



# **Veterans Benefits Administration Office of Administrative Review**

## ***VA Appeals Improvement and Modernization Act of 2017 (AMA)***



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# Appeals Modernization Act (AMA)

- The *Veterans Appeals Improvement and Modernization Act of 2017 (AMA)* was signed into law on August 23, 2017, and became effective on February 19, 2019
- **What did this law change?**
  - VBA's claims and appeals processes
  - VBA's decision notification requirements
- **Who does this law impact?**
  - All VA administrations (VBA, VHA, NCA)
  - All VBA claimants (Veterans, survivors, and other beneficiaries)
  - All VBA business lines who produce benefits decisions (Compensation Service, Pension and Fiduciary Service, Loan Guaranty Service, Veteran Readiness and Employment Service, Insurance Service, and Education Service)
  - All VBA claim processing personnel



# Appeals Modernization Act (AMA)

- AMA features a three option framework for claimants to choose from when dissatisfied with VA's benefit decision:

**Supplemental  
Claim**

**Higher-Level  
Review**

**Board Appeal**

- Additional changes found in the law include:
  - Improved notification of all VA decisions (8-point requirement)
  - Effective date protections for continuously pursued claims
  - Findings favorable to a claimant are binding on VA and Board adjudicators
  - Elimination of the split jurisdiction between VA (usually VBA) and the Board for appeals processing (*no certification process*)



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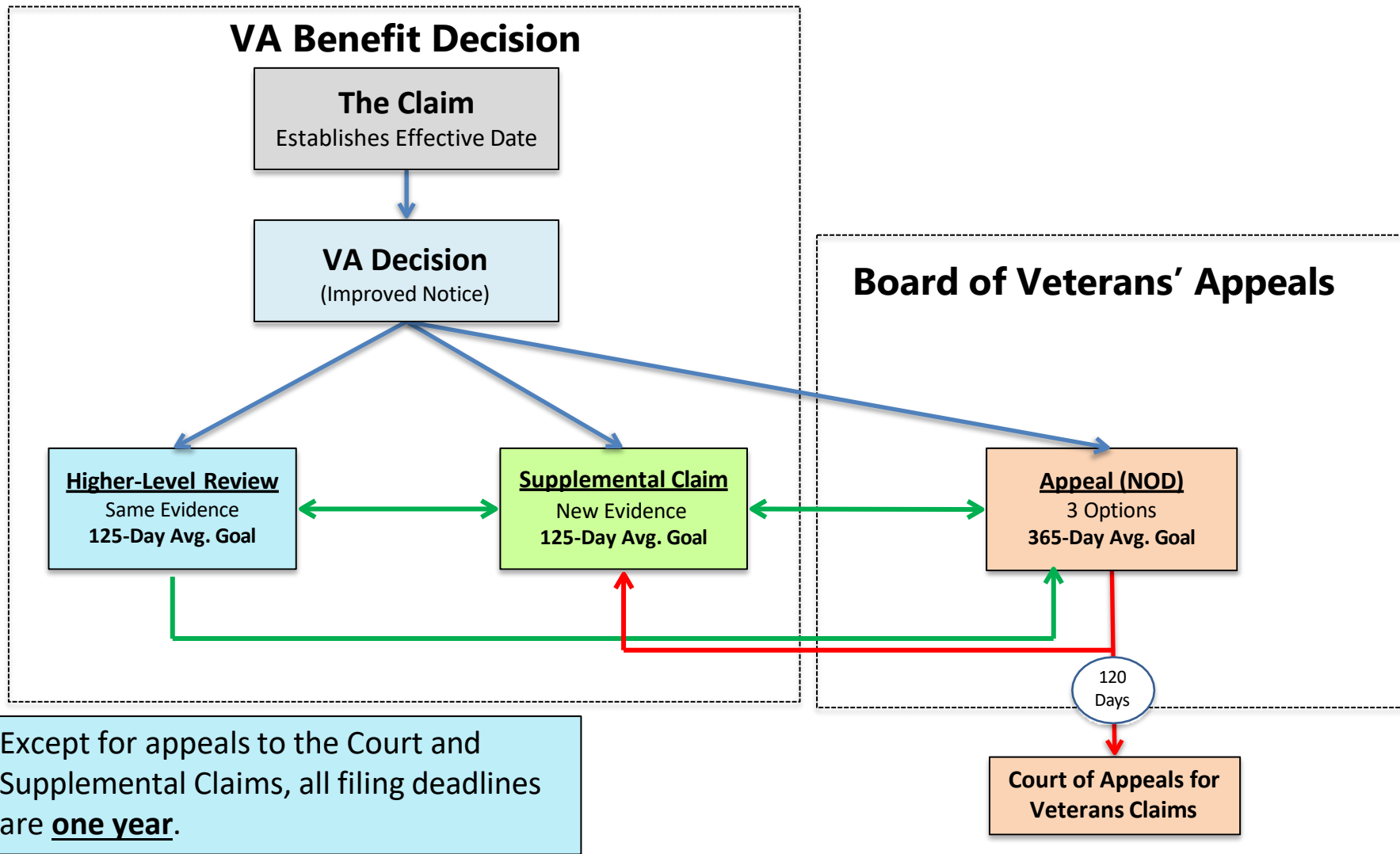
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# Three Review Options

