

## Chapter 8. Appeals

### Overview

---

**In this Chapter** This chapter contains the following topics:

<b>Topic</b>	<b>Title</b>	<b>See Page</b>
1	General Procedures	8-2
2	Certificate of Eligibility Appeals	8-11

---

# 1. General Procedures

- Change Date**      December 2, 2019, Change 4
- This chapter has been revised in its entirety.

**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.

<b>Table of Acronyms and Abbreviations</b>	
<b>Acronyms or Abbreviations</b>	<b>Definition</b>
AR	<b>Authorized Representative</b> – 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 21-22, Appointment of Veterans Service Organization as Claimant’s Representative or VA Form 21-22a, Appointment of an Individual as Claimant’s Representative)
BVA	All Notices of Disagreement (NOD) shall be filed with The <b>Board of Veterans’ Appeals</b> .
COE	A <b>Certificate of Eligibility</b> is a document that evidences a particular Veteran is eligible to participate in the VA Home Loan program.
COS	<b>Character of Service</b> – Types of COS are Honorable, Other Than Honorable (OTH), General, etc.
DIC	A surviving spouse eligible for or 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 benefit under Section 1151 or pension, they do not qualify for the VA home loan benefit.
DPRIS	The Defense Personnel Records Information Retrieval System is an enterprise gateway for secure electronic retrieval of document images from Official Military Personnel File systems, for verification of military service.

*Continued on next page*

## 1. General Procedures, Continued

a.  
Terminology,  
continued

<b>Table of Acronyms and Abbreviations</b>	
<b>Acronyms or Abbreviations</b>	<b>Definition</b>
HLR	<b>Higher Level Review</b> – A new review of a denial decision performed by a Team Lead at a different Regional Loan Center (RLC), unless the claimant or AR requests the same office that made denial decision complete the HLR. The higher level reviewer will not consider any evidence received after the notification date of the prior decision. No new information is provided for this review. This is a closed record.
LOS	<b>Length of Service</b> – The time spent in the military on a particular tour.
LS	<b>Loan Specialist</b> is a VA employee who processes the <a href="#">VA Form 26-1880, Request for A Certificate of Eligibility</a> or the electronic application from the lender in WebLGY.
NOD	<a href="#">VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement)</a> is used if one wishes to appeal one or more issues to a Veterans Law Judge at the Board of Veterans' Appeals.
POA	<b>A Power of Attorney</b> is an individual or agency that has authority to receive and discuss the Veteran's personal information regarding their benefits. <b>See Authorized Representative.</b>
SC	<b>Supplemental Claim</b> – A COE review of a denied application, performed by a Team Lead of the same Regional Loan Center (RLC) that made the original denial decision. The SC must contain new and relevant evidence to support granting the benefit(s) sought or the claimant can identify existing relevant records that the claimant would like VA to assist in obtaining.

*Continued on the next page*

## 1. General Procedures, Continued

a.  
Terminology,  
continued

<b>Table of Acronyms and Abbreviations</b>	
<b>Acronyms or Abbreviations</b>	<b>Definition</b>
SCD	<b>Service-connected disability</b> is a disease or injury incurred or aggravated during active military service.
SHARE	<b>SHARE</b> is the database where Compensation information regarding a Veteran's claim was input, for authorized users to obtain relevant Veteran information.
VBMS	<b>The Veterans Benefit Management System</b> houses all documents for Compensation to create a paperless claims processing system that incorporates improved business processes with technology.
VIS	<b>The Veterans Information Solution</b> provides access to electronic Servicemember and Veteran's discharge data.
VSC	<b>The Veterans Service Center</b> makes determinations of a Veteran's eligibility for benefits. The VSC makes determinations involving loan guaranty benefits when there are questions regarding exceptions to length of service requirements and character of service upgrades.
VSO	<b>Veterans Service Organizations</b> are third parties that will represent the claimant in matters pertaining to their benefits.
WebLGY	<b>WebLGY</b> is the system of record for all eligibility, underwriting, and appraisal data for the VA Home Loan program.

