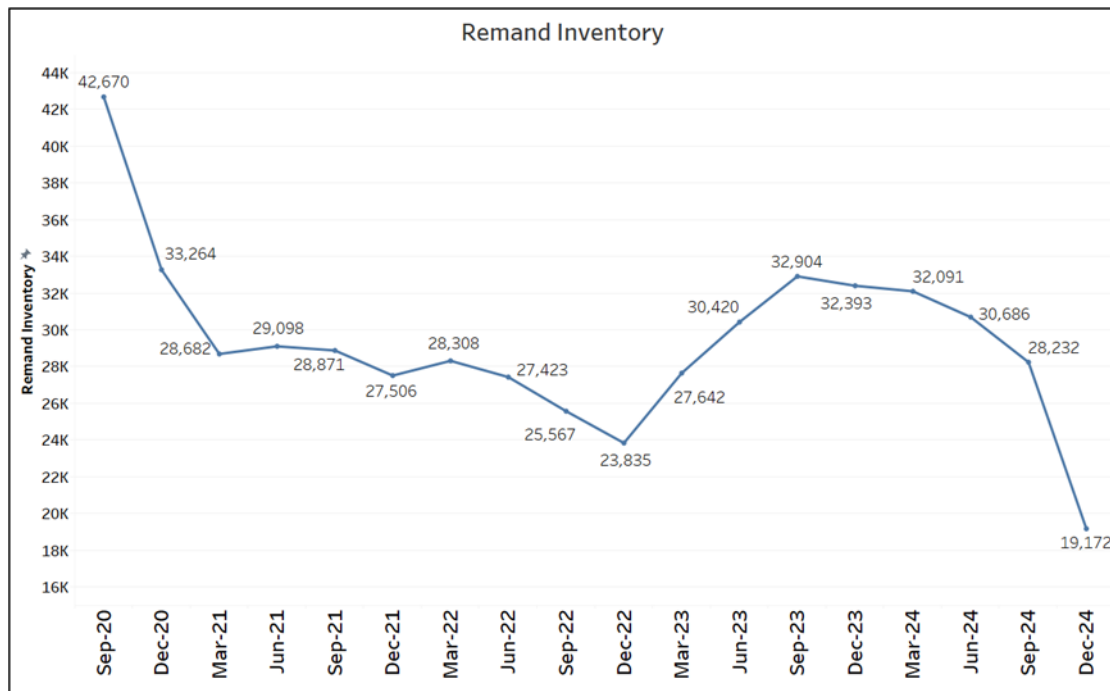
VBA continues to use several strategies to resolve the remaining inventory of Legacy system compensation and pension appeals. These strategies include workload redistribution, increased oversight and accountability, leveraging technology for increased efficiencies, and the opportunity for claimants to opt-in from the Legacy system to the AMA. Between October 2016 and the end of December 2024, the total VBA Legacy system appeals inventory decreased by approximately 93.8% as depicted in Figure 4 below.

Figure 4. VA Legacy System Appeals Pending, October 2016– December 2026.



As shown in Figure 5 below, VBA has reduced Legacy remand inventory by 55.1% from the start of FY 2021 through December 31, 2024. The progressive reduction in remand inventory since September 2023 has correlations with increased VBA decisionmakers assigned to the legacy workload that were onboarded because of FTE budget funding under the Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2022.

Figure 5. VBA Remand Inventory, September 2020 through December 2024



VBA continues to assess staffing allocations depending on workload needs for the FY25 and FY26 planning. VBA balances resources to manage and administer decisions in both processes—(1) AMA duty-to-assist error corrections or difference of opinion dispositions identified under HLR and the Board lanes and supplemental claims and (2) Legacy system appeals. VBA also uses resources to effectuate full grants, as well as remand actions received from the Board in both the AMA and Legacy systems.

VBA eliminated the majority of its Legacy system appeals inventory in the Notice of Disagreement (NOD) and substantive appeal (Form 9) stages. Due to appeals processing interruptions caused by the COVID-19 pandemic (*for example, the inability to conduct in-person compensation examinations and request Federal records from external organizations*), VBA retained a small inventory in the NOD and Form 9 stages, which VBA continues to complete. As of December 31, 2024, only 79 Compensation and Pension NODs and 50 Form 9s remain.

VBA projects achieving a working Legacy system remand inventory in FY2025. VBA defines this as an inventory of Legacy system remands currently “in process.” Annual

VBA Legacy system remand output should closely equal the number of remands received annually from the Board.

The other benefit offices of VBA provide the following status reports on Legacy system appeals processing as of December 31, 2024:

- The Pension Program had 150 Legacy system appeals pending within VBA: 2 in the NOD stage and 148 in the remand stage.
- The Fiduciary Program had three Legacy system appeals pending within VBA: one in the NOD stage and two in the remand stage.
- The Insurance Service had nine Legacy system appeals pending within VBA: one in the NOD stage, one in the Form 9 stage, and seven in the remand stage.
- The Education Service had seven Legacy system appeals pending within VBA: 1 in the Form 9 stage and six in the remand stage.
- The Veteran Readiness and Employment Service (VR&E) had 42 Legacy system appeals pending within VBA, with three in the NOD stage and 39 in the remand stage.
- The Loan Guaranty Service (LGY) had one Legacy system appeals pending within VBA in the remand stage.

VHA continues to collaborate with the Board and other VA Administrations to address the Legacy system appeals inventory. VHA business lines realigned resources towards eliminating Legacy system appeals inventory while continuing to process claims in a timely manner. All Legacy system appeals are being tracked through the Veterans Appeals Control and Locator System by stage and business line. VHA has continued to draw down the Legacy system appeals inventory, reducing it to 1,087 cases as of December 31, 2024.

The progress of VHA has been impacted by the ruling in *Beaudette v. McDonough*, 34 Vet. App. 95 (2021), in which the Court held that Program of Comprehensive Assistance for Family Caregivers (PCAFC) decisions rendered by the VHA Caregiver Support Program (CSP) are appealable to the Board. Consequently, VA worked to notify all individuals who received a previous PCAFC decision dating back to May 2011 (over 400,000 individuals) of their right to appeal to the Board. Many of these decisions were issued prior to February 19, 2019, and therefore, would be governed by the Legacy system appeal process if a NOD appealing the decision is received. Prior to the *Beaudette* ruling, individuals who disagreed with a PCAFC decision could only use the VHA Clinical Review Process. Through close collaboration with VHA, VBA, and the Board partners, CSP worked diligently to garner the resources to develop and implement new workflows, processes, and procedures required to support the rights of Veterans and caregivers to pursue an appeal in the Legacy review system. CSP began hiring permanent staff in late January 2023 to address the new PCAFC review and appeal options. CSP continues to hire staff to complete these tasks. Since staff are still onboarding and completing training, CSP is still working to determine baseline timelines for the completion of Legacy NODs. CSP will continue to monitor timeliness as well as

track the number of new Legacy NODs being received and develop strategies as needed to balance workload and resource availability.

On February 27, 2024, the U.S. Court of Appeals for the Federal Circuit issued its decision in *Beaudette v. McDonough*, 93 F.4th 1361. The decision affirmed the 2021 decision of the Court. VHA remains committed to reducing the inventory of Legacy system appeals.

The National Cemetery Administration (NCA) has one Legacy remand pending.

**Section 3(a)(2) of the AMA directs the Secretary to submit a comprehensive plan to the appropriate committees of Congress and the Comptroller General of the United States for implementing the new appeals system.**

Based on a review of available data, the vast majority of Veterans continue to choose VBA lanes for another review after their initial VBA decision. Figure 6 below shows that from implementation of the AMA in FY 2019 through the end of Q3 of FY 2024, the Board has received a total of approximately 343,707 (14%) appeals, compared to a total of approximately 2,110,045 (86%) AMA decision reviews filed by Veterans choosing either the HLR or supplemental claim options at VBA during the same period. Beginning in FY 2022, VBA clarified its AMA receipts calculation to exclude supplemental claims received at VBA more than one year after the original rating decision as these claims do not have the effective date for service connection protected and subsequently processed by VBA as new claims.

Figure 6. AMA Receipts, HLR and Supplemental Claims (VBA) and Appeals (Board).

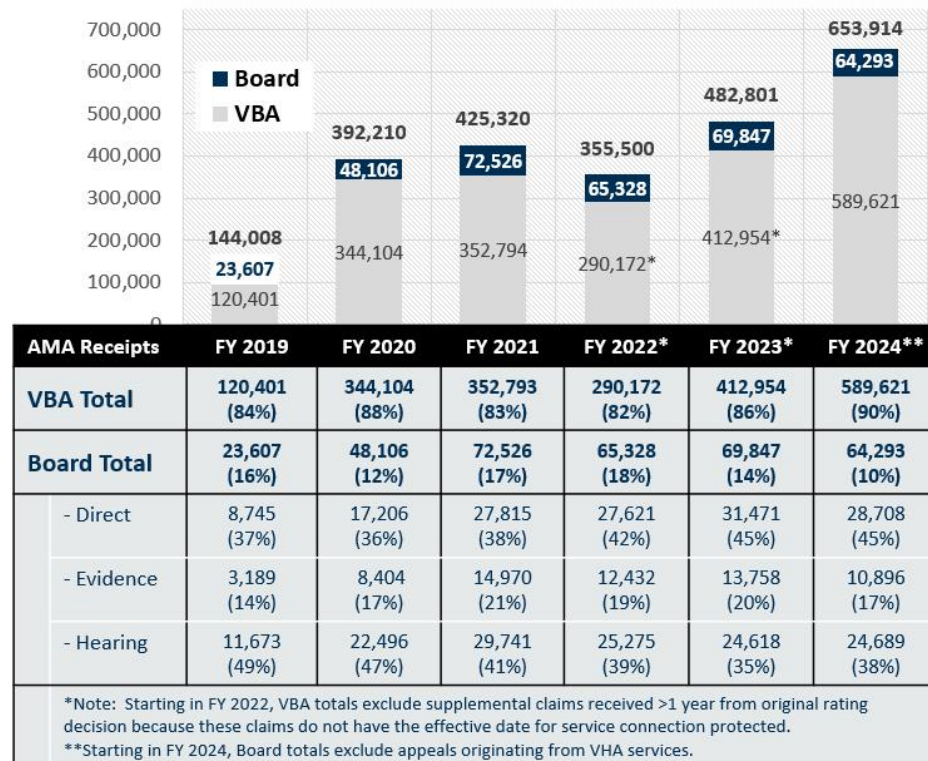
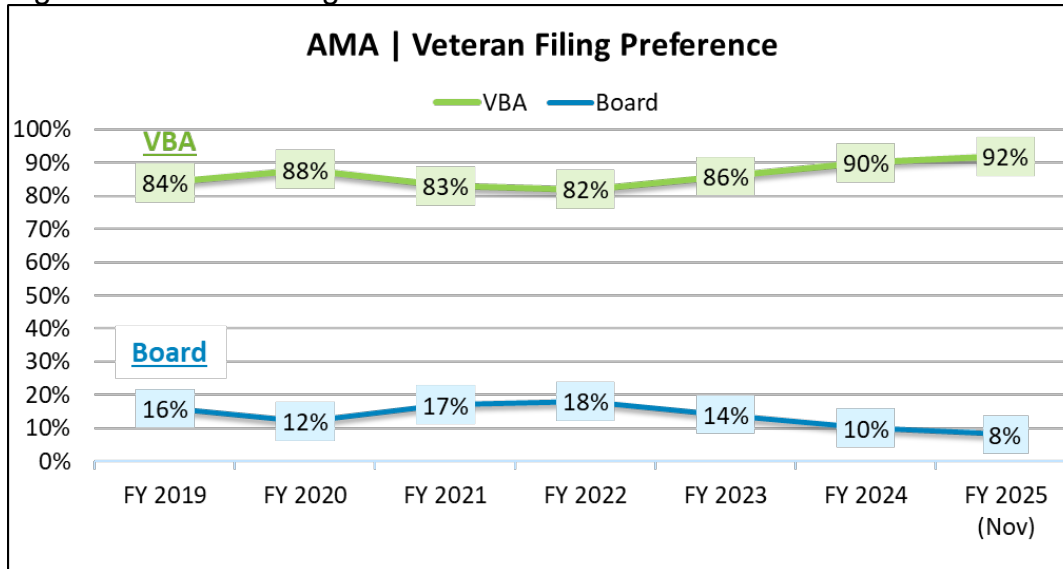


