## Chapter 8. Appeals

#### Overview

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| Change Date | October 31, 2018, Change 3   * This chapter is new in its entirety. |



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| In this Chapter | This chapter contains the following topics:   |  |  |  | | --- | --- | --- | | Topic | Title | See Page | | 1 | General Procedures | 8-2 | | 2 | Certificate of Eligibility Appeals | 8-8 | |

#### 1. General Procedures

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| **a. Terminology** | Certain acronyms and abbreviations commonly used within the context of the VA Home Loan program are used in this chapter. A table of acronyms and abbreviations appears below for easy reference, so that acronyms and abbreviations do not have to be defined each time they appear.   |  |  | | --- | --- | | **Table of Acronyms and Abbreviations** | | | **Acronyms or Abbreviations** | **Definition** | | AR | **Authorized Representative** – This is the Power of Attorney (POA) for a Veteran/Claimant that has been approved to represent the Veteran/Claimant regarding VA matters. ([VA Form 646](https://www.va.gov/vaforms/va/pdf/VA646.pdf), Statement of Accredited Representative in Appealed Case, [VA Form 21-22](https://www.vba.va.gov/pubs/forms/VBA-21-22-ARE.pdf), Appointment of Veterans Service Organization as Claimant’s Representative or [VA Form 21-22a](https://www.vba.va.gov/pubs/forms/VBA-21-22A-ARE.pdf), Appointment of an Individual as Claimant’s Representative) | | BVA | The **Board of Veterans’ Appeals** reviews all formal appeals made by Veterans to determine eligibility for a denied VA benefit. | | COE | A **Certificate of Eligibility** is a document that evidences a particular Veteran is eligible to participate in the VA Home Loan program. | | COS | **Character of Service** – Types of COS are Honorable, Other Than Honorable (OTH), General, etc. | | DIC | A surviving spouse in receipt of **Dependency and Indemnity Compensation** may be eligible for the VA home loan benefit. The DIC must be primary, secondary, ancillary or Chapter 38. If the surviving spouse is in receipt of 1151 or pension, they do not qualify for the VA home loan benefit. | |

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**1. General Procedures,** Continued

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| **a. Terminology,**  continued | |  |  | | --- | --- | | **Table of Acronyms and Abbreviations** | | | **Acronyms or Abbreviations** | **Definition** | | DPRIS | The **Defense Personnel Records Information Retrieval System** is a single enterprise gateway for secure electronic retrieval of document images from Official Military Personnel File systems, for verification of military service. | | HLR | **Higher Level Review –** A review performed by a Team Lead, as a result of the claimant or authorized representative’s written request to review the file again. No new information is provided for this review. | | LOS | **Length of Service –** The time spent in the military on a particular tour. | | NOD | A **Notice of Disagreement** is a written statement from a claimant or designated representative advising VA that he/she disagrees with a decision involving benefits applied for and denied. The statement must include a desire for appellate review. The Veteran does not have to make specific allegations or explain the reason for his/her disagreement with a decision. In addition, the NOD must be based on a decision that has been previously made, not on a proposed action. | | POA | **A Power of Attorney** is an individual or agency that has authority to receive and discuss the Veteran’s personal information regarding their benefits. **See Authorized Representative.** | | SC | **Supplemental Claim** – A COE review of a denied application, performed by a Regional Loan Center (RLC) Team Lead that contains additional evidence that is new and relevant to support granting the benefit(s) sought or you can identify existing relevant records that you would like VA to obtain. | |

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| **a. Terminology,** continued | |  |  | | --- | --- | | **Table of Acronyms and Abbreviations** | | | **Acronyms or Abbreviations** | **Definition** | | SHARE | **SHARE** is the database where all Compensation information regarding a Veteran’s claim was input, for anyone to obtain relevant Veteran information. | | SOC | **Statement of the Case** is the official documentation sent in response to the Veteran and his/her designated representative that explains the specific reason(s) and the circumstances that led to the decision for the adverse action or denial of the Veteran’s request for benefits. It is a summary of the evidence and applicable laws and regulations used in making the decision. | | SSOC | **Supplemental Statement of Case** provides the claimant with information on changes made to the SOC. | | VACOLS | **Veterans Appeals Control and Locator System** is a VA system used for recording, updating, and locating cases for a Veteran’s appeals. | | VBMS | **The Veterans Benefit Management System** houses all documents for Compensation to create a paperless claims processing system that incorporates improved business processes with technology. | | VIS | **The Veterans Information Solution** provides access to electronic Servicemember discharge data. | | VSC | **The Veterans Service Center** makes determinations of a Veteran’s eligibility for benefits other than loan guaranty benefits, when there are questions regarding exceptions to length of service requirements and character of service upgrades. | | VSO | **Veterans Service Organizations** are third parties that will represent the claimant in matters pertaining to their benefits. | | WebLGY | **WebLGY** is the system of record for all eligibility, underwriting, and appraisal data for the VA Home Loan Program. | |