*Continued on next page*

## 1. General Procedures, Continued

### b. Systems Access for Appeals Processing

The processing of Higher Level Reviews (HLR) and Supplemental Claims (SC) requires the use of various systems to perform an accurate determination. The list of the systems to obtain access for appeals processing is listed below. To perform HLR and SC reviews, it is necessary for management to provide access to the listed systems. In addition to WebLGY, the other systems that are utilized are SHARE, VBMS, and Caseflow.

System Name	Purpose of Access	How to Gain Access
Caseflow	Caseflow Intake is a web-based application designed to support the Appeals Modernization Act (AMA). Caseflow Intake records the issues on the Veteran's appeals form and tracks the associated metrics required by statute.	RLC management must request access through the Common Security Employee Manager (CSEM) and/or <a href="#">VA Form 8824e</a> . Thereafter, a Loan Policy, VACO Program Analyst will add the Loan Guaranty users in Caseflow.
LGY Hub/WebLGY	Access the COE work bucket and perform COE determinations	The employee registers in LGY Hub, and then the supervisor sends an email request to the Program Management & Data Integration (PMDI) support inbox, including the application access needs and the employee's role.
SHARE	Provides service, SC, COS, pension and fiduciary information and information to determine funding fee exemption.	RLC management must request access through the CSEM and/or <a href="#">VA Form 8824e</a> .
Veterans Benefits Management System (VBMS)	Assist with eligibility determinations for Veterans and surviving spouses, funding fee status, and appeals.	RLC management must request access through the CSEM and/or <a href="#">VA Form 8824e</a> .

*Continued on next page*

## 1. General Procedures, Continued

### c. Appeals Modernization

**Public Law 115-55, The Veterans Appeals Improvement and Modernization Act of 2017 (AMA)**, 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, Authorized Representatives (ARs), and their families/survivors will have options in handling disagreements with VA's decision to deny a benefit. Within 1 year of VA's decision on a claim, the claimant may take any of the following actions:

- (1) File a request for an HLR of the decision based on the same evidence presented to the initial application processor by submitting **VA Form 20-0996, Decision Review Request: Higher Level Review**. Once the HLR decision is made, there can be no further HLR requests. In other words, a claimant cannot request an HLR of an HLR.
- (2) File a SC review that includes the opportunity to provide new and relevant evidence by submitting **VA Form 20-0995, Decision Review: Supplemental Claim**.

Differences	HLR	SC
Submit new evidence?	No, closed record	Yes, new and relevant information
Time limit to file after decision?	1 year	Anytime
Duty to assist (DTA) exists?	No	Yes
Decisionmakers?	Team Lead within a different RLC other than the office that made the denial decision. If box 13 on <b>VA Form 20-0996</b> is checked, the same RLC that made the denial decision completes the review.	Team Lead within the same RLC that made the denial decision.

*Continued on next page*

## 1. General Procedures, Continued

### c. Appeals Modernization, continued

- (3) File a direct appeal with the Board of Veterans Appeals (BVA). This is done by completing and submitting **VA Form 10182, Decision Review Request: Board Appeal (Notice Of Disagreement)**. A claimant cannot request an HLR of the Board's decision.

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

Differences	Direct	Evidence Only	Hearing
Submit New Evidence?	No, closed record	Yes	Yes
Time limit to file evidence?	No evidence	90 days after NOD or move to docket	90 days after hearing
DTA Exists?	No	No	No
Hearing Available?	No	No	Yes

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. The claimant cannot concurrently request an HLR, SC review, or appeal on the same issue or the same claim until the request for HLR, SC, or appeal is adjudicated or withdrawn. Only one request can be submitted at a time.

If more than 1 year has passed after the decision on a claim was made, the claimant may file a SC.