Figure 6 also clearly shows Veterans continue to “appeal first to VBA” when compared to the Board. This appears to reflect the additional review options VBA offers under the AMA are attractive alternatives for Veterans. Figure 7 below shows that while the percentage of VBA AMA decision reviews in HLR and supplemental claims has increased, the percentage of AMA appeals received at the Board has started to decline.

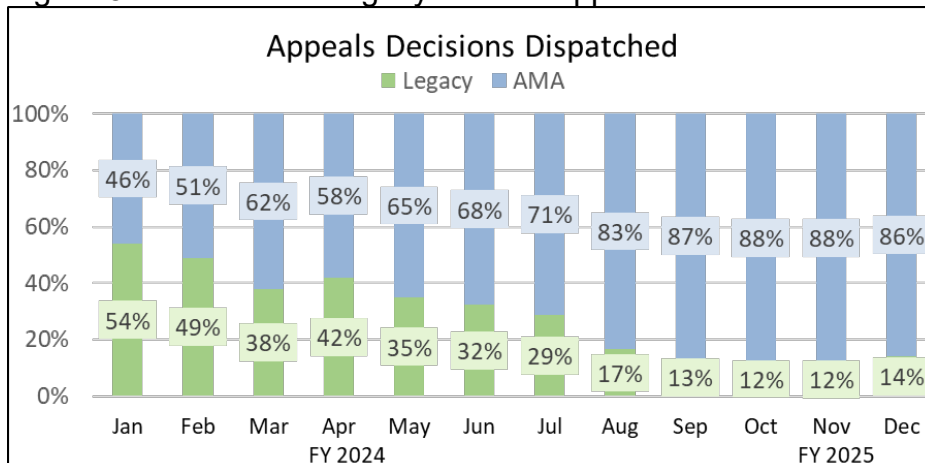
Figure 7. Veteran Filing Preference



(Note: Excludes supplemental filings received by VBA more than 1 year from the most recent rating decision and VHA appeals to the Board beginning in FY 2024).

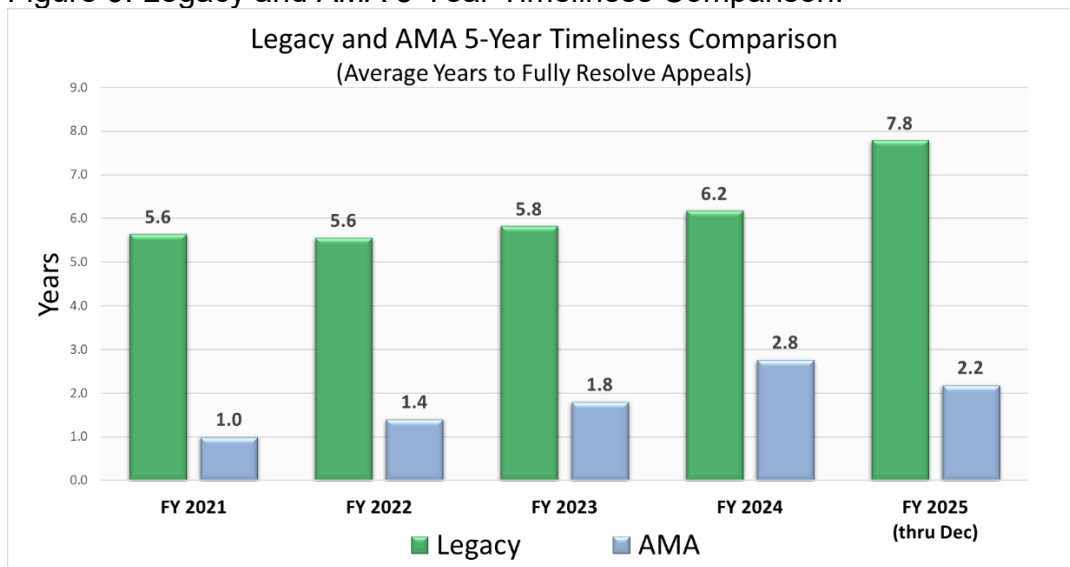
Even with continued Department-wide resolution of pending Legacy system appeals, the Board issued a total of 32,661 AMA decisions in FY 2023. With the declining level of Legacy inventory, capacity to decide more AMA appeals was freed up, and the Board issued more than 71,000 AMA decisions in FY 2024. FY 2024 was the first year in which the number of AMA decisions exceeds the number of Legacy system decisions. The ratio of AMA appeals adjudicated has steadily increased throughout calendar year 2024 and is currently 86% AMA to 14% Legacy System as shown in Figure 8 below.

Figure 8. The Ratio of Legacy to AMA Appeals Decided.



The ability of the Board to adjudicate a higher proportion and number of AMA appeals has resulted in completion of the longest pending AMA appeals. Figure 9 below shows while the average days to complete AMA appeals exceeds the established timeliness goals, resolution of AMA cases is still more than three years faster than Legacy system appeals. Although the average years to complete an appeal under the AMA continued to increase through FY 2024 as the Board resolved the oldest pending AMA cases, it may have crested as preliminary data in Q1 FY 2025 shows the average days to complete (ADC) for all AMA appeals began to decrease.

Figure 9. Legacy and AMA 5-Year Timeliness Comparison.



VBA continues to administer Veterans Signals (VSignals) surveys to measure satisfaction with and understanding of the AMA decision review processes occurring within VBA under the HLR and supplemental claim lanes. VBA deploys the initial survey to the Veteran upon receipt of a decision review request and sends either an HLR survey or a supplemental claim survey at the completion of the selected decision review process.

VHA worked closely with the VA Office of General Counsel (OGC) and the Board to implement the AMA. VHA program offices created process models and developed the guidance necessary to implement the three review options available to claimants under the modernized system. During FY 2020, VHA established a CAMO inside the VHA Central Office and an executive-level Appeals Governance Council (AGC), comprised of VHA leaders whose areas are affected by appeals modernization.

VHA and the Board partnered with VBA and OIT to improve the preparation and transfer of electronic claims files for review on appeal. VHA is leveraging the VA Centralized Mail Portal to route documents. The Board, OIT, and VHA coordinated the creation of a Caseflow “Pre-Docket Queue” to manage VHA appeals and the required file production. The Board Intake Team places VHA appeals in the Caseflow pre-docket queue, which

prompts VHA to transfer the records relevant to that appeal to the Board. Work is continuing in this effort to further ensure timely communication and document transfer, including future enhancements to the Centralized Mail Portal and the Caseflow. VHA took initial steps toward the implementation of centralized VHA appeals management, designed to improve the quality and timeliness of VHA decision reviews. VHA also is working with the Board and OIT on enhancements to Caseflow to allow VHA to actively manage its HLR and supplemental claim workload.

In response to the holding in *Beaudette*, PCAFC decisions include notice of the right to seek further review options, including HLR, supplemental claim, and Board appeals. VHA worked closely with the Board and OIT to establish the necessary functionality and processes to transfer PCAFC evidence files to the Board to enable the Board to process and adjudicate appeals of PCAFC decisions. CSP developed new workflows to support AMA review options and has provided training to field based CSP staff, VHA patient advocates, and others on expanded PCAFC review and appeal options post-*Beaudette*.

VHA also convened the VHA AMA Implementation IPT on December 12, 2023, to address OIG recommendations as well as findings from a VHA functional assessment. The purpose of the VHA IPT was to evaluate the enterprise-wide functions that govern VHA claim and decision review processing at the program level and identify solutions that would establish the appropriate oversight and governance, coordination, and administration functions necessary to ensure compliance of VHA with the AMA. Regular sessions were convened with participants to gather insights. As the VHA AMA IPT nears the conclusion of its activities, its recommendations to establish a Benefits Modernization Office (BMO) for appropriate oversight and governance over VHA claims and appeals management were presented to the VHA Governance Board and subsequently endorsed in September 2024. Following this, the IPT will submit its comprehensive recommendations, which outline process improvement needs and IT solution requirements, to VHA Leadership and the Under Secretary for Health for approval, funding, and implementation support in Q2 FY25.

NCA dedicated personnel to triage and process supplemental claims and HLRs. NCA manages the workload with a SharePoint list for the following three business lines' software programs: Time of Need (Burial Operations Support System); Memorial Products (Automated Monument Application System); and Pre-Need (Eligibility Office Automation System). NCA intends to integrate all three systems into the Memorial Benefits Management System by FY 2026. NCA also uses Caseflow except for some pre-World War I cases.

**Section 3(a)(3) of the AMA directs the Secretary to submit a comprehensive plan to the appropriate committees of Congress and the Comptroller General of the United States regarding the timely processing of (A) supplemental claims, (B) requests for higher-level review and (C) appeals on any docket maintained under section 7107 of such title.**

The Board is concurrently managing appeals in the following dockets:

- Legacy system appeals docket;
- AMA appeals on the Direct Review docket;
- AMA appeals on the Evidence Submission docket; and
- AMA appeals on the Hearing docket.

The separate AMA “dockets” allow the Board to appropriately track and process the different evidentiary procedures for each type of AMA appeal as well as track timeliness goals set for each of those types. As a general matter, each case before the Board will be decided in regular order according to its respective place on the docket to which it is assigned by the Board. Appeals granted AOD status or remanded to the Board by the Court are prioritized for distribution, as required by statute. After AOD cases and the Court remands, appeals are distributed based on the order in which the VA Form 9 (in Legacy system appeals) or VA Form 10182 (in AMA appeals) were received. See 38 U.S.C. § 7107(a)(4); 38 C.F.R. §§ 20.800, 20.902.