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| b. Systems Access for Appeals Processing | The processing of Higher Level Reviews (HLR) and Supplemental Claims (SC) requires the use of various systems to perform an accurate determination. The complete list of the access to required systems is below. For a Team Lead to perform HLR and SC reviews, it is necessary for management to provide access to the listed systems. In addition to WebLGY, the three systems that are utilized are SHARE, VBMS, and VACOLS.   |  |  |  | | --- | --- | --- | | System Name | Purpose of Access | How to Gain Access | | Veterans Information Portal (VIP)/WebLGY | Access the COE work bucket and perform COE determinations | The employee registers in VIP, and then the supervisor sends an email request to the [Program Management & Data Integration (PMDI) support inbox](mailto:LGYPMDISupport.VBAVACO@va.gov), including the application access needs and the employee’s role. | | SHARE | Provides service information, Service-Connected Disability (SCD), funding fee exemption, pension, fiduciary, and COS. | RLC management must request access through the Common Security Employee Manager (CSEM) and/or VA Form 20-8824e. | | Veterans Benefits Management System (VBMS) and Veterans Appeals Control and Locator System  (VACOLS) | Assist with determination of surviving spouse eligibility, funding fee status, and appeals | RLC management must request access through the Common Security Employee Manager (CSEM) and/or VA Form 20-8824e. | |

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#### 1. General Procedures, Continued

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| c. Appeals Modernization | Public Law 115-55, *The Veterans Appeals Improvement and Modernization Act of 2017,* established the requirement that the Department of Veterans Affairs (VA) develop a comprehensive plan for implementing a new appeals system.    Under this new system, Veterans/Claimants and their families/survivors will have options in handling disagreements with VA’s decision to deny a benefit: (1) an HLR of the decision based on the same evidence presented to the initial application processors; (2) an SC review that includes the opportunity to submit additional evidence; or (3) direct appeal to the Board of Veterans Appeals (BVA). The benefit must be denied in WebLGY prior to the above options being presented to the Veteran/Claimant.    In the event the Veteran/Claimant submits more than one type of review and/or appeal at the same time, the reviewer must send the Veteran/Claimant a letter requesting that they make a choice of which option they would like VA to process. Additionally, when the Veteran/Claimant files an appeal with BVA, they can no longer request a HLR or SC review.  This policy pertains to the eligibility decision for the home loan benefit through a COE and does not apply to the decision for prior approval loans, Native American Direct Loans (NADLs), or the Reconsideration of Value (ROV) process. Prior approvals, NADL, and ROV processes are program decisions and concurrence by RLC management should always occur if the decision results in a negative outcome. |

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#### 1. General Procedures, Continued

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| d. Timeliness Requirements | Because the timeliness of the COE determination is paramount to providing the Veteran with notification of eligibility for a VA-guaranteed home loan, a timeliness requirement has been established for HLRs and SCs.  RLC management must assign HLRs within 2-business days of the receipt date stamped. Any COE application denial of eligibility must be reviewed by the Team Lead within 7-business days of assignment. The timeliness criteria for acceptable performance is meeting the 7-business day requirement at least 98 percent of the time, on a monthly basis. The exception will occur when the Claimant requests an informal conference. The Team Lead must complete the HLR within 5-business days after an informal conference is completed.  When the COE supplemental documents are received, the COE case will be placed in the RLC workbucket, for RLC management to assign within 2-business days of the receipt date. The Team Lead has 7-business days to complete the SC review and provide a decision. |

#### 2. Certificate of Eligibility Appeals

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| Change Date | October 31, 2018   * This chapter has been added to include appeals processing. |

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| a. General Information | The COE application must be denied in WebLGY prior to the direct appeal option availability. The claimant must provide a written Notice of Disagreement (NOD) directly to BVA. In the event the Claimant sends the NOD to the RLC, the Team Lead will upload the document into WebLGY and VBMS, then mail the documents to BVA.  The procedures indicated below are for any initial COE denials created in WebLGY, on or after February 1, 2019. The RLC will not have any additional required actions for direct appeals, with the exception of Remands by BVA.  A letter must be sent to the Veteran/Claimant indicating the action taken, and a copy uploaded into VBMS with documents received from the Veteran/Claimant. Additionally, the Claimant cannot concurrently request a HLR or SC review. The Veteran/Claimant must follow the directions of BVA regarding an additional appeal. |