VBA		BVA
<b>Supplemental Claim</b> <ul style="list-style-type: none"> <li>Replaces “reconsiderations” and “reopening” claims with “new and material” evidence.</li> <li>VA will readjudicate a claim if “new and relevant” evidence is presented or identified with a supplemental claim (<b>open record</b>).</li> <li>VA will assist in gathering new and relevant evidence (<b>duty to assist</b>).</li> <li>Effective date for benefits is always protected when submitted within 1 year of prior decision.</li> <li>Tracked and controlled under <b>EP 040 series</b>.</li> <li>Decisionmakers are <b>Veterans Service Representatives (VSRs)</b> and <b>Rating VSRs (RVSRs)</b></li> </ul>	<b>Higher-Level Review</b> <ul style="list-style-type: none"> <li>More experienced VA employee takes a second look at the same evidence (<b>closed record and no duty to assist</b>).</li> <li>Option for a one-time telephonic <b>informal conference</b> with the higher-level reviewer to discuss the error in the prior decision.</li> <li><i>De novo</i> review with full difference of opinion authority.</li> <li>Duty to assist errors returned to lower-level for correction (<b>quality feedback</b>).</li> <li>Tracked and controlled under <b>EP 030 series</b>.</li> <li>Decisionmakers are <b>Decision Review Officers (DROs)</b> and <b>Senior VSRs</b>.</li> </ul>	<b>Board Appeal</b> <ul style="list-style-type: none"> <li><b>Direct Review:</b> The appellant receives direct review by the Board of the evidence that was before VBA in the decision on appeal. The Board has a 365-day timeliness goal for this docket. Quality feedback loop for VBA.</li> <li><b>Evidence Submission:</b> The appellant may submit evidence within the 90-day window following submission of the NOD. The Board does not have a duty to assist and the record is otherwise closed.</li> <li><b>Hearing:</b> The appellant will be scheduled for a Board hearing. Additionally, the appellant may submit evidence within the 90-day window following the scheduled hearing. The Board does not have a duty to assist and the record is otherwise closed.</li> </ul>



# Decision Review Process



# AMA Application Forms

- VBA includes ***VA Form 20-0998, Your Right to Seek Review of Our Decision***, with all decision notices sent on or after February 19, 2019. This form provides claimants with information on the available decision review options.
- Claimants will use enterprise-wide VA forms to file for their selected decision review option:
  - VA Form 20-0995, *Decision Review Request: Supplemental Claim*
  - VA Form 20-0996, *Decision Review Request: Higher-Level Review*
  - VA Form 10182, *Decision Review Request: Board Appeal (Notice of Disagreement)*

***Important:*** VA no longer sends claimants VA Form 4107 and VA Form 21-0958, *Notice of Disagreement*.



# "Opt-in" Opportunities for Legacy Appeals

- There are opportunities for some claimants with a pending legacy appeal to "opt-in" to the modernized review system
- Claimants are eligible to opt-in following issuance of a Statement of the Case (SOC) or Supplemental Statement of the Case (SSOC)
  - Legacy claimants have 60 days from the date of SOC/SSOC or within the 1-year appeal period to opt-in
- Following issuance of an SOC or SSOC, VBA encourages consideration of opt-in for legacy claimants interested in the HLR or Supplemental Claim options, as an opportunity to receive faster claim resolution



# Discontinuation of RAMP

- VBA accepted **initial** opt-in forms postmarked through February 15, 2019; **initial** RAMP opt-in forms postmarked after that date are not accepted
- Veterans who submitted an initial opt-in form postmarked by February 15, 2019, that was improperly completed are provided an additional 60 days to provide a properly-completed form (VBA will send a letter to inform the Veteran)

Veterans who have opted in to RAMP and received a RAMP decision are already in the modernized system.