*Continued on next page*

## 1. General Procedures, Continued

---

**d. Decision and Notices of Decisions**

The Appeals Modernization Act requires that Decisions and Notices of Decisions include all of the following:

1. Identification of the issues adjudicated.
  2. A summary of the evidence considered by the Secretary.
  3. A summary of the applicable laws and regulations.
  4. Identification of findings favorable to the claimant.
  5. In the case of a denial, identification of elements not satisfied leading to the denial.
  6. An explanation of how to obtain or access evidence used in making the decisions.
  7. If applicable, identification of the criteria that must be satisfied to grant service connection or the next higher level of compensation.
- 

**e. Duty to Assist**

VA is required under [38 U.S.C. 5103A](#) to make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate a claim.

VA's duty to assist in the gathering of evidence begins upon receipt of a COE application or SC and ends once VA issues a COE decision. VA's duty to assist is reinstated when a COE denial is returned by the higher level reviewer or BVA to correct a "duty to assist" error in a prior decision.

In the case of a COE application, evidence necessary to substantiate the application is proof of the Veteran's character and length of service. As such, reasonable efforts mean that VA must search for all available service information contained in VA or VA-approved systems, including but not limited to VBMS, SHARE, DPRIS, WebLGY, and VIS. Further, if evidence reflects that the Veteran's character of service is Other than Honorable or Bad Conduct, and the minimum length of service is met for the era of service, VA will determine if an upgrade to an acceptable COS can be made for VA purposes. The RLCs will submit the case to a VSC for such review.

---

*Continued on next page*

## 1. General Procedures, Continued

**e. Duty to Assist,**  
continued

If proof of the Veteran's military service is unavailable or not found in the relevant systems, the RLCs must take the following steps:

<b>Steps for Obtaining Unavailable Service Information</b>	
<b>Step</b>	<b>Description</b>
1	The LS must document notes in WebLGY of what systems were searched (i.e., VBMS, SHARE, DPRIS, WebLGY, and VIS), so if a review or appeal is requested, the information would be available to the reviewer.
2	<p>The LS must prepare a return letter in WebLGY that</p> <ul style="list-style-type: none"> <li>• Notifies the Veteran/AR what information is necessary to substantiate the COE application,</li> <li>• Informs the Veteran/AR that VA was unable to locate the required information through search of its available records,</li> <li>• If applicable, provides contact information for the National Archives and Records Administration (NARA), and</li> <li>• Notifies the Veteran/AR that he or she has 30 days to provide the requested information before VA will decide the COE application.</li> </ul> <p>After 30 days from the date of the return letter, if no information has been received from the Veteran/AR, continue processing the COE application and make a decision.</p> <p>If information is received from the Veteran/AR, proceed to step 3.</p>
3	<p>If COE eligibility can be established based on the information received, issue the COE.</p> <p>If not, and additional information is still required to determine eligibility, return to step 2. <i>Note:</i> VA's duty to assist is limited to contacting the Veteran/AR on three separate occasions for additional information regarding a COE application.</p>

*Continued on next page*

## 1. General Procedures, Continued

---

**f. Opportunity to Opt-in to AMA From Legacy Appeals System**

The AMA allows appellants with a legacy appeal an opportunity to withdraw from the legacy appeals process and enter the modernized appeals system. Any future Statement of the Case (SOC) or Supplemental Statement of the Case (SSOC) prepared for appeals under the legacy system must include the VA Modernized Decision Review System SOC/SSOC Opt-In Fact Sheet.

---

**g. Timeliness Requirements**

Because the timeliness of the COE determination is paramount to providing the Veteran with notification of eligibility for the VA-guaranteed home loan benefit, a timeliness requirement has been established for HLRs and SCs.

RLC management must assign HLRs within 2-business days of the stamped receipt date. 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 work bucket, 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.

When a Team Lead is out of the office on leave or travel, including unexpectedly, management must reassign the case to ensure these timeliness requirements are met.

---

## 2. Certificate of Eligibility Appeals

---

### Change Date

December 2, 2019

- This chapter has been revised in its entirety.
- 

### a. General Information

The COE application must be denied in WebLGY prior to the direct appeal option availability.