The AMA affords Veterans greater choice if they disagree with a VA decision. Since FY 2020, the first full fiscal year post implementation, through the end of FY 2024, approximately 26% of Veterans have requested a review of the decisions of their claims, of which 86% have chosen to file a supplemental claim or request for HLR at VBA for a quicker resolution, and 14% have filed an appeal to the Board. As noted earlier, this excludes supplemental claims received by VBA more than 1 year after the original rating decision. As shown previously in Figure 7, the rates of appeal to the Board continue to decline. During FY 2023, 14% of VA AMA review requests received were appeals to the Board, followed by 10% in FY 2024. Another intended goal of the AMA legislation was to reduce the Board’s remand rate. That strategy appears to be working. In FY 2024, 60.3% of the Legacy system appeal decisions of the Board contained at least one remanded issue compared to only 38.8% of AMA appeals, a difference of 21.5%.

As displayed in Table 2, on page 16, the Board continued to meet its 365-day average timeliness goal for processing direct review docket appeals in FY 2023. The Board issued 8,931 decisions with an ADC of 314 days. With a higher number of AMA appeals being distributed based on docket date (oldest first), the anticipated increase in Direct docket timeliness materialized in FY 2024 and 33,939 decisions were issued in an average of 937 days. This is primarily attributed to the increased capacity to decide considerably more AMA docket appeals than previous years and a higher percentage of appeals decide that do not qualify for priority processing.

Table 2. Board AMA Docket Timeliness, FY 2023 – Q1 FY 2025.

	Fiscal Year	Average Days to Complete	% that qualified for priority processing
<b>Direct Docket</b>	<b>FY 2023</b>	314	82%
	<b>FY 2024</b>	937	22%
	<b>FY 2025 (Q1)</b>	797	9%
<b>Evidence Docket</b>	<b>FY 2023</b>	695	54%
	<b>FY 2024</b>	1,028	25%
	<b>FY 2025 (Q1)</b>	708	46%
<b>Hearing Docket</b>	<b>FY 2023</b>	927	54%
	<b>FY 2024</b>	1,091	40%
	<b>FY 2025 (Q1)</b>	829	66%

As noted previously herein, due to the declining inventory of Legacy appeals, the Board is able to distribute a higher number of AMA appeals for decision. In FY 2023, the majority (54-82%) of the AMA decisions of the Board were noted as priority (AOD or - post-Court) appeals that were decided out of docket order and much quicker, with the remaining decisions being decided in docket order (non-priority) (see Table 2). With an increased number of AMA appeals being distributed for decision in FY 2024, only 22-40% of decisions were priority appeals. As anticipated, this resulted in a larger proportion of the oldest AMA cases being decided and an increase in the average number of days to decide AMA appeals. The Board expects the average days to complete AMA appeals for all dockets will exceed the established timeliness goals before cresting and settling back to within published goals.

Table 2 also shows that in FY 2023, 82% of the Direct Review, 54% of the Evidence submission, and 54% of the Hearing Docket decisions that were dispatched qualified for priority processing. In FY 2024, the percentage of direct review, evidence, and hearing docket decisions dispatched that qualified for priority processing has decreased to 22%, 25% and 40%, respectively.

Through the end of FY 2024, the average days pending (ADP) for an appeal in the AMA Direct Review docket was 551 days; the ADP for the Evidence Submission docket was 675 days; and the ADP for the AMA Hearing Docket was 750 days. The ADP for all AMA appeals continues to be impacted by the Legacy system appeals resolution plan as well as the completion of AMA appeals that qualify to be adjudicated out of docket order. However, as predicted and published in earlier reports, FY 2024 data indicates ADP for AMA dockets has begun to flatten out, meaning the oldest non-priority cases are now being adjudicated at a rate where the ADC will quickly crest and then begin falling until they settle at or below the timeliness goals that were set for each docket. The Board continues to inform the VSO community of current ADP and ADC for each Board docket and provides the data for other stakeholders on its external websites,

<https://www.bva.va.gov/decision-wait-times.asp>. and [https://www.bva.va.gov/Quarterly\\_Reports.asp](https://www.bva.va.gov/Quarterly_Reports.asp)., to help explain the average wait time trends and what the Board is doing about it.

The Office of Administrative Review (OAR) currently has 1,763 FTE dedicated to processing the remaining Legacy appeals and AMA workloads. Through constant monitoring, tracking, and modeling, VBA will leverage the capacity of these resources as determined by workload needs. The breakdown of FTE at each DROC is shown below in Table 3 below.

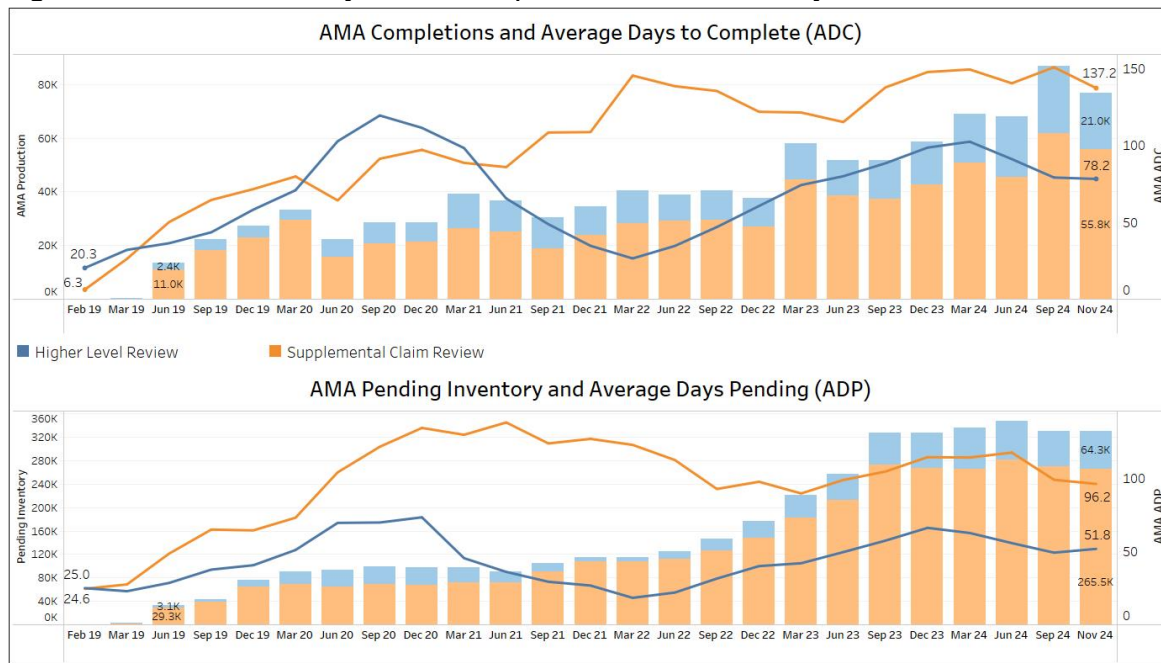
Table 3. Breakdown of FTE.

Location	#FTE
Washington DC DROC	582
Seattle DROC	530
St. Pete DROC	635
St. Paul Restricted Access Claim Center (RACC)	16

The goal of VBA is to maintain processing timeliness of an average of 125 days to complete the AMA workload (HLRs and supplemental claims). Overall average timeliness for completing the AMA workload at VBA from AMA implementation on February 19, 2019, through December 31, 2024, was approximately 105.8 days, which measures below the ADC goal of 125 days.

For the same period, ADC for HLRs, including AMA full grants, was approximately 75.4 days with 791,297 completions. ADP for HLRs, including AMA full grants, was 59.4 days for a pending inventory of 67,014 claims. For supplemental claims, to include associated HLR returns, ADC was 120.2 days with 1,669,804 completions, and ADP was 90.8 days for a pending inventory of 217,210. The “AMA completions and ADC month-to-date” graph in Figure 10, on page 18, provides the monthly breakdown for completions and ADC for HLRs and supplemental claims. The “AMA pending inventory and ADP” graph in Figure 10 provides the monthly breakdown for pending inventory levels and ADP for HLRs and supplemental claims.

Figure 10. VBA Quarterly AMA Completions and Inventory, Feb. 2019–Dec. 2024.



In FY24, the overall average timeliness for completed AMA work was 130.5 days. The ADC for HLRs, including full grants was 92.6 days with 242,534 completions. The ADC for supplemental claims, including HLR associated returns and AMA remands was 150.2 days with 467,026 completions. In FY25, through December 31, 2024, the overall average timeliness for completed AMA work is 122.1 days. The ADC for HLRs, including full grants is 76.4 days with 63,843 completions. The ADC for supplemental claims, including HLR associated returns and AMA remands is 145.2 days with 126,672 completions.

VBA continues to review data, manage risks, and model multiple scenarios to allocate resources to timely process claims under the modernized decision review process. In addition, the VBA Compensation Service and Pension and Fiduciary Service, along with OAR, collaborate to ensure claims processors have the necessary guidance, training materials, and systems functionality to process claims in an efficient manner that aligns with the 125-day ADC timeliness goal.

The following are specific to the other VBA benefit programs for the period between July 1, 2024, and December 31, 2024:

- Insurance Service completed one HLR with an average of 132.0 days and 1 supplemental claim with an average of 17.0 days.
- Education Service completed 245 HLRs with an average of 10.3 days and completed 652 supplemental claims with an average of 8.9 days.
- VR&E completed 436 HLRs with an average of 75.6 days and completed 89 supplemental claims with an average of 98.0 days.

- LGY completed 76 HLRs with an average of 12.0 days from the date received and completed 231 supplemental claims with an average of 11.1 days.

VHA continues to track appeals volume, inventory, and timeliness. VHA, through CAMO and its team of contracted employees, is now using the VA Centralized Mail Portal to receive and route some HLRs, supplemental claims, and other documents. VHA also is working internally and with VBA partners to examine the potential for directing all VHA HLRs and supplemental claims through the Centralized Mail Portal. This is already the case for the VHA CSP, which has established a dedicated mailing address and queues within the Centralized Mail Portal for routing of correspondence related to PCAFC decisions, including requests for HLRs and Supplemental Claims. Expanding this practice throughout VHA business lines would facilitate better tracking of the AMA review work. Recent technological enhancements have created a more efficient process for the Board to request files for AMA appeals of VHA decisions. As of January 2024, when detailee support ended, VHA solely manages this routing through a dedicated team of contractors. VHA continues to examine staffing needs.

NCA tracks timeliness with a SharePoint list. NCA is adequately staffed to handle the new appeals system claims volume.