If a Veteran received a RAMP decision and wants to pursue a new decision review:



## **Within one year of the most recent RAMP decision notice, file:**

- VA Form 20-0995, *Decision Review Request: Supplemental Claim*
- VA Form 20-0996, *Decision Review Request: Higher-Level Review*
- VA Form 10182, *Decision Review Request: Board Appeal (Notice of Disagreement)*



## **Available options after one year:**

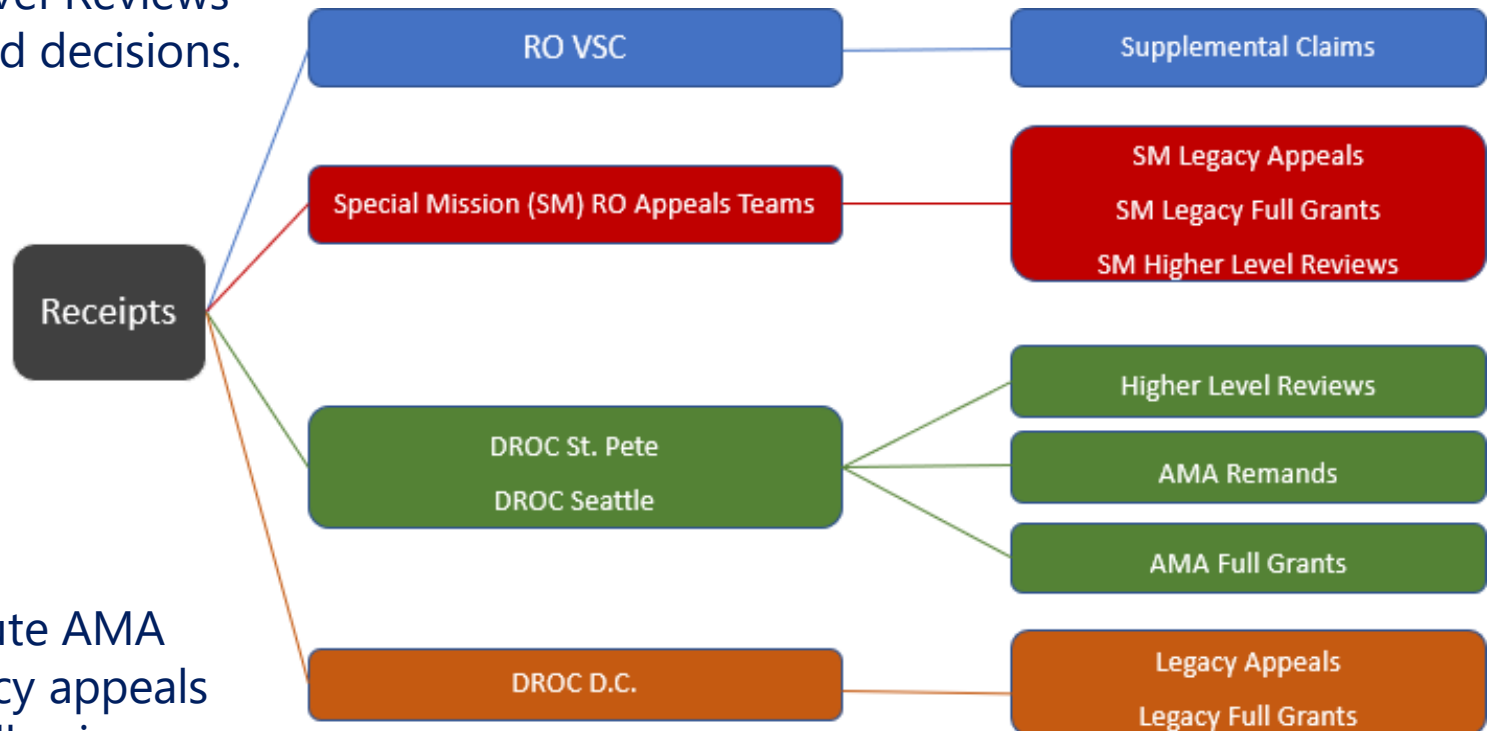
- To *reopen a claim of service connection*, file VA Form 20-0995, *Decision Review Request: Supplemental Claim*
- To *request an increased rating*, file VA Form 21-526EZ, *Application for Disability Compensation\**
- To *file a new claim that has not previously been filed* (or is not substantially similar to a previously-filed claim), file VA Form 21-526EZ, *Application for Disability Compensation*





# VBA Workload Distribution

VBA established **Decision Review Operations Centers** (DROCs) in 2018 to process AMA Higher-Level Reviews (HLRs) and Board decisions.