The claimant must provide a [VA Form 10182](#), *Decision Review Request: Board Appeal (Notice of Disagreement)* 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 using the address below:

Board of Veterans' Appeals  
P.O. Box 27063  
Washington, DC 20038

The procedures indicated below are for any initial COE denials created in WebLGY, on or after February 19, 2019.

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 when a [VA Form 10182](#), *Decision Review Request: Board Appeal (Notice of Disagreement)* is filed.

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

**b. Authorized Representative**

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.

<b>Steps for Verifying an AR</b>	
<b>Step</b>	<b>Description</b>
1	<p>In SHARE, on the main page and POA section, determine whether the Claimant has an approved representative.</p> <p>Any organization or individual requesting to represent the Claimant must be approved by VA. If the requestor is in SHARE/VBMS as an approved representative, steps 3 and 4 listed below are not necessary. If the representative is not listed in SHARE/VBMS, then steps 3 or 4 must be followed.</p> <p>Upon receipt of the completed <a href="#">VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative</a> or <a href="#">21-22a, Appointment of an Individual as Claimant's Representative</a>, the document must be submitted to the VSC for review and approval of the representative.</p>
2	<p>If the Claimant has a POA listed in SHARE/VBMS, then a copy of any appeals document must also be sent to the POA. The form must be uploaded into WebLGY.</p> <p>Indicate that the representative must respond within the requested timeframes from the date of the letter and upload these documents into the correspondence section of WebLGY. If necessary, the representative form (<a href="#">VA Form 21-22</a> or <a href="#">21-22a</a>) must be uploaded into WebLGY correspondence.</p>

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

---

**b. Authorized Representative,**  
continued

Steps for Verifying an AR	
Step	Description
3	If the Claimant has requested a Veterans Service Organization (VSO) to represent them in the review, and they are not listed in SHARE/VBMS, then <a href="#">VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative</a> , 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 attorney or other individual represent them in the review and they are not listed in SHARE/VBMS, then <a href="#">VA Form 21-22a, Appointment of an Individual as Claimant's Representative</a> , 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.

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

---

**c. Higher Level Review** 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](#), *Request for Higher Level Review*, for an HLR. The Claimant may request an HLR any time within the 1-year period after the date of the denial notification letter.

An HLR must be processed by a different RLC other than the one that made the original denial decision unless the HLR request specifically states that the same office completes the HLR.

Once the HLR decision is made, there can be no further request for an HLR. In other words, a claimant cannot request an HLR of an HLR. Instead, the claimant may submit a SC and VA will issue another decision based on the SC.

Additionally, the Claimant cannot concurrently file a SC or NOD with BVA while an HLR is pending.

When the HLR request is received (Evidence Intake Center, postal mail, or electronic mail), and the claimant has not requested that the same office that issued the prior decision conduct the review, RLC Management will notify LP VACO of the receipt of the HLR to be assigned to another RLC.

Until the functionality is created in WebLGY to assign HLR cases (ones to be reviewed by another office) on a rotational basis, LP VACO will track and assign HLR cases manually.

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

**c. Higher Level Review,** Any COE application denial of eligibility must be reviewed by the Team Lead utilizing the following procedure, within 7-business days of assignment:  
continued

Steps for a HLR		
Step	Description	Purpose
1	<p>Verify that there is not a SC or BVA appeal pending in WebLGY or Caseflow.</p> <p>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 close out the HLR.</p> <p>b. If there is not a SC/Appeal pending, then go to step 2.</p>	<p>The Claimant may request one type of review at one time. The Veteran cannot have a concurrent SC, or NOD with BVA pending at the same time.</p>
2	<p>Verify the Social Security Number and reference number in WebLGY. The Team Lead must review every application request under the Veteran's SSN (should have been completed by the original application processor as well) and the uploaded information under Correspondence.</p>	<p>The Claimant may have previous COE applications with relevant information under other reference numbers.</p>