**Section 3(a)(4) of the AMA directs the Secretary to submit a comprehensive plan to the appropriate committees of Congress and the Comptroller General of the United States regarding monitoring the implementation of the new appeals system, including metrics and goals to (A) track the progress of the implementation; (B) evaluate the efficiency and effectiveness of the implementation; and (C) to identify potential issues relating to the implementation.**

The Board and VBA continue to closely monitor and analyze receipts of AMA appeals and review requests for trends to identify potential issues and lessons learned during implementation since FY 2019. As noted earlier, comparisons of AMA appeals and review requests received at VBA and the Board now excludes supplemental claims received at VBA more than one year after the most recent rating decision. Supplemental claims received more than one year after the most recent rating decision do not establish continuous pursuit and therefore do not preserve the effective date for the claim of service connection. As depicted previously in Figure 6, an ever-increasing number of Veterans continue to choose to file a VBA HLR or supplemental claim over an appeal to the Board under the AMA. While the VBA AMA review request receipts in the supplemental claim and the HLR lanes are steadily climbing, the number of AMA appeals brought to the Board has remained between 65,000 and 75,000 each year for the past three years.

The Board continues to monitor and assess the number of cases with a pending hearing request and has noted a continuing drop in the number of Veterans choosing the Hearing Docket under the AMA. This may in part be due to higher grant rates under the AMA. The Board also continues to closely monitor and analyze resolution rate trends

under the Legacy system and the AMA during the past five years so stakeholders can better compare the two systems and the overall merits and effectiveness of the AMA system and the Legacy system.

The much lower appeal rates to the Board under the AMA previously discussed, combined with the increasing percentage of Veterans instead seeking the new and faster review options at VBA, provide encouraging evidence these expanded Veteran choices are providing more timely and effective final resolution for Veterans. Figure 11 below shows remand and resolution rates for Legacy system appeals, while Figure 12, on page 21, shows the same data for the AMA. Remand rates under the Legacy appeals system have remained relatively stable, with 59% of all appeal decisions being remanded, while remand rates under the AMA system have consistently been much lower—15 to 20% better than Veterans experience under the Legacy system.

Figure 11. Legacy System Appeals Resolution Rates, 5-Year Trend.

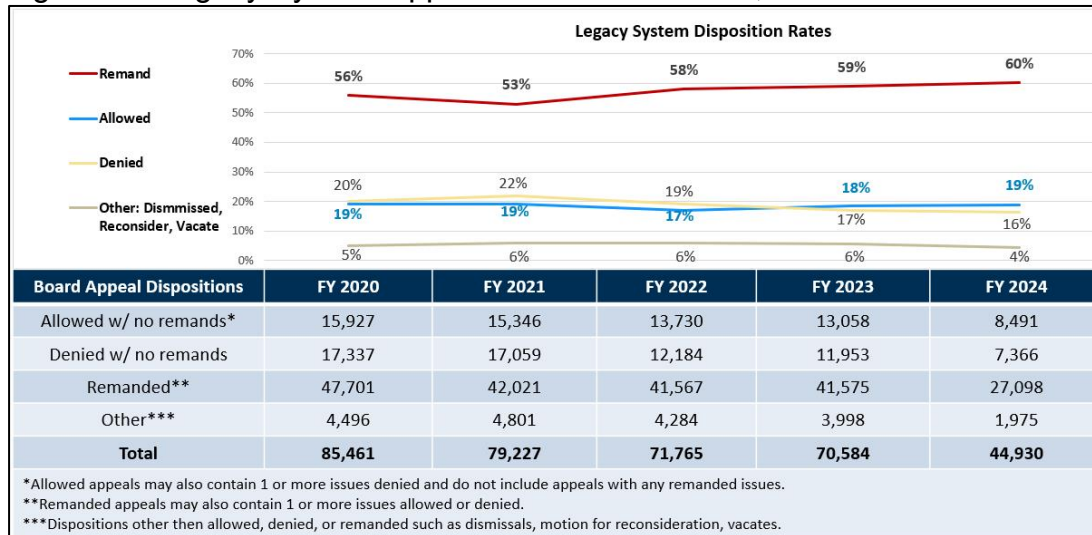
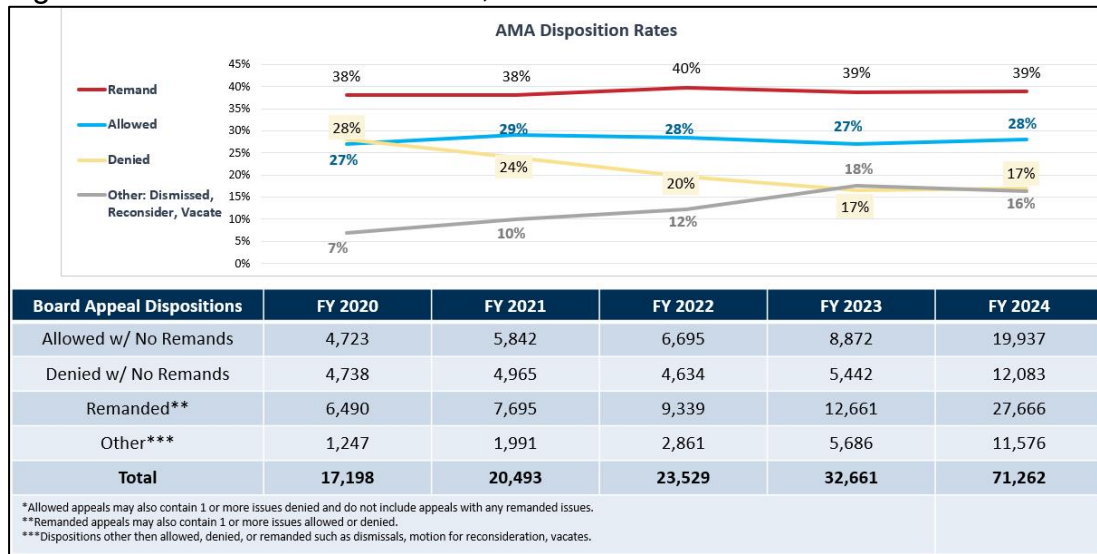


Figure 12. AMA Resolution Rates, 5-Year Trend.



It is important to reiterate how Veteran trust scores have been impacted under the Legacy appeals system and the AMA. This difference is particularly notable when appeals are first docketed at the Board under both systems and after a Veteran receives a final Board decision under both systems. Simply put, trust scores under the AMA have been consistently and significantly higher.

The Veterans Experience Office (VEO) continues to administer the VSignals customer experience survey to Veterans who have an active appeal at the Board. Results of these surveys provide valuable insight into Veteran experiences at various stages of the appeals process in the Legacy and the AMA systems. The Board uses this survey data to measure understanding and improve the hearing experience, as well as revise its letters and decisions to provide better information and improved clarity to Veterans. Figure 13 below shows Veterans’ trust in the Board increases throughout the lifecycle of their appeal at the Board.

Figure 13. Trust Scores Rising (Note: Survey results Oct 2023–Sep 2024).

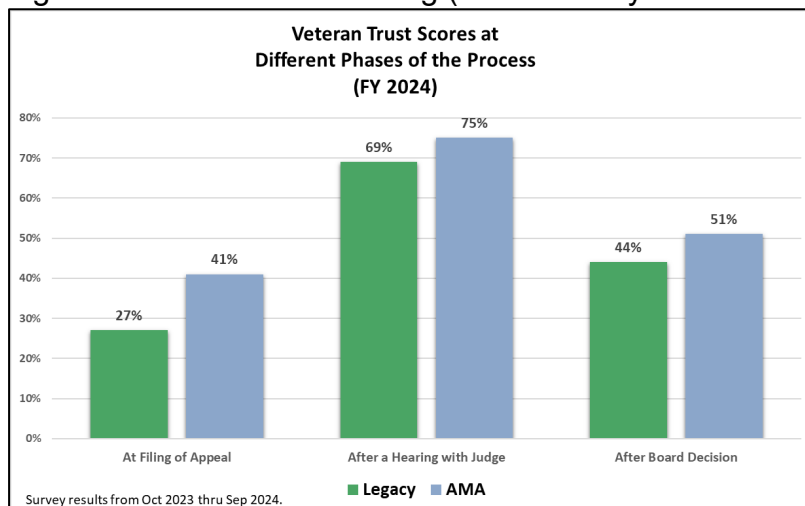


Figure 13 on page 21 also shows Veteran trust in VA commitment to them is lowest when they file their appeals. That is unsurprising, considering they are appealing a “no” decision from VA with respect to their claim for benefits. However, the score dramatically increases to approximately 69%-75% after a Board hearing and remains higher after issuance of the Board decision than at the time of filing. The survey data demonstrates the Veteran experience during the appeal process is generally positive, with overall trust scores rising approximately 10-17 percentage points from the time they first file with the Board until after they receive the Board decision.

While only about half of Veterans agree they “trust” the Board after getting their final decisions, that is far higher than the percentage of those same Veterans who received a “grant” on one or more issues in their appeal, which is about a quarter of Veterans receiving a decision on their appeal. Veteran trust scores increase 10-17 percentage points from the time they initially file an appeal through the time when they receive a decision under the Legacy and the AMA appeal systems. The Board attributes this increase to improved Veteran understanding based on their experiences with Board VLJs during hearings and based on the clarity of the Board decisions, especially in explaining why certain issues cannot be granted. The Board also notes Veteran trust scores remain higher under the AMA than the Legacy system at each stage of the appeal process.

Since AMA implementation, VBA continues to assess the claims system and make process improvements to ensure the effectiveness and efficiency of the program.

The Board’s AMA QA goal was 92%, the same goal for Legacy system appeals. The Board’s AMA QA rates averaged 95.4% in FY 2024. The HLR QA goal is 93%. In FY 2024, VBA averaged over 96% quality for HLRs.

VHA CAMO is working with affected program offices, other VHA stakeholders, the Board, VBA, OIT, and OGC to create and enhance systems and processes to monitor the quality and efficiency of modern appeal operations and VHA adherence to claim processing revisions made as a result of the AMA. CAMO works with the Centralized Mail Portal and the Caseflow development teams to create additional features for enhanced capabilities and management of VHA appeals.

Each respective program office in VHA continues to manage its internal processes, oversight, accountability, and data. CAMO is working with VHA offices to aggregate VHA data to establish adequate metrics and revise current goals for the new system. Additionally, CAMO awaits OGC clarification of VHA reporting requirements under the AMA. Once guidance is received, CAMO will work with affected program offices to develop necessary measures and interim tracking tool or tools, if necessary. Furthermore, VHA convened a VHA AMA Implementation IPT to assess and develop recommendations for systems enhancements related to claims and decisions review processing, tracking, and data management. Upon conclusion, the VHA AMA IPT will submit recommendations for VHA Leadership approval and implementation support for

system requirements that enable consistent oversight and accountability across VHA claims and decisions review management.

Post AMA implementation, the total number of requests for NCA supplemental claims and HLRs is only about 1% of total denials.