VBA will distribute AMA claims and legacy appeals based on the following workload distribution.



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# AMA Summary

- Understandable process
- Multiple options for the claimant instead of one with improved notice to decide which option might be best
- Early resolution of disagreements compared to legacy
- Each decision review option with a clearly defined start/end point
- Higher-Level Review and Board Appeal options provide quality feedback to VBA
- VA/VBA as claims agency; Board as appeals agency

# AMA Resources & Materials

The following AMA resources can be found on the VA.gov website at [www.va.gov/resources/choosing-a-decision-review-option/](http://www.va.gov/resources/choosing-a-decision-review-option/):

- Comparison chart
- Brochure
- Fact Sheet
- Infographic
- Video

### Choosing a Review Lane in Appeals Modernization

**HIGHER-LEVEL REVIEW LANE**

- Your claim will be reviewed by a more experienced adjudicator.
- You cannot submit any additional evidence for your claim in this lane; your claim will be reviewed with all the information that was considered in the previous decision.
- You or your representative may also request to have an informal telephone conference with the higher-level reviewer about your claim, although that may delay how fast a decision can be made.

**SUPPLEMENTAL CLAIM LANE**

- You must submit additional evidence to support your claim before it's reviewed again. This route is helpful if you know there was information missing from your original claim or if you have new and relevant evidence to submit.
- VA will assist you in gathering new and relevant evidence to support your claim.
- Once you submit or inform VA of new and relevant evidence, a claims adjudicator will review your claim.

**APPEAL TO THE BOARD LANE**

If you choose the Board, select from one of the three options:

- **Direct Review**  
You do not want to submit additional evidence or have a hearing. The average response from the Board is 365 days.
- **Evidence Submission**  
You choose to submit additional evidence without a hearing. You will have 90 days from your Notice of Disagreement (NOD) to submit any additional evidence. This will take longer than one year.
- **Hearing**  
You choose to submit additional evidence and want to testify before a Veterans Law Judge. You will be scheduled for a Board hearing and may submit evidence at the hearing or within the 90-day window following the scheduled hearing. This will take longer than one year.

**Choose This Lane If...**

	Higher-Level Review Lane	Supplemental Claim Lane	Appeal to the Board Lane
<b>YOU WANT...</b>	...an entirely new review of your claim by a more experienced adjudicator.	...to include any new and relevant evidence before your claim is reviewed.	...to appeal directly to the Board with an NOD.
<b>YOU HAVE...</b>	...no additional evidence to submit in support of your claim, but you believe there was an error in the initial decision.	...additional evidence that is new and relevant since your claim was last decided to support your claim.	...either no additional evidence, additional evidence, or want to testify.
<b>YOU UNDERSTAND VA...</b>	...cannot assist you in developing additional evidence for your claim in this lane.	...can assist you in gathering new and relevant evidence to support your claim in this lane.	...cannot assist you in developing additional evidence for your appeal in this lane.
<b>YOU KNOW...</b>	...you may want to request an optional, one-time, informal telephone conference with the higher-level reviewer to identify specific errors in your case.	...what information was missing from your original claim or have new evidence to share that will better support your claim.	...that you want the Board to review your appeal with no additional evidence, additional evidence or with a hearing.

Claimants can find information on filing requirements, FAQs, and the forms to apply at <https://www.va.gov/decision-reviews>.



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# References

- *PL115-55, Veterans Appeals Improvement and Modernization Act of 2017*
- *38 CFR 3.2400, Applicability of modernized review system*
- *38 CFR 3.2500, Review of decisions*
- *38 CFR 3.2501, Supplemental claims*
- *38 CFR 3.2601, Higher-level review*
- *38 CFR 20.202, Notice of Disagreement*
- Appeals Modernization – VA.gov  
<https://benefits.va.gov/benefits/appeals.asp>



# Questions?