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

**c. Higher Level Review, continued**

<b>Steps for a HLR, continued</b>		
<b>Step</b>	<b>Description</b>	<b>Purpose</b>
3	<p>Review all notes and documents within WebLGY, SHARE, VIS, VBMS, DPRIS and any other VA systems that may have pertinent information.</p> <p>If there is a pending claim with the VSC, complete the HLR review. The Veteran may submit a SC after the pending claim is completed.</p>	<p>It's possible to have documents under multiple reference numbers. For example, a DD Form 214 may be uploaded under one reference number and not another. Check for information under all reference numbers associated with the Veteran's social security number.</p>
4	<p>If the higher level reviewer determines that a VSC referral is necessary but one was not requested, submit the VSC referral.</p> <p>a. If a VSC referral is necessary, notify the Claimant of the VSC referral with the standard letter in WebLGY.</p> <p>b. Update WebLGY, in the notes, with the reason for the referral.</p> <p>c. Complete the processing of the HLR based on the evidence of record.</p>	<p>This is to ensure that if a processing step was missed, that it gets completed. There are two different VSC referrals. They are Character of Service and Discharge for Disability.</p>

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

c. Higher Level  
Review,  
continued

Steps for a HLR, continued		
Step	Description	Purpose
5	Once the VSC referral is complete, make the final determination whether the COE can be issued or if the application must remain denied. The Team Lead must document the COE reference number with the final determination in the WebLGY notes section. 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, 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 <a href="#">VA Form 20-0998, Your Rights to Seek Further Review Of Our Decision</a> .	To ensure due diligence has been performed to determine eligibility.
6	The Team Lead must input the disposition in Caseflow.	The Appeals Management Office (AMO) must report all timeliness for HLRs.

Continued on next page

## 2. Certificate of Eligibility Appeals, Continued

---

**c. Higher Level Review,** Informal Telephone Conference - In the event the Claimant or AR have chosen an informal telephone conference, these steps need to be followed:  
 continued

<b>Steps for an Informal Telephone Conference</b>	
<b>Step</b>	<b>Description</b>
1	Within 5-business days, contact the Claimant and/or AR and set up the informal telephone conference. The Claimant and/or AR cannot request an in-person conference. If an in-person conference is requested, inform the Claimant and/or AR that the HLR process only permits an informal telephone conference. The Claimant and/or AR may request a direct appeal to BVA, which will permit an in-person hearing.
2	<p>The conference must occur within 30-business days of receipt of the HLR request, unless the Claimant and/or AR have special circumstances that do not permit meeting the deadline. If special circumstances do occur, then document the file and reschedule accordingly. The informal telephone conference will be limited to 1-hour and only one informal conference per HLR.</p> <p>a. Establish the conference call on your Outlook calendar with Skype 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.</p> <p>b. Send written notification to the Claimant and/or AR of the scheduled informal telephone conference, with all the completed necessary information.</p>

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

**c. Higher Level Review, continued**

<b>Steps for an Informal Telephone Conference, continued</b>	
<b>Step</b>	<b>Description</b>
3	In preparation for the conference, the Team Lead should familiarize himself/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	<p>The informal telephone conference must be recorded and this must be announced at the beginning of the call. The informal telephone conference will be conducted in an orderly and professional manner. The 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).</p> <p>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.</p> <p>b. The Team Lead and/or RLC management will <b>not</b> accept any new evidence from the Claimant and/or AR during the conference. If the Veteran has documents to submit, encourage the Veteran to submit a SC.</p> <p>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.</p>
5	The Team Lead will upload a copy of the recorded conference in WebLGY and place detailed notes in WebLGY. The Team Lead at a different RLC other than the office where the denial decision was made will perform the HLR.

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

---

**d.**  
**Supplemental  
Claim**

The SC is requested by the claimant or AR by completing and submitting a [VA Form 20-0995, Supplemental Claim Application](#).

A SC COE application review includes submission of new and relevant documentation that was not previously provided by the Claimant. Relevant records must relate to the benefit being sought and have a reasonable possibility of helping to substantiate the claim.