## **V. Plan Element Updates Since the August 2024 Report**

**Sections 3(b)(1) & (2) of the AMA require a delineation of the total resource requirements of the VBA and the Board, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on Legacy claims. These provisions also require delineation of the personnel requirements of the VBA and the Board, including staffing levels during the (A) period in which the Administration and the Board are concurrently processing appeals of decisions on Legacy claims and appeals of decisions on non-Legacy claims under the new appeals system; and (B) period during which VBA and the Board are no longer processing any Legacy appeals.**

The Board continues to evaluate the impact of the AMA workload and the resolution of Legacy system appeals on pending inventory levels, timeliness of appeals decisions, and pending Veteran-requested hearings to help drive the gap analysis of the Board and inform future resource requirements.

The updated resource requirements and workload projections of the Board were outlined in the FY 2025 Budget Submission (Vol. III) released in March 2024. As of December 2024, the Board has 132 VLJs on-board, continues to hire decision writing attorneys, and currently has a total of 1,460 FTEs on-board, which is up 17% from the FY 2023 cumulative FTEs of 1,245.

VHA CAMO partners with other VHA business lines to establish more streamlined appeals processes in their functional areas, as well as increased transparency and accountability. In Q2 FY 2022, the VHA CAMO began onboarding detailees to help process and route the current volume of appeals mail. Detailee support ended in January 2024 and was replaced by contractor support. As the VHA AMA IPT concludes its activities, its recommendations, including staffing and resource requirements necessary for implementation and continued operations, will be presented to VHA Leadership for subsequent approval. CAMO will continue to review staffing needs.

As a result of *Beaudette v. McDonough*, VHA CSP updated its organizational model and established a dedicated PCAFC review and appeal workstream to support AMA and Legacy system appeals, including quality management. This workstream is now fully established, with the majority of positions filled.

Since August 2023, VHA 104P Payment Operations have continuously identified and implemented operational enhancements. In FY 2023, the team concluded extensive data analysis in cooperation with Employee Labor Relations and the American

Federation of Government Employees and updated performance plans to include a new performance standard. Payment Operations match the performance and efficiency gains that are being made by the team.

In addition, Payment Operations developed training modules to enhance personnel proficiency in payment processing and authorizations. These training modules also serve as refresher training for current team members. This collaborative effort aims to streamline operations and improve overall efficiency. Furthermore, VHA 104P Payment Ops Appeals created a Standard Operating Procedure (SOP) for its Healthcare Appeal Tool 3.0. This SOP encompasses decision reviews, associated processes, as well as new comprehensive letters that have been vetted by CAMO to effectively address AMA reviews.

NCA delineated personnel to complete Legacy system appeals, AMA supplemental claims, HLRs, and other workloads.

**Section 3(b)(3) of the AMA requires identification of the legal authorities under which the VBA or the Board may (A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and (B) remove employees who are no longer required by the VBA or the Board once the Administration and the Board are no longer processing any appeals of decisions on Legacy claims.**

Through the Toxic Exposure Fund (TEF), OAR is currently allocated 609 full time positions within the DROCs. Due to limitations within the TEF, OAR has been asked to attrit down to 511 full time positions by the end of FY 2025. OAR will maintain 1,154 full-time positions funded through the General Operating Expense (GOE) budget.

The Board has no substantive updates to prior reports, but both will continue to monitor resource requirements and adjust plans as necessary pursuant to applicable legal authorities as originally provided.

VHA and NCA have no substantive updates to prior reports.

**Section 3(b)(4) of the AMA requires an estimate of the amount of time the VBA and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees.**

In FY 2023, the Board started an aggressive hiring plan that resulted in the onboarding of 200 new decision-writing attorneys and law clerks. The successful recruitment strategies of the Board also resulted in approval of 50 new VLJs, bringing the total VLJ staffing level of the Board to 132, nearly a 30% increase since the AMA went into effect. For FY 2024, the Board received over 600 applications and on-boarded another 155 decision-writing attorneys to fully staff each VLJ team.

VBA reduced its workforce from 2,100 to approximately 1,250 FTEs before the end of FY 2021, in conjunction with the VBA Legacy system appeals inventory reduction and the resulting reduced need for processing manpower. In furtherance of this effort, VBA allocated resources from appeals processing to other VBA priorities. Passage of the PACT Act in August 2022 resulted in a significant increase in AMA claims receipts. To address the increased workload, VBA implemented strategic hiring plans to increase staffing throughout the organization, mostly through FY 2023 and FY 2024. VBA will be reducing its workforce through attrition throughout FY2025 due to reduced TEF availability.

VHA has no substantive updates to prior reports.

The NCA Appeals Team is properly sized.

**Section 3(b)(5) of the AMA requires a description of the amount of training and experience that will be required of individuals conducting higher-level reviews under section 5104B of title 38, United States Code, as added by section 2(g).**

VHA, NCA, and VBA have no substantive updates to prior reports.

**Section 3(b)(6) of the AMA requires an estimate of the percentage of higher-level adjudicators who will be employees of the Department of Veterans Affairs who were Decision Review Officers on the day before the new appeals system takes effect or had experience, as of such date, comparable to that of one who was a Decision Review Officer.**

VBA, VHA, and NCA have no substantive updates to prior reports.

**Section 3(b)(7) of the AMA requires a description of the functions that will be performed after the date on which the new appeals system takes effect by Decision Review Officers who were Decision Review Officers on the day before the date the new appeals system takes effect.**

VBA, VHA, and NCA have no substantive updates to prior reports.

**Section 3(b)(8) of the AMA requires identification of and a timeline for (A) any training that may be required as a result of hiring new employees to carry out the new appeals system or to process appeals of decisions on Legacy claims; and (B) any retraining of existing employees that may be required to carry out such system or to process such claims.**

Since August 2024, 30 new attorneys have enrolled in the Board's 20-week New Attorney Training Program (NATP). During this period, the Board's Professional Development Division (PDD) has improved program content, structure, and evaluation to maximize organizational impact. In FY24, PDD overhauled its surveys to align with the Office of Personnel Management (OPM) Training Evaluation Field Guide. Data from

these surveys is aggregated into several dashboards and analysis is presented to the Chief of PDD monthly. These new surveys measure participant assessments of program content and delivery, specifically, how well the content contributes to their knowledge skills, and abilities (KSAs) as a new attorney, and how well the program fosters engagement and connection. Notably, for engagement and KSAs, as of December 2024, all components of NATP were rated very favorably. Specifically, on a scale of 1 to 10 with 10 as the most favorable rating, approximately 80 to 87 percent of all respondents rated lectures at 8/10 or higher for KSAs and approximately 87 percent rated at 8/10 or higher for engagement, while 86 to 92 percent of respondents rated interactive “small group” sessions at 8/10 or higher for KSAs, and approximately 92 percent rated small group sessions at 8/10 or higher for engagement.

As for continuing legal education, PDD also created several professional--grade audio-recorded presentations on substantive legal topics covered in-depth within NATP and made them available in VA’s Talent Management System (TMS) to all attorneys who need to refresh themselves on mission-critical topics to include AMA procedure, the PACT Act, remand issues, effective dates, and Military Sexual Trauma.

VHA, NCA, and VBA have no substantive updates to prior reports.

**Section 3(b)(9) of the AMA requires an identification of the costs to VA of the training identified under paragraph (8) and any additional training staff and any additional training facilities that will be required to provide such training.**

VHA, NCA, VBA, and the Board have no substantive updates to prior reports.

**Section 3(b)(10) of the AMA requires a description of the modifications to the information technology systems of the VBA and the Board that they require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.**

Technical teams for Caseflow and the Veterans Benefits Management System (VBMS) continue to work closely in conjunction with business teams from the Board to improve system integration and data exchange working towards a fully integrated, enterprise-wide solution that meets post-AMA implementation requirements.

Caseflow system infrastructure was further upgraded in FY 2024 to the latest supported software versions in both Caseflow and eFolder. Back-end infrastructure between Caseflow and eFolder was moved to updated technology. Advanced system monitoring was deployed as part of the performance improvement plan that allows user session replays and detailed tracing to support root cause analysis for any system performance issues. A new Caseflow Reader prototype is being tested to improve the Board user experience, optimizing document load time and reducing navigation latency so that users can navigate through documents more quickly and efficiently. A Reader banner is being added to warn users if their internet speed could result in a slower user experience to view documents, replacing an older, non-specific banner.

OIT delivered the Board new functionality requests in making further advancements to Caseflow. Caseflow now identifies MST appeals and attaches an indicator to the contention for tracking and reporting. Caseflow advancements also included enhancements to the automatic case distribution (ACD) system. These improvements included the introduction of docket-type levers, which provide the Board with greater flexibility and control to implement workload management decisions. Additional enhancements allow preferential distribution of AMA hearing cases, Court remands, and AOJ returns to the judges that held the hearing or decided the previous case when practical. Automated workload features, such as the push priority job has been updated. This will ensure that all advanced-on docket appeals that are ready for judicial review are pushed to the judges rather than waiting for manual requests.

To further streamline the process of decision reviews within VBA jurisdiction, VBA successfully moved end product establishment from Caseflow to VBMS in FY25, Q1. This allows VBA to establish claims such as HLRs and Supplements Claims directly within VBMS. It also provides VBA with greater control over technical updates and maintenance of these end products, while still coordinating necessary system connections with the Board and the Caseflow IT team. Phase 1 and Phase 2 of this work was successfully released in FY25Q1. Phase 3 will ensure Board remands are established in VBMS will deploy in FY25Q3.

Virtual hearing capability continue to be an important tool for serving Veterans and their representatives who elect to have hearings in connection with an appeal. The Hearing Record and Transcribe functionality enhances how the Board manages AMA Hearings by enabling seamless recording and transcription, with files stored on Box.com and Amazon Web Services. This improvement offers a user-friendly interface for Board hearing administrators, facilitating quicker and more accurate transcription. OIT deployed phases 1 and 2, including integration with Webex for scheduling hearings via Cisco Instant Connect, which automatically retrieves daily transcripts. Phase 3, planned for release later in FY25, will integrate VA Box.com with Caseflow, creating a single source for improved tracking and timely access to transcripts, enhancing the virtual hearing experience for Veterans. Caseflow also re-architected how it stores and processes hearing times, decoupling hearing times from the users or regional offices that may cause them to appear incorrectly. Further improvements to the integration of Caseflow with VANotify ensure Veterans receive appeal correspondence promptly and accurately, with more accurate data reported through improved notification history reports accessible within the Veteran's eFolder. Timely and accurate communication with Veterans with scheduled hearings supports Board efforts to improve hearing no-show rates and allows the Board to manage finite resources and carefully balance workload against VLJ capacity.

The Caseflow and the VHA teams continued collaboration to make improvements for VHA users, including the remands fix that improved Caseflow for all business lines and pillars. Originally, Caseflow displayed Board remands as supplemental claims; however,

with this enhancement, all Caseflow users are able to differentiate remands from supplemental claims to ensure accurate congressional reporting.