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| b. Authorized Representatives | In all cases, the Team Lead must check SHARE to verify if the Claimant has an Authorized Representative (AR). If an AR is listed, then that representative must be provided with the proper correspondence.   |  |  | | --- | --- | | **Steps for Verifying an AR** | | | **Step** | **Description** | | 1 | In SHARE, on the main page and POA section, determine whether the Claimant has an approved representative. The representative can only receive a copy of the SOC if they are already in SHARE.  NOTE: Any organization or individual requesting to represent the Claimant must be approved by VA. If the requestor is in SHARE as an approved representative, steps 3 and 4 listed below are not necessary. However, if the representative is not listed in SHARE, then steps b or c must be followed. Upon receipt of the completed [VA Form 21-22](https://www.va.gov/vaforms/form_detail.asp?FormNo=21-22), *Appointment of Veterans Service Organization as Claimant’s Representative* or [21-22a](https://www.vba.va.gov/pubs/forms/VBA-21-22A-ARE.pdf), *Appointment of an Individual as Claimant’s Representative*, the document must be submitted to the VSC for review and approval of the representative. | | 2 | If the Claimant has a POA listed in SHARE, then a copy of the SOC must also be sent to the POA with a completed [VA Form 646](https://www.va.gov/vaforms/va/pdf/VA646.pdf), *Statement of Accredited Representative,* in the Appealed Case. The form must be uploaded into WebLGY. Indicate that the representative must respond within 60-calendar days from the date of the letter and upload these documents into the correspondence section of WebLGY. If necessary, the representative form ([VA Form 646](https://www.va.gov/vaforms/va/pdf/VA646.pdf), [VA Form 21-22](https://www.va.gov/vaforms/form_detail.asp?FormNo=21-22) or [21-22a](https://www.vba.va.gov/pubs/forms/VBA-21-22A-ARE.pdf)) must be uploaded into WebLGY correspondence. | |

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| b. Authorized Representative, continued | |  |  | | --- | --- | | **Steps for Verifying an AR, continued** | | | **Step** | **Description** | | 3 | If the Claimant has requested an attorney or a Veterans Service Organization (VSO) to represent them in the review, and they are not listed in SHARE, then [VA Form 21-22](https://www.vba.va.gov/pubs/forms/VBA-21-22-ARE.pdf), *Appointment of Veterans Service Organization as Claimant’s Representative*, must be sent to the representative to complete and return to VA. DO NOT send any documents to the potential representative. The representative must be approved before information may be shared with them. | | 4 | If the Claimant has requested that an individual represent them in the review and they are not listed in SHARE, then [VA Form 21-22a](https://www.vba.va.gov/pubs/forms/VBA-21-22A-ARE.pdf), *Appointment of an Individual as Claimant’s Representative*, must be sent to the representative to complete and return to VA. DO NOT send any documents to the potential representative. The representative must be approved before information may be shared with them. | |

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| c. Higher Level Review | Each RLC will be responsible for HLR of all the denials they processed. The HLR is the review of the decision based on the same documented evidence presented in the initial COE application. This occurs when the Veteran/ Claimant provides a written request that the COE denial be reviewed again.  The Claimant must provide a written request, on [VA Form 20-0996](https://www.vba.va.gov/pubs/forms/VBA-20-0996-ARE.pdf), *Request for Higher Level Review*, for a HLR. The Claimant may request an HLR any number of times during the 1-year period after the date of the denial notification letter. Additionally, the Claimant cannot concurrently request a SC or direct Appeal with BVA while a HLR is pending review. This review will remain with the same RLC that issued the denial.  The review must be assigned to a Team Lead. When the HLR request is received (postal mail or electronic mail), the HLR will be placed in the RLC management workbucket, for management to assign to a Team Lead. Management must assign the case within 2-business days of the receipt date stamped. |