The Claimant cannot concurrently request an HLR or direct appeal with BVA. The SC will be reviewed by a Team Lead in the same RLC that made the original denial decision. After the initial COE application is denied and VA receives new and relevant 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 (Evidence Intake Center, postal mail, or electronic mail), the SC will be placed in the RLC management work bucket, for management to assign to a Team Lead. Management must assign the case within 2-business days of the receipt date stamped.

<b>Steps for a SC</b>	
<b>Step</b>	<b>Description</b>
1	The Team Lead will review the case, with the new and relevant information to make a decision. 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.

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

---

**d.**  
**Supplemental**  
**Claim,**  
continued

<b>Steps for a SC, continued</b>	
<b>Step</b>	<b>Description</b>
3	The Team Lead must review the decision based upon the additional information. Thereafter, a “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 <a href="#">VA Form 20-0998</a> , <i>Your Rights to Seek Further Review Of Our Decision</i> .
4	The Team Lead must input the disposition in Caseflow.

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, Continued

---

**e. BVA Appeals** BVA can make three different determinations after a review or hearing, to include:

1. LGY Benefits denied; or
2. LGY Benefits approved; or
3. 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 Caseflow and WebLGY. RLC management is responsible for a timely response to 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.

**Grant/Approve:** 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.

**Remands:** 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, 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.

---

*Continued on next page*

## 2. Certificate of Eligibility Appeals, continued

e. BVA  
Appeals,  
continued

<b>Steps to Respond to BVA's Request for Action or Documents</b>	
<b>Step</b>	<b>Description</b>
1	Upload a copy of the Remand into WebLGY.
2	<p>Review the Remand and request any information and/or documentation requested by BVA. Time is of the essence to provide the information to BVA. Be sure to follow up to ensure a timely response to BVA. Until LGY has access to the internal centralized mail portal, mail all documents to BVA using this address:</p> <p>Board of Veterans' Appeals P.O. Box 27063 Washington, DC 20038</p> <p>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.</p> <p>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 can no longer use the documentation that was used to make the previous determination.</p> <p>c. If a previous COE or other documentation is requested from the Claimant, write him/her a letter requesting the additional information needed by BVA.</p> <p>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. Periodically check VBMS, in the event the system does not send a notification that the documents have been received.</p>

*Continued on next page*

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

e. BVA Appeals, continued

<b>Steps to Respond to BVA's Request for Action or Documents, continued</b>	
<b>Step</b>	<b>Description</b>
2 (continued)	<p>e. If BVA requests the VSC to perform a new adjudication based on all documents currently in VA's possession, then request the VSC to complete the adjudication.</p> <p>f. If BVA provides a request that is not listed in a – e above, then review the request and perform the required request.</p>
3	<p>After all remand requirements have been completed, in step 2 above, determine if the COE can be issued or if the information must be returned to BVA for their action.</p> <p>If the COE can be issued, process the COE in WebLGY and indicate in the notes what information was provided to support issuing the COE. If a COE cannot be issued, reissue the denial letter and return the appeal to BVA.</p> <p>If the information must be returned to BVA, then perform the following steps:</p> <p>a. Enter notes in WebLGY and update any information into Caseflow.</p> <p>b. Verify that all required documentation requested in the Remand has been uploaded into WebLGY and VBMS.</p> <p>c. Draft the BVA cover letter which addresses all BVA's requests indicated in the Remand and then upload it into WebLGY and VBMS.</p> <p>d. Send a letter to the Claimant and/or AR advising them that the file has been returned to VBA.</p>

*Continued on next page*

## 2. Certificate of Eligibility Appeals, continued

---

**e. BVA Appeals,**  
continued

After a Remand is returned, BVA can make three different decisions:

1. LGY benefits denied. If BVA denies the benefit, upload any documentation received and add notes in WebLGY.
  2. LGY benefits granted/ approved. If BVA approves the benefit, upload any documents received in WebLGY and issue the COE.
  3. Remand. If BVA requests additional information and/or documents, take the necessary steps to provide the information and/or documents as quickly as possible.
-

