



U.S. Department of Veterans Affairs

Comprehensive Plan for Processing Legacy Appeals and Implementing the Modernized Appeals System

Public Law 115-55, Section 3

VA's Mission

To fulfill President Lincoln's promise, "To care for him who shall have borne the battle, and for his widow, and his orphan."

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Executive Summary

This report satisfies the requirements of Public Law (PL) 115-55, the *Veterans Appeals Improvement and Modernization Act of 2017* (the Act), Section 3, Comprehensive Plan for Processing of Legacy Appeals and Implementing the New Appeals System.

VA's legacy appeals process was slow, complex, contained multiple processing steps, and split jurisdiction between VA's three administrations and the Board of Veterans' Appeals (Board). In addition, the process entailed continuous evidence-gathering and readjudication that delayed the Department in reaching a final decision. For too long, Veterans and their families have faced unacceptable delays during the VA's disability claims appeal process.

VA worked collaboratively with Veterans Service Organizations (VSO), advocacy groups, congressional staff, and other key stakeholders to design a new claims and appeals process in order to improve the delivery of benefits and services to Veterans and their families. These efforts resulted in Congress' passage of the historic *Veterans Appeals Improvement and Modernization Act of 2017*. This law is the most significant statutory change to affect VA appeals in decades.

The new law overhauls VA's current appeals process, provides Veterans, their families, and their survivors with increased choice in handling disagreements with VA's decisions, and includes safeguards to ensure claimants receive the earliest effective date possible for their claims. The new process creates three options, referred to as lanes, for claimants dissatisfied with the initial decisions on their claim. They may seek a higher-level review of the decision based on the same evidence presented to the initial claims processors; they may file a supplemental claim that includes the opportunity to submit additional evidence; or they may appeal directly to the Board. Choosing one lane does not preclude the claimant from selecting an additional lane if still dissatisfied with the outcome.

VA began its 18-month implementation of the new process immediately after the bill became law. By February 2019, all requests for review of VA decisions will be processed under the new, multi-lane process. As VA implements the new appeals system, it will also address the pending inventory of legacy appeals. VA's plan is to focus resources on legacy appeals processing and to carry out a pilot program during the implementation period, the *Rapid Appeals Modernization Program* (RAMP), which will provide eligible Veterans with pending disability compensation appeals with the voluntary option to participate in the new process. The initiative will allow participants the option to have their decisions reviewed in the higher-level or supplemental claim review lanes outlined in the new law. Once the new system goes into effect, VA will reallocate resources and maximize efficiency in appeals processing. VA will also utilize the legal authority for Veterans who receive statements of the case or supplemental statements of the case after the effective date of the legislative change to elect to participate in the new system. VA's plan for processing legacy appeals is discussed further in section 3(a)(1).

Due to the magnitude and scope of the statutory change, VA has established a detailed project management plan to guide the implementation of the new legislation. VA's plan for implementing the new system establishes a governance structure with a main governance workgroup and sub-workgroups comprised of subject matter experts responsible for coordinating full implementation of all elements outlined in the comprehensive plan. VA has

already made progress towards implementing the new system, as outlined in section 3(a)(2). VA's implementation is applying and benefiting from dedicated Project Management Professional support. VA project management experts are using tools and deliverables (i.e., stakeholder engagement, scope management, integrated master schedule, and risk management) to document the tasks and activities required to implement the new appeals system. To track the progress of the implementation, the plan includes timelines, interim goals and milestones, reporting requirements, and established deadlines to ensure timely execution of implementation. A copy of VA's Integrated Master Schedule is included in Appendix A of this report.

VA will allocate available resources to meet the timely processing goals in the new system, as outlined in section 3(a)(3), and remaining resources are then employed to process legacy appeals. As VA implements the new system, the Project Management Professional support will monitor and control implementation, to ensure the overall goals, schedule, and benefits of the program are achieved. VA will continue to engage all stakeholders and will capitalize on feedback received.

Workforce planning is crucial to the success of the new system. As outlined in section 3(b)(2), for fiscal year (FY) 2018, the Veterans Benefits Administration (VBA) has allocated 1,495 full-time equivalent employees (FTE) to conduct appeals processing. The FTE goal for the Board of Veterans' Appeals (Board) for FY 2018 is 1,050. As this implementation progresses, VA will assess and report on the need for additional personnel for appeals processing as the program performance metrics indicate. Should additional resources be requested and authorized, both VBA and the Board anticipate no change in current timelines to secure new staff. VA's workforce plans address training for both new and existing employees, as described in section 3(b)(8). VBA does not anticipate needing any additional space for personnel, as described in section 3(b)(11). As of mid-October 2017, the Board anticipates provisioning an additional 44 workstations to meet the space requirement for an FTE level of 1,050. The Board is working with VA's Office of Administration, to identify these additional workstations. We are confident our robust telework program will continue to mitigate the Board's space risk and support our full staff complement.