CAMO continues to work with OIT and the Board to enhance Caseflow capability and VHA Caseflow user experience. Caseflow functionality enhancements include implementing a comprehensive claim change history report, which allows VA to keep accurate records of changes, generate metrics and analytics of Caseflow use, and better identify claim processing errors. This functionality was further enhanced to allow users to select actions and status relating to the new Reassign Cases to CAMO workflow while generating a change history report. Users can also save a set of search or filter parameters in the change history report or select from a list of pre-defined search or filter parameters for easy reuse. The seven-day limit to view all completed tasks in the decision review queue was removed to better facilitate the management of the VHA decision review workflow, perform quality control, check for errors, and provide data on the status of complete decision reviews older than seven days. Another enhancement is restricting the decision date so a user must enter a date after the form receipt date in the decision review queue, ensuring Caseflow accurately reflects the number of days needed to complete a case.

The Appeals Data Platform (ADP) continues an effort to deliver a new platform solution to produce enhanced capabilities aimed at providing a higher level of confidence and driving increased transparency for informed decision-making around appeals-related data. The project continues to make progress through joint decisions between the Board, VBA, and OIT. The outcome will create an authoritative Department data asset for describing VA appeals information from multiple sources to reflect the decision process for HLRs, Supplemental Claims, and appeals processes for both AMA and Legacy Appeals and support measurement of timeliness goals by tracking decisions across organizations through standardized, aggregated appeal states, durations, and outcomes. The ADP, while not yet implemented in production, has recently delivered a set of solution options to our partners for initial test deployment of the architecture. The goal is to establish a means of evaluating the suitability and effectiveness of the platform and create an environment for iterative development and enhancement before production release.

**Section 3(b)(11) of the AMA requires an estimate of the office space VBA and the Board will require during each of the periods described in paragraph (2), including (A) an estimate of the amount of time VBA and the Board will require to acquire any additional office space to carry out processing of appeals of decisions on Legacy claims and processing of appeals under the new appeals system; (B) a comparison of the estimate under subparagraph (A) and the historical average time required by VBA and the Board to acquire new office space; and (C) a plan for using telework to accommodate staff exceeding available office space, including how VBA and the Board will provide training and oversight with respect to such teleworking.**

VHA does not anticipate additional office space requirements.

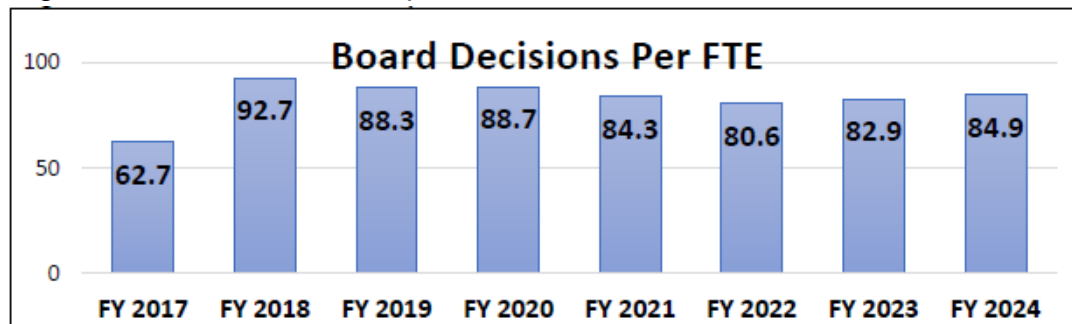
VBA, NCA and the Board have no substantive updates to prior reports.

**Section 3(b)(12) of the AMA requires projections for the productivity of individual employees at VBA and the Board in carrying out tasks relating to the processing of appeals of decisions on Legacy claims and appeals under the new appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).**

The current Board attorney production standard is three decisions or nine and a half issues per week. As negotiated with the union, these standards are prorated for leave, training, travel, administrative requirements, lost work time due to IT stoppages, and other good causes as determined by management. New decision writing attorneys are expected to meet regular production standards after completion of a 6-month training period. Accounting for the training period and increased emphasis on mentored writing during the first year of employment, new decision writing attorneys have achieved, on average, 72% of the annual productivity standards expected of fully trained attorneys.

Board decisions per FTE, as shown in Figure 14 below, are calculated as the total number of appeal decisions divided by the cumulative FTE at the Board for the fiscal year, which includes both attorney and non-attorney staff. The timing and number of new hires, attrition, overtime, and leave usage can impact these results differently each year.

Figure 14. Board Decisions per FTE, FY 2017–FY 2024.



Based on existing VBA employee performance standards and utilization of current average number of contentions per claim, each VBA decisionmaker could complete approximately 419 Legacy system appeals per fiscal year, 647 HLR decisions per fiscal year, and 602 AMA remands and AMA Board grants per fiscal year. The decisions per VBA FTE data is derived based on assumptions that a decisionmaker is solely dedicated to a specific workload and not completing claims within other workloads. In practicality, most decisionmakers complete a mix of work over the course of a year. The type of claim/appeal a decision maker completes is based on position and workload needs and availability.

Individual employee standards consider multiple factors such as claim complexity, number of issues rated on a case/claim, employee position, employee experience level, and number of available hours spent processing claims (time is excluded for activities such as leave, training, IT work stoppages, administrative duties such as renewing personal identity verification cards or other good cause).

The VBA Education Service, Insurance Service, VR&E, and LGY did not have any substantive updates to report.

VHA has not ascertained any change in individual employee productivity as a result of the AMA rollout but will continue to monitor the matter. As noted in earlier sections of this report, each respective program office within VHA manages its own internal processes, oversight, and accountability. Processing of appeals on PCAFC decisions under the Legacy and AMA systems are new workflows for VHA managed by the Review and Appeals workstream within the VHA CSP. Additional time will be needed before timelines for issuance of decisions under these processes will be known to inform productivity projections.

NCA updated employee performance standards with an emphasis on timeliness.

**Section 3(b)(13) of the AMA requires an outline of the outreach the Secretary expects to conduct to inform Veterans, families of Veterans, survivors of Veterans, Veterans Service Organizations, military service organizations, Congressional caseworkers, advocates for Veterans and such other stakeholders the Secretary considers appropriate about the new appeals system, including (A) a description of the resources required to conduct such outreach; and (B) timelines for conducting such outreach.**

The Board continues to promote, educate, train, and inform Veterans and stakeholders about the AMA, with a focus on choice, control, and clarity for Veterans. The former Chairman hosted a VSO outreach call in September 2024, updating participants on the Board metrics and best practices. The Board's leadership, to include VLJs, continue to attend and speak at VSO conferences, educating hundreds of representatives on best practices to advise Veterans about their choices under the AMA.

As previously indicated, the Board uses the VSignals customer experience survey. Based on responses received from the Board's VSignals survey since the last report, Veteran trust continued to rise from 46% in December 2022 and averaged 51% during through Q3 FY 2024. This coincides with an increasing percentage of AMA appeals in the Board's decision output. It also appears that overall Veteran trust levels under the AMA continue to climb at the stage when their appeal is filed at the Board, while trust scores remain consistently lower among Veterans when they have Legacy appeals docketed at the Board.

VBA uses a real-time dashboard to track survey distribution, response rates, demographics, and other pertinent information. Data from the dashboard shows that

between July 1, 2020, and December 31, 2024, there were 679,281 surveys sent and 144,047 responses received, of which 60,038 responses were for the filing survey; 20,111 responses received were for the HLR survey; and 63,038 responses received were for the supplemental claim survey.

The VSignals dashboard is a customer experience listening and measurement platform providing a touchpoint between AMA claimants and VBA. Short customer experience surveys measure a specific service experience and are sent to individuals shortly after an interaction with an AMA service. This data is analyzed and displayed in a dashboard designed specifically for VBA leadership to help them gain a near real-time understanding of the current customer experience. The VSignals platform ensures optimal and effective service for the Veteran, family, caregiver, and VBA. Insights derived from survey responses and comments are leveraged to inform AMA program improvement. VSignals measurement methodology is recognized as a best practice by the Office of Management and Budget (OMB) and was specifically mentioned in the President's Management Agenda.

VHA partnered with the Board to solicit VSOs' views regarding the VHA implementation of the AMA and is considering that input as VHA continues to assess the claims system and make process improvements to maintain the effectiveness and efficiency under the AMA. The VHA AMA Implementation IPT, which convened in December 2023, will propose an implementation plan for standardized beneficiary communications and outreach accompanied by current AMA guidance.

NCA has no substantive update to prior reports.

**Section 3(b)(14) of the AMA requires timelines for updating any policy guidance, Internet Websites and official forms that may be necessary to carry out the new appeals system, including (A) identification of which offices and entities will be involved in efforts relating to such updating; and (B) historical information about how long similar update efforts have taken.**

Improvements to the Board's external website, [www.bva.va.gov](http://www.bva.va.gov), are ongoing to support Veterans, family members, and representatives by providing access to clear, concise, and useful information, including updated monthly metrics and information about the Legacy system and the AMA process and timelines. The Board's website ensures Veterans and stakeholders can easily find important appeals-related information in an intuitive and easy-to-follow user interface.

VHA, NCA, and VBA have no substantive updates to prior reports.

**Section 3(b)(15) of the AMA requires a timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.**

VBA and the Board have no substantive updates to prior reports.

VHA published Appeals Modernization regulation AQ44, which sunsets Legacy system reconsideration processes, in July 2022. See [87 Fed. Reg. 43746](#). VHA continues to explore the development of further to address post-decision review processes; however, a formal timeline for this initiative has yet to be determined.

NCA has no substantive updates to prior reports.

**Section 3(b)(16) of the AMA requires an outline of the circumstances under which claimants with pending appeals of decisions on Legacy claims would be authorized to have their appeals reviewed under the new appeals system.**

The Board continues to process opt-in requests consistent with statutory and regulatory requirements.

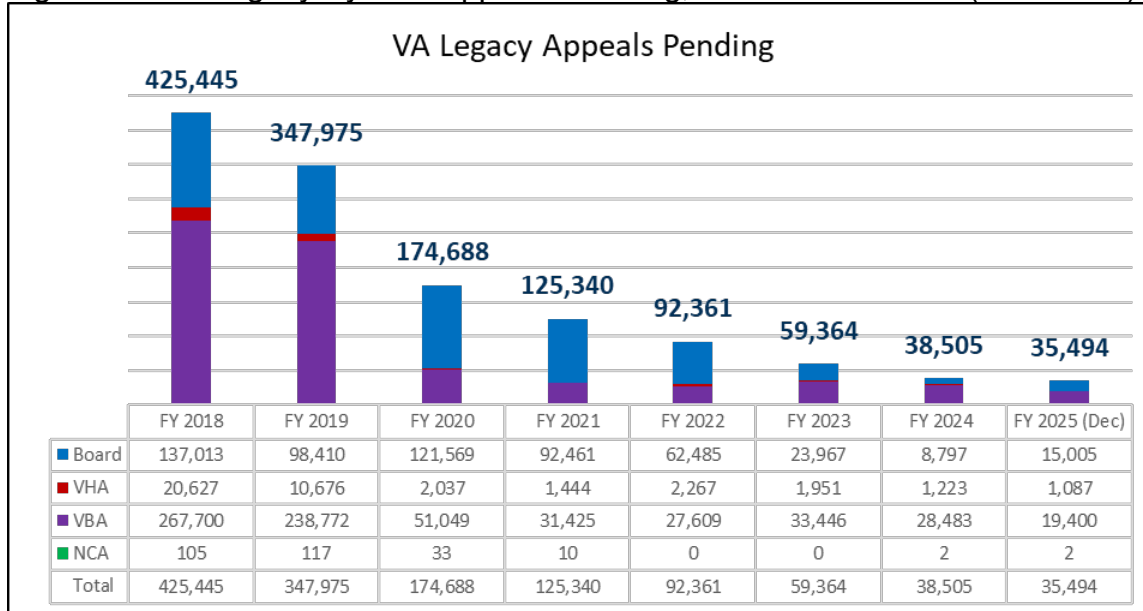
VBA, VHA, and NCA have no substantive updates to prior reports.