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| c. Higher Level Review,continued | Any COE application denial of eligibility must be reviewed by the Team Lead utilizing the following procedure, within 7-business days of assignment:   |  |  |  | | --- | --- | --- | | **Steps for a HLR** | | | | **Step** | **Description** | **Purpose** | | 1 | Verify that there is not a COE SC or BVA appeal pending in WebLGY or VACOLS/Caseflow.  a. If there is a SC or appeal in pending status, then upload the document into WebLGY and send a letter to the Veteran/Claimant indicating they currently have an SC/Appeal pending and they cannot have concurrent review/appeal requests. Then stop processing the HLR.  b. If there is not a SC/Appeal pending, then go to step 2. | The Claimant may request one type of review at one time, and cannot have a concurrent review or BVA Appeal pending on a COE. | | 2 | Verify the Social Security Number and reference number in WebLGY. The Team Lead must review every application request because the Claimant could have an application with sufficient documentation to move forward with issuing a COE. | The Claimant may have previous COE applications with relevant information under other reference numbers. | |

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| c. Higher Level Review,continued | |  |  |  | | --- | --- | --- | | **Steps for a HLR, continued** | | | | **Step** | **Description** | **Purpose** | | 3 | Review all notes and documents within WebLGY, SHARE, VIS, VBMS, DPRIS and any other VA systems that may have pertinent information. Upload any service documents found that support the decision. Medical documents must not be uploaded; however, make notes in WebLGY indicating how the information assisted in the decision. If there is a pending claim with the VSC that will affect the COE decision, then close the HLR and send the applicant a letter with the need for VSC’s decision prior to making a COE decision (i.e. surviving spouse, pending disability claim). | For example – a DD 214 does not indicate the reason for discharge, but meets LOS. There may be sufficient documentation and/or notes in another system that permits the Loan Specialist to make a decision. Otherwise, the VSC must make a decision prior to LGY making a decision. | |

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| c. Higher Level Review,continued | |  |  |  | | --- | --- | --- | | **Steps for a HLR, continued** | | | | **Step** | **Description** | **Purpose** | | 4 | Determine whether a VSC referral is necessary.  a. If a VSC referral is necessary, notify the Claimant of the VSC referral with the standard letter in WebLGY. See Chapter 7, Topic 12, for detailed guidance.  b. Update WebLGY, in the notes, with the reason for the referral.  c. The Team Lead cannot make a final HLR decision until the response is received from the VSC. The system places the case in pending status. | This is to ensure the COE application is not denied without a negative decision reached by the VSC. There are two different VSC referrals – Character of Service and Discharge for Disability. | | 5 | Make the final determination whether the COE can be issued, suspended (placed in a holding status), or the application must remain denied. The Team Lead must document the COE reference number with the final determination in WebLGY note section. | To ensure due diligence has been performed to establish eligibility or deny eligibility. | | 6 | The Team Lead must input the completion date in VACOLS/Caseflow. | The Appeals Management Office must report all timeliness and actions for HLRs. | |

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**2. Certificate of Eligibility Appeals,** Continued

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| c. Higher Level Review,continued | For the approval or denial of the COE, the RLC must send out a letter to the Claimant and/or AR. When the COE can be approved, then WebLGY will generate the approval letter and COE. For COEs that will remain denied, do NOT use the denial letter. Use the “HLR letter” and include the [VA Form 4107](https://www.va.gov/vaforms/va/pdf/VA4107.pdf), *Your Rights to Appeal our Decision*.  Informal Telephone Conference - In the event the Claimant or AR have chosen an informal telephone conference, these steps need to be followed:   |  |  | | --- | --- | | **Steps for an Informal Telephone Conference** | | | **Step** | **Description** | | 1 | Within 5-business days, contact the Claimant and/or AR and set up the informal telephone conference. The Claimant and/or AR cannot request an in-person conference. If an in-person conference is requested, inform the Claimant and/or AR that the HLR process only permits an informal telephone conference. The Claimant and/or AR may request a direct appeal to BVA, which will permit an in-person hearing. | | 2 | The conference must occur within 30-business days of receipt of the HLR request, unless the Claimant and/or AR have special circumstances that do not permit meeting the deadline. The informal telephone conference will be limited to 1-hour and only one informal conference per HLR.  a. Establish the conference call on your Outlook calendar with Lync and ensure that the Assistant Loan Production Officer (ALPO) and/or Loan Production Officer (LPO) will be present for the informal telephone conference. Input the scheduled conference call information within the notes section of WebLGY, send a letter, and email to the Claimant or AR to notify them of the telephone conference call.  b. Send written notification (electronic or paper mail) to the Claimant or AR of the scheduled informal telephone conference, with all the completed necessary information. | |