VA is making needed modifications to information technology (IT) systems to carry out the new appeals system. The Board and VBA are working with Digital Service at VA to develop Caseflow Intake. This tool is the single entry point for reviews of decisions, to include appeals to the Board, in the new system. It will be integrated with the Veterans Benefits Management System (VBMS), and provide the ability to receive and process requests for review under the Appeals Modernization Act. As of October 30, 2017, Caseflow Intake can receive and process RAMP opt-ins. Digital Service is developing the capability to receive and process Notices of Disagreement now. Caseflow Intake will also capture data on Veterans' lane selections in the new process, and be instrumental in satisfying VA's reporting and tracking requirements. In addition to Caseflow Intake, VBA and the Board are making modifications to IT systems to facilitate reviews and appeals in the new system. VBA will enhance existing infrastructure within the Veterans Benefits Management System (VBMS) to support end-to-end processing of review requests at the VBA level. Digital Service at VA is accomplishing the Board's required IT modifications to its processing system. IT modifications for both VBA and the Board are described further in section 3(b)(10).

VA continues to collaborate with VSOs and other stakeholders to obtain buy-in and feedback regarding this implementation plan and to better serve Veterans. Further, in accordance with Section 3(d) of the Act, VA will report to the appropriate committees of Congress and the Comptroller General on the status of VA's implementation plan.

Comprehensive Plan

Implementation Plan Requirements

Section 3(a)(1) – Processing of Legacy Appeals

(a) PLAN REQUIRED.—*Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress and the Comptroller General of the United States a comprehensive plan for—*

(1) the processing of appeals of decisions on legacy claims that the Secretary considers pending;

VA is committed to addressing the pending inventory of legacy appeals. At the end of October 2017, VA had over 471,000 legacy appeals pending. In FY 2017, Veterans waited, on average, 3 years for resolution of their appeal. For those appeals that were resolved by the Board, Veterans waited, on average, 7 years from the date they initiated their appeal until resolution.

While VA works to implement this comprehensive legislative change enacted in the Veterans Appeals Improvement and Modernization Act of 2017 during the 18-month implementation period, the Board will diligently work to provide resolution for Veterans waiting for an appeal decision by focusing Board resources on its core mission: decisions and hearings. Additionally, the Secretary decided to use the authority under Section 4 of the Act to carry out a program to test assumptions relied upon in forecasting and development of the comprehensive plan. This allows VA the opportunity to test particular facets of the program, make refinements based upon actual data that support or disprove assumptions, and make adjustments based upon identified problems prior to full implementation. VA will rigorously monitor and evaluate during this period through data collection and analysis. Further details relating to VA's pilot program, the Rapid Appeals Modernization Program (RAMP), which will run during the 18-month implementation period, are contained in section 4 of this report.

Following the 18-month implementation period, the Board will focus its resources on its core mission and will work to maximize efficiencies in appeals processing, to include technological and process improvements. This will enable the Board to meet timeliness goals in the new system and devote all remaining resources to processing legacy appeals. The intention is that, as a result of increased efficiencies and focused resources, the Board will have higher levels of remaining resources to devote to legacy appeals. Additionally, appellants who receive a statement of the case (SOC) or supplemental statement of the case (SSOC) in the legacy system on or after the effective date of the new system will have the opportunity to elect to participate in the new system, or the more efficient process and to receive potentially faster resolution of disagreements with VA decisions.

Section 3(a)(2) - Implementing the New Appeals System

(2) implementing the new appeals system;

In order to implement the new appeals system, VA convened a collaborative, enterprise-wide governance structure to ensure comprehensive and efficient implementation of the Appeals Modernization Act. The main workgroup is the governance workgroup comprised of senior level employees representing relevant lines of business and staff offices from across the Department. This governance workgroup, jointly chaired by VBA and Board members, has authority to make necessary decisions to help keep the project on schedule, in scope, and to address unforeseen risks.

The governance workgroup is supported by several sub-workgroups comprised of subject matter experts (SME) responsible for coordinating full implementation of all elements outlined in the comprehensive plan. Sub-workgroups determine the resources, requirements, content, tasks, and milestones, and identify risks and mitigation strategies for each aspect of the implementation plan. The sub-workgroups include:

- Regulations/Forms
- Hiring/Space/Resource Allocation
- Other Human Resource Issues
- Internal Procedures
- Appeals Processing Metrics/Performance Tracking
- IT Solutions
- Training
- Quality Assurance
- Communications/Change Management
- Outreach

These sub-workgroups have already made progress in implementing the new system and VA has engaged with its VSO stakeholder partners to gather input and receive feedback on several products; such as standard operating procedures, RAMP claimant eligibility notification letter, RAMP opt-in election form, press release, call center scripts, FAQs, VSO training materials, etc. Furthermore, in order to comply with the statutory requirement of Section (2)(x)(2), VA has collaborated with the VSOs and other stakeholders to obtain their advice on implementing the statute through regulations. .