**Section 3(b)(17) of the AMA requires a delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of appeals, remands and hearing requests at the Administration and the Board each year, beginning with the one-year period beginning on the date of the enactment of this act, until there are no longer any appeals pending before the Administration or the Board for a decision on a Legacy claim.**

The VA Legacy System Appeals Resolution Plan includes a prioritized reduction of Legacy appeals, informed by Veteran and stakeholder engagement, as well as sound project management practices. The plan continues to show a marked reduction in the number of Legacy system appeals pending before the Board and in VBA, VHA, and NCA. The plan shows significant progress in the reduction of the number of pending Legacy system appeals by 90%, from 347,975 pending at the start of FY 2020 to 35,494 pending at the end of December 2024.

The goal of the Department was to resolve Legacy system appeals by the end of calendar year 2022. However, as shown in Figure 15 on page 33, the COVID-19 pandemic significantly impacted the ability to schedule and complete in-person examinations and obtain Federal records, delaying the completion of the development necessary to adjudicate the Legacy system appeal remands. The goal also was impacted by longer-lasting effects of COVID-19 such as the reduced ability to conduct in-person hearings at the regional offices, hiring delays, and a reluctance to opt into virtual tele-hearings.

Figure 15. VA Legacy System Appeals Pending, FY 2018–FY 2025 (December).



Based on the relative age of appeals pending in the Legacy and the AMA systems, the Board estimates approximately 10-15% of its workload in 2025 will be the adjudication of Legacy system appeals. FY 2024 was the first year in which the number of AMA decisions exceeded the number of Legacy system decisions.

Progress has been made, but there is still a higher-than-expected number of original Legacy system appeals pending an initial decision by the Board. Adjudication of these original appeals has taken longer than anticipated because of the constraints placed on the docket order by including AOD cases (those advanced for good cause, such as, age, financial hardship, and/or serious health conditions), Court remands, and post-remanded appeals with earlier Form 9 dates. As a result, approximately 68% of the Legacy system appeals adjudicated in FY 2024 were either AOD, Court remands, or post-remand appeals, with the remaining 32% being original appeals. Through December of FY 2025, approximately 94% of the Legacy system appeals adjudicated were either AOD, Court remands, or post-remand appeals, with the remaining 6% being original appeals.

With continued high levels (greater than 55%) of Legacy decisions being remanded to the agency of original jurisdiction, combined with appeal remands received from the Court, the Board received another 29,000 previously adjudicated Legacy system appeals returned during FY 2024 due to remands. Similarly, the Board anticipates receiving approximately 31,000 legacy appeals in FY 2025, a majority of which will be remanded appeals.

Under the law, the Board generally must adjudicate post-remand Legacy system appeals (for example, Legacy remands that are returned to the Board following necessary development), in addition to new appeals received, Legacy and AMA,

relative to their respective place on the docket to which they are assigned. Aside from appeals remanded by the Court and those granted AOD for good cause by statute, the Board generally considers such appeals, within each respective docket, under a first-in, first-out method. The Board’s remand rate for Legacy system appeals has ranged from approximately 38.8% to 46.04% between FY 2016 and FY 2024, as reflected in Table 4 below.

Table 4. Board Legacy System Dispositions, FY 2016–FY 2024.

<b>Board Legacy System Decisions*</b>					
<b>FY</b>	<b>Decisions</b>	<b>Allowed</b>	<b>Remanded</b>	<b>Denied</b>	<b>Other</b>
2016	52,011	31.8%	46.0%	18.0%	4.2%
2017	52,661	29.9%	43.5%	21.6%	5.0%
2018	85,288	35.8%	38.8%	20.9%	4.6%
2019	93,571	35.8%	39.0%	20.8%	4.5%
2020	85,461	33.8%	40.6%	20.3%	5.3%
2021	79,227	32.0%	40.4%	21.5%	6.1%
2022	71,765	34.7%	42.3%	17.0%	6.0%
2023	70,584	33.6%	43.8%	16.9%	5.7%
2024	44,930	35.2%	44.1%	16.4%	4.4%

\*The historical reporting system for Board decisions with multiple issues identifies the disposition of an appeal based on the following hierarchy: allowance, remand, denial, or other actions (for example, dismissals). When there is more than one disposition involved in a multiple issue appeal, the reported disposition for Board Statistical Reports will be categorized based on the disposition hierarchy noted above.

Since February 2020, one-year after the last initial rating decision was issued under the Legacy system, no new Legacy system appeals have been received by VBA.

As noted in Section 3(a)(1), VBA eliminated much of its Legacy system inventory in the NOD and Form 9 stages in FY 2020 and significantly reduced its remand inventory in FY 2020 and FY 2021. As of December 31, 2024, VBA has 1,763 FTEs available to manage administering decisions in the AMA system, specifically HLRs, Board remands, Board full grants, and the remaining Legacy system appeals. VBA has 16 FTEs dedicated to processing those Legacy and AMA claims that are filed by VA employees. All remaining FTEs include staff support and management.

Veterans may elect to opt into an AMA decision review lane following the issuance of a statement of the case or supplemental statement of the case issued on or after February 19, 2019, rather than remain in the Legacy system. From implementation through December 31, 2024, appellants have opted 17,222 Legacy system appeals into

AMA through this avenue. In FY 2024, there were a total of 564 opt-ins, representing a rate of 47 per month. In FY25, through November 30, 2024, there have been 86 opt-ins.

Specific to other VBA benefit programs as of December 31, 2024, Legacy system appeals included the following:

- The Pension Program had 150 legacy system appeals pending in VBA, with two in the NOD stage and 148 in the remand stage.
- The Fiduciary Program had three Legacy system appeals pending in VBA, with one in the NOD stage and two in the remand stage.
- The Insurance Program had nine Legacy system appeals pending in VBA, with one in the NOD stage, one in the Form 9 stage, and seven in the remand stage.
- The Education Service had seven legacy system appeals pending in VBA, with one in Form 9 stage and six in the remand stage.
- VR&E had 42 legacy system appeals pending in VBA, with three in the NOD stage and 39 in the remand stage.
- LGY had one Legacy system appeal pending in VBA within the remand stage.

VHA has made progress drawing down the Legacy system appeal inventory, reducing it to 1,087 as of December 31, 2024. VHA continues to reassess resource requirements and streamline processes with the goal of eliminating Legacy system appeals inventory as quickly as possible. As noted herein, this plan may be impacted by the holding in *Beaudette*, which held that PCAFC decisions are appealable to the Board, including those issued prior to February 19, 2019.

NCA has one Legacy remand pending.

**Section 3(b)(18) of the AMA requires a description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.**

Updates are provided to risks as necessary; however, where there are none, no updates are provided. The Department has identified the following risks and mitigation strategies:

**1. Resource Requirements (Section 3(b)(1))**

Risk: As previously reported, a modernized IT solution for VHA claims processing and management is currently unavailable. VHA adjudication records are maintained in different repositories, in different formats, are not always accessible to authorized individuals who may have a business need, are not easily accessed by Veterans and other claimants, and add barriers to the intake of VHA appeals. If a modernized IT solution for VHA claims processing and management remains unfunded and undeveloped, there will be a negative impact on timely resolution for Veterans and other claimants.

Mitigation: VHA will continue to use current IT capabilities until necessary processes and modifications are complete. VHA will work with OIT to develop new IT capabilities to enable the intake and management of appeals through the use of Caseflow, the Centralized Mail Portal, and eventual integration with a new VHA Case Management System.

Risk: Passage of the PACT Act will result in a surge of PACT-related claims and eventual appeals to the Board. This surge will likely impact inventory and timeliness levels and delay resolution of Legacy system appeals as AMA PACT appeals may qualify to be advanced on the docket and decided sooner.

Mitigation: Mitigation strategies include advocating for increased resources as necessary to increase appeal decision rates, resulting in lower inventory levels and quick appeal resolution. This strategy will require increased hiring and training needs as well as IT support to properly identify and report PACT-related decisions. Specific to processing AMA claims and Legacy system appeals, following implementation of the PACT Act, VBA added 307 FTEs in FY 2023 and 344 FTEs in FY 2024 to address the increased inventory of claims. As of December 31, 2024, VBA achieved over 90 percent staffing levels to handle the surge of PACT-related receipts. In FY25, VBA will begin reducing resources through attrition to align with reduced availability of funds via the Toxic Exposure Fund (TEF). The capacity building of the Board has ramped up as staffing has increased from 1,191 FTE on-board at the start of FY 2023, to now over 1,460 on-board as of the end of December 2024. The Board continues to evaluate and monitor relatively static AMA appeal receipts (which includes PACT Act appeals) and pending inventory levels that have been trending lower and adjust its resource needs so that it may work towards meeting the established timeliness goals under the AMA.

### **2-3. Personnel (Section 3(b)(2)-(3))**

Risk: Current statutes may constrain the ability of VBA to scale its workforce to address reduced workload once the inventory of Legacy system appeals, including approximately 19,172 pending Legacy system remands, as of December 31, 2024, has been exhausted.

Mitigation: VBA will use any appropriate, applicable legal authority to remove employees only as a last resort. VA anticipates using more routine workforce management methods, such as employee attrition or reassignment, to address staffing changes resulting from the elimination of Legacy system appeals. VBA modeling efforts have continued to advance to account for the decreasing workload need and planning for shifting FTE resources from Legacy system work to AMA system work when able to do so. The residual risk is low.

Risk: VHA may not be able to provide timely responses to requests for claims files from the Board at its current staffing levels.

Mitigation: VHA will continue to monitor claim and appeal volume and staffing and adjust staffing and other resources as needed. VHA, through CAMO, is now using the VA Centralized Mail Portal to receive and route to program offices some HLRs, supplemental claims, and other documents. The VHA CAMO office is small, consisting of four full-time employees and routing support is primarily provided by a team of contractors.

Risk: Staffing changes at NCA may be required to address claimant demand and post-AMA process changes.