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| c. Higher Level Review, continued | |  |  | | --- | --- | | **Steps for an Informal Telephone Conference, continued** | | | **Step** | **Description** | | 3 | In preparation for the conference, the Team Lead should familiarize him/herself with the COE application and be prepared to discuss the reason for the denial.  During the preparation for the conference, if the Team Lead realizes that the COE can be issued, then issue the COE and contact the Claimant and/or AR. | | 4 | The informal telephone conference must be recorded and this must be announced at the beginning of the call.  The informal telephone conference will be conducted in an orderly and professional manner.  The Team Lead and RLC management actions must be characterized by fairness, impartiality, and cooperativeness.  The Team Lead and/or RLC management will not engage in any argument with the adverse party, his or her counsel, or any witness.  The Team Lead and/or RLC management may question the Claimant and/or AR to gain a clear understanding of the Claimant’s and/or AR’s question(s).  a. The Team Lead will verify the identity of everyone on the call and respond to all questions posed by the Claimant and/or AR during the 1-hour call.  b. The Team Lead and/or RLC management will **not** accept any new evidence from the Claimant and/or AR during the conference.  c. At the conclusion of the informal telephone conference, the Team Lead and/or RLC management will indicate next steps, review the file, and provide a written response within 7-business days of the conference. | | 5 | The Team Lead will upload a copy of the recorded conference in WebLGY and detailed notes are place in WebLGY. The Team Lead will perform the HLR review. | |

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| d. Supplemental Claim | A SC COE application review includes submission of documentation that was not previously provided by the Claimant.    The SC is a written request by the Claimant, with additional documentation to support their request and [VA Form 20-0995](https://www.vba.va.gov/pubs/forms/VBA-20-0995-ARE.pdf), *Supplemental Claim Application (PL 115-55)*. The Claimant may provide a written request for a SC any number of times during the period of 1 year from the date of the denial notification letter.  Additionally, the Claimant cannot concurrently request an HLR or direct appeal with BVA. The SC will be reviewed by a Team Lead.    After the COE application is denied and VA receives additional information, the case is reviewed to determine if eligibility can be granted. This review will remain with the same RLC that issued the denial. When the SC request is received (postal mail or electronic mail), the SC will be placed in the RLC management workbucket, for management to assign to a Team Lead. Management must assign the case within 2-business days of the receipt date stamped.   |  |  | | --- | --- | | **Steps for an SC** | | | **Step** | **Description** | | 1 | The Team Lead will review the case, with the new information to determine if our original decision is accurate. The Team Lead has 7-business days to review the case from the receipt date stamped. | | 2 | The Team Lead must ensure that the decision made in the initial denial and/or HLR were properly completed and notes properly placed in the WebLGY notes section of all COE reference numbers and VBMS.  If the person performing the review determines that the Loan Specialist failed to properly complete any required steps, the Team Lead will document the file and notify the RLC management of the error. | |

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| d. Supplemental Claim, continued | |  |  | | --- | --- | | **Steps for an SC, continued** | | | **Step** | **Description** | | 3 | The Team Lead must review the decision based upon the additional information. Thereafter, an “SC Review” letter (not a denial letter) will be sent to the Veteran/Claimant with specific language regarding the review of the additional information with the signature of the Loan Production Officer. If the COE application remains denied, then the letter will include appeal information again - [VA Form 4107](file:///\\Vba.va.gov\ro\VBACO\CO2\Shared\LGY-26\.FRONT%20OFFICE\MANUALS\M26-7\2018%20UPDATE\VA%20Form%20VA-4107.htm). There will not be a new denial created in the system. The 1-year requirement for the NOD still remains with the original denial date. | | 4 | The Team Lead must input the completion date in VACOLS/Caseflow. | |

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| e. Remands, continued | BVA can make three different determinations after a review or hearing, to include: Loan Guaranty (LGY) Benefits denied, LGY Benefits approved, or Remands. At least once a month, RLC management must obtain and review reports regarding the status of all LGY appeals within the RLC’s jurisdiction, in VACOLS/Caseflow, and WebLGY. RLC management is responsible for a timely response to the BVA decisions and/or Remands.  Denied: If BVA denies LGY benefits, a copy of the decision must be uploaded into WebLGY under the COE reference number where the appeal is located. Review WebLGY for any other COE reference numbers. In the event additional COE reference numbers exist, the Team Lead must place a comment in the note section of each COE reference number and upload a copy of BVA’s decision in the correspondence section.  **Note:** BVA provides the Claimant and/or the AR their appeal rights for submission to the Court of Veterans Appeals. A copy of BVA’s decision is sent to the Claimant and/or AR, with a copy of [VA Form 4597](https://www.va.gov/vaforms/va/pdf/VA4597.pdf), *Your Rights to Appeal our Decision*, [VA Form 4597a](https://www.va.gov/vaforms/va/pdf/VA4597a.pdf), *Your Rights to Appeal our Decision Concerning the Reasonableness of Your Fee Agreement*, or [VA Form 4597b](https://www.va.gov/vaforms/va/pdf/VA4597b.pdf), *Your Rights to Appeal Decision on Your Motion for Review Clear & Unmistakable*. The Claimant and/or AR must appeal directly to the Court of Veteran Appeals. The Claimant or AR does not file the appeal with the RLC of jurisdiction. In the event the Court of Veterans Appeals requests any additional documentation or information from VA, RLC management must discuss the request with Counsel prior to a response.  Approved: If BVA approves LGY benefits, a copy of the decision must be uploaded into WebLGY under the COE reference number where the appeal is located. The Team Lead must issue the COE and review WebLGY for any other COE reference numbers. In the event additional COE reference numbers exist, then the Team Lead must place a comment in the note section of each COE reference number and upload a copy of BVA’s decision in the correspondence section. |

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| e. Remands, continued | Request for Action or documents: If BVA requests the RLC to take action, or provide documents for the appeal, the Team Lead must review the remand request to understand what action or information BVA is requesting and perform accordingly. Generally, the BVA may request additional documentation and/or information from LGY, the VSC, the Claimant, or another source to assist them in their review for a final decision. The following table provides the steps for providing information and/or documentation for remands.  **Note:** At each step below and upon receipt of any documents after the receipt of the Remand, the documents and/or notes must be placed in VACOLS/Caseflow, and any necessary diaries established. VACOLS/Caseflow is a living system and must be kept current, for the Veteran/Claimant to be aware of the status of their appeal at all times.   |  |  | | --- | --- | | **Steps to Respond to BVA’s Request for Action or Documents** | | | **Step** | **Description** | | 1 | Upload a copy of the Remand into WebLGY. | |

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

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2. Certificate of Eligibility Appeals, Continued

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

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| e. Remands, continued | |  |  | | --- | --- | | **Steps to Respond to BVA’s Request for Action or Documents, continued** | | | **Step** | **Description** | | 3  continued | If the information must be returned to BVA, then perform the following steps:  a. Ensure that all diary dates in VACOLS/Caseflow and WebLGY have a completed date.  b. Verify that all required documentation requested in the Remand has been uploaded into WebLGY and VBMS.  c. Draft the BVA cover letter which addresses all BVA’s requests indicated in the Remand and then upload it into WebLGY and VBMS.  d. Send a letter to Claimant and/or AR advising them that the file has been returned to VBA.  e. Update VACOLS/Caseflow in “Dispatch Appeal” field with the Remand return date (see the Dispatch in VACOLS/Caseflow” table below, for instructions). | |

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| e. Remands,continued | |  |  | | --- | --- | | **Dispatch in VACOLS/Caseflow** | | | **Step** | **Description** | | 1 | On the main screen, input the Claimant’s Social Security Number. | | 2 | If there is another appeal is in the system, be sure to choose the appeal from RO88. | | 3 | Choose “Dispatch Appeal” | | 4 | On the next screen:  a. Enter the date the COE was issued in the “disposition date/date sent to BVA”. The date should be entered as “mm/dd/yy.”  b. In the “disposition of appeal” section, you will need to complete the following fields:  i. In the “Advance Allowed in Field” section, choose from the drop down - the grant reason as CUE (Clear Unmistakable Error), De Novo, or New Evidence.  ii. CUE is chosen when there is a clear and unmistakable error by the RLC.  iii. De Novo is chosen when the RLC did not make an error; however, the reviewing individual determines that the COE can be issued.  iv. New Evidence is chosen when the Claimant provides new evidence and/or research indicates information that was not previously available supports issuing the COE. | |

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2. Certificate of Eligibility Appeals, Continued

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| e. Remands, continued | After a Remand is returned, BVA can make three different decisions: Loan Guaranty Benefits denied, Loan Guaranty Benefits approved, or request for additional information and/or documents. Thereafter, BVA will provide their decision and the table above must be utilized to perform the necessary action.  If a paper file was used for the appeal process, then a copy of the completed file should be uploaded into WebLGY and physically stored in a secure location and destroyed in accordance with the Records Control Schedule (RCS) VB-1, Part I, Field, revised January 31, 2014. |