Mitigation: NCA will continue to assess if personnel changes are necessary.

#### **4. Estimated Time for Hiring Employees (Section 3(b)(4))**

Risk: The hiring actions of the Board may be delayed due to human resources (HR) support levels.

Mitigation: Authorization to hire HR specialists received. As previously indicated, the Board is closing this risk.

Risk: The hiring actions of VBA during the PACT Act may be delayed due to HR support levels, resulting in increased time to process HLRs.

Mitigation: VBA will continue to monitor.

#### **5. Training and Experience Required of Higher-Level Adjudicators (Section 3(b)(5))**

Risk: HLR caseload may exceed VHA anticipation.

Mitigation: VHA will continue to monitor incoming claims and reviews under the modernized system and will either expand the universe of HLR adjudicators beyond team leads and first-level supervisors or hire additional staff, if necessary.

Risk: At NCA, HLR adjudicators may be specialized in other areas.

Mitigation: NCA will cross-train as necessary.

#### **6. Estimated Percentage of Higher-level Adjudicators who were Decision Review Officers (Section 3(b)(6))**

VBA has no updates to prior reports.

#### **7. Decision Review Officer Functions in the new System (Section 3(b)(7))**

VBA has no updates to prior reports.

### **8. Training Timeline (Section 3(b)(8))**

The Board has no updates to prior reports.

### **9. Costs of Training (Section 3(b)(9))**

The Board has no updates to prior reports.

### **10. Information Technology (Section 3(b)(10))**

Risk: Ongoing resource constraints may impact Department-wide Caseflow development.

Mitigation: Although the Board has a separate budget, OIT resources fall under the Department budget. VA works in close collaboration within the Department to ensure optimum resource allocation and prioritization of Caseflow requirements.

Risk: Delayed full operational capability of Caseflow may result in reliance on the legacy VACOLS system for servicing certain AMA appeals past the retirement date for VACOLS.

Mitigation: VACOLS retirement delayed until Caseflow full operational capacity completed.

Risk: Ongoing or future litigation or legislative changes may further constrain resources and delay Caseflow development.

Mitigation: VA monitors potential legislative and legal changes to attempt to anticipate new resource requirements and works to optimize resource allocation and prioritization as changes occur.

### **11. Estimate of Office Space by Phase (Section 3(b)(11))**

The Board has no additional updates.

VHA has no additional updates.

### **12. Projections for the Productivity of Individual Employees (Section 3(b)(12))**

Risk: There could be an unanticipated decrease in Board output leading to a risk of not meeting performance goals and decreased service to Veterans.

Mitigation: The Board closely monitors and assesses decision output and Veteran requested hearing scheduling to adjust and reallocate resources when needed to meet performance goals while utilizing best practices for efficiency. The Board works closely

with bargaining unit representatives for employees to ensure that it is meeting the output expectations and managing employee performance for success. Robust telework and remote programs positively impacted the recruitment of a diverse workforce and retention of employees. This also positioned the Board as an employer of choice as we continue to use the voice of our employees and VA policies in support of workplace flexibility. Despite increased hiring the last couple years, the attrition rate has declined from 13.4% in FY 2019, to 7.7% in FY 2024, and is 3.9% through Q1 FY 2025.

Risk: VHA may underestimate or overestimate employee output in terms of processing benefits in the modernized system.

Mitigation: VHA will adjust staffing as needed.

Risk: NCA's current software systems have impacted adjudication speed.

Mitigation: OIT is working to implement new software, and NCA's rate of adjudication remains under seven business days on average.

Risk: VHA adjudication records are currently maintained in many VHA-centric systems that are currently not architected to integrate with the Caseflow system. This situation is currently adding barriers to the intaking of VHA appeals. If a modernized IT solution for VHA claims processing and management does not maintain funding and remains undeveloped, then VHA appeals will be handled through workarounds that will negatively impact a timely resolution for Veterans and other claimants.

Mitigation: VHA will continue to work with OIT to develop new IT capabilities to enable the intake and management of modernized appeals through Caseflow, the Centralized Mail Portal, and eventual integration with a new VHA Case Management System.

### **13. Outreach Plan (Section 3(b)(13))**

Risk: Veterans may not receive enough information about the AMA, or they may be confused by the information they do receive.

Mitigation: The Chairman of the Board participates in multiple stakeholder events and conferences to provide training and information to stakeholders and Veterans about the AMA process. Outreach efforts by the Board and VBA explained and clarified the AMA system so that representatives and other stakeholders could better understand the new law and its related implications. The Board revamped its public-facing website in September 2022 to include "storyboards" with graphics and data trend information to better inform Veteran choice, and these web pages receive more than half of all visits to the Board's public website.

Risk: New VHA capabilities, enhancements, and procedures need to be socialized with external and internal VHA stakeholders.

Mitigation: CAMO provides ongoing assistance and support to program offices in generating legally compliant documents, as well as any other assistance that may be needed on an as-needed basis.

#### **14. Timeline for Policy Updates (Section 3(b)(14))**

Risk: Updated VHA policies are not currently published.

Mitigation: VHA Notice 2024-07, The Appeals Modernization Act in the Veterans Health Administration, dated June 18, 2024, provides interim policy guidance. VHA program offices also provide interim guidance to their affected workforce. An outcome of the VHA AMA Implementation IPT and VHA leadership endorsement of recommendations is national policy that addresses requirements related to roles, responsibilities, tracking, monitoring, and oversight.

#### **15. Timeline for Promulgating Regulations (Section 3(b)(15))**

Risk: VHA does not have final AMA regulations.

Mitigation: In July 2022, VHA published Appeals Modernization regulation AQ44, which sunsets Legacy system reconsideration processes. VHA continues to process health benefits claims and appeals in accordance with AMA statutory authorities. VHA is still working to develop a notice of proposed rulemaking that would establish AMA regulations for VHA.

#### **16. Outline of “Opt-In” Circumstances (Section 3(b)(16))**

VA has no updates from prior reports.

#### **17. Key Goals and Milestones for Reducing Legacy Inventory (Section 3(b)(17))**

Risk: The Board may receive a large number of Legacy system appeals in a short time with a corresponding increase in AMA appeals that could result in a delay in reducing the number of pending Legacy system appeals and impact the processing of AMA appeals.

Mitigation: The Board continues to monitor Legacy receipt trends and VBA’s projected increase in monthly remand recertifications. Significant progress has been made. Less than 36,000 Legacy appeals remain, from a high of over 472,000. Increased capacity to decide a higher proportion of non-priority appeals in FY 2024 enabled the Board to reduce pending original Legacy appeals to less than 1,000, and overall Legacy appeals pending at the Board to approximately 15,000.

Risk: VHA may be unable to resolve the Legacy system appeals inventory in a timely manner.

Mitigation: VHA diligently monitors the Legacy system inventory and takes necessary action as program offices complete or continues to update the cases lifecycle. This ensures that documents are promptly relayed to the Board. VHA routinely analyzes date to continuously improve the inventory management and assign all cases to the respective program office.

Risk: Court decisions adversely impact the ability of VHA to resolve the Legacy appeals workload in a timely manner. Particularly, the ruling in *Beaudette* added thousands of PCAFC appeals to the VHA Legacy inventory. VHA CSP has established a team dedicated to addressing Legacy appeals. CSP also has worked in conjunction with the Board to establish processes for transmitting evidence files, receiving remands, and effectuating any grant of Legacy appeals.

Mitigation: VHA has established PCAFC Legacy system appeals processes and capabilities.

Risk: The ongoing *Freund v. McDonough*, Fed. Cir. No. 23-1387 (Appeal), case could result in thousands of previously closed Legacy appeals being reestablished.

Mitigation: VBA is continuing to collaborate with OGC regarding this ongoing court case and will ensure necessary actions are taken on Legacy appeals identified as impacted by this issue. The outcome of this ongoing case will result in a delay of VA sunseting this inventory.

Risk: The ongoing *Gladney v. McDonough*, case with the Court could result in thousands of appeals being remanded from the Board of Veterans' Appeals and significant financial implications for the Department.

Mitigation: VHA is developing policy for standardized turnaround times for program office retrieval of evidence documents for the Board. VHA is actively monitoring progress through bi-weekly updates on return rates and remaining inventory. Additionally, the AMA Implementation IPT is preparing to submit its recommendations to VHA leadership for approval. Potential recommendations include centralization of oversight and governance of VHA claims and appeals management, to ensure effective monitoring and reduce risk of AMA compliance shortcomings.

**Section 4 of the AMA authorizes the Secretary of Veterans Affairs to carry out such programs as the Secretary considers appropriate to test any assumptions relied upon in developing the comprehensive plan required by section 3(a) and to test the feasibility and advisability of any facet of the new appeals system. Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals system are necessary, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination.**

## VBA Test Program: Rapid Appeals Modernization Program (RAMP)

VBA has no further updates to RAMP as the program concluded on October 18, 2022. See 87 Fed. Reg. 43387.

**Department of Veterans Affairs**  
**February 2025**

### Appendix A. Update on Board Outreach.

<b>FY-Quarter</b>	<b>Outreach Date/Type</b>	<b>Outreach/Communication Activities</b>
FY 2024 Quarter 4	7/28/2024 VSO	Chairman Areizaga-Soto attended and presented at VFW National Convention
FY 2024 Quarter 4	7/29/2024 VSO	Chairman Areizaga-Soto attended and presented at PVA National Wheelchair Games
FY 2024 Quarter 4	8/3/2024 VSO	Chairman Areizaga-Soto attended and presented at DAV National Conference
FY 2024 Quarter 4	8/24/2024 VSO	Chairman Areizaga-Soto attended and presented at American Legion Convention
FY 2024 Quarter 4	8/29/24 VSO	Judge Barnard presented to a group with Florida Department of Veterans Affairs
FY 2024 Quarter 4	9/12/24 Veteran	Chairman Areizaga-Soto participated in call-in radio show "Todo Sobre Veteranos (All About Veterans)" on Radio Noti Uno 630AM
FY 2024 Quarter 4	9/12/24 VSO	Judge Walker spoke during State of Michigan VSO Training
FY 2024 Quarter 4	9/16/24 VSO	Judge Raymond presented at the Illinois Association of County Veterans Assistance Commissions
FY 2024 Quarter 4	9/19/24 VSO	Judge Mann presented at Colorado Division of Veterans Affairs (VSO Training)
FY 2024 Quarter 4	9/12/24 VSO	Chairman Areizaga-Soto hosted an in-person VSO Leadership Quarterly Meeting
FY 2024 Quarter 4	9/12/24 VSO	Chairman Areizaga-Soto and Board team hosted a virtual VSO Quarterly Call with all VSOs
FY 2024 Quarter 4	11/7/24 VSO	Judge Burton spoke at a DC USAO/OAG Veterans Day Event
FY 2024 Quarter 4	12/4/24 VSO	Judge Buck presented at an event hosted by the Minnesota Department of Veterans Affairs