To ensure coordination and sound planning/project management, VA also has dedicated Project Management Professional (PMP) expertise to support its implementation plan efforts.

Section 3(a)(3) – Timely Processing Under New Appeals System

- (3) timely processing, under the new appeals system, of—*
- (A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i);*
 - (B) requests for higher-level review under section 5104B of such title, as added by section 2(g); and*
 - (C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(t).*

For supplemental claims and requests for higher-level review under subparagraph (A) and (B), VA projects an average processing time of 125 days to complete. For appeals under § 7107 under subparagraph (C) above, VA projects an average processing time of 365 days to complete appeals in which there is no additional evidence and no request for a hearing. Average processing time for an appeal on the Board's other dockets is based on resource

allocation, which VA will continually reevaluate and adjust. The average processing time goal for appeals under § 7107 does not apply to appeals submitted to the Board in response to a decision under VBA's RAMP.

Public Law 115-55 requires that VA create at least two new dockets – a docket for appeals with a request for a Board hearing and a docket for appeals with no request for a Board hearing – but affords VA discretion to create additional dockets. VA proposes to establish three dockets to handle appeals adjudicated under the new system. The first docket is for Veterans who do not want a hearing and do not wish to submit additional evidence. The second docket is for Veterans who wish to submit additional evidence, but do not want a Board hearing. Finally, the third docket is for Veterans who wish to have a hearing. Creation of these three separate dockets has multiple benefits. Most importantly, this docket structure provides greater opportunity for Veterans to tailor their appeals experience to best suit their individual needs. Additionally, the first docket captures quality feedback from appeals in which no additional evidence is added to the record. This allows VA to identify areas in which the claims process can be improved and will allow development of targeted training.

Section 3(a)(4) – Monitoring Metrics and Goals of New Appeals System

- (4) monitoring the implementation of the new appeals system, including metrics and goals—*
 - (A) to track the progress of the implementation;*
 - (B) to evaluate the efficiency and effectiveness of the implementation; and*
 - (C) to identify potential issues relating to the implementation.*

VA is using a governance structure to oversee implementation and is utilizing project management experts to institute key project management tools and deliverables (i.e., an integrated master schedule) to document the tasks and activities required to implement the new appeals system. To address how VA will implement the new process while reducing the legacy appeals inventory, VA created an Appeals Processing Metric and Performance Tracking integrated project team to design a process for tracking timeliness of appeals within the legacy process as well as the new process.

To track the progress of the implementation, the plan includes timelines, interim goals and milestones, reporting requirements, and established deadlines to ensure timely execution of implementation. A copy of VA's Master Schedule is included in Appendix A of this report. Furthermore, VA is capitalizing on feedback received from its external stakeholders regarding implementation, as well as feedback received from internal VA advisory groups and field managers. In addition, regular updates are provided to VBA's Executive Governance Board, chaired by VBA's Acting Under Secretary for Benefits, and to VA's Senior Leadership. VA is also utilizing commonly accepted risk management practices, such as a risk register, and providing regular updates to senior leaders to keep them apprised of risks, mitigation strategies, and to allocate needed support to meet established goals and deadlines.

Plan Elements

The following sections provide information on each element of the comprehensive plan as required in Sections 3(b) through 4(a)(2) of the Act.

Section 3(b)(1) - Resource Requirements

(1) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans' Appeals, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.

VA will use existing resources already devoted to regulations, hiring/space/resource allocation, human resources issues, IT systems, internal procedures, metrics/performance tracking, training, and communications/outreach for implementation of the new system.

VA intends to allocate resources in an efficient manner that will establish timely processing in the new process and will allocate all remaining appeals resources to address the inventory of legacy appeals. The rate at which the legacy appeals inventory can be resolved is dependent on a number of factors, including funding made available to appeals processing through the annual budget appropriations process in future years and the rate of election of claimants with legacy appeals pending who opt-in to the new process.

We do not yet have actual data regarding administering the new system; however, RAMP is intended to provide VA with data on aspects of Veteran's behavior, their understanding of the new notice letters, VA employees' productive capacity in VBA's new framework lanes, and the reduction rate of the legacy inventory. Based on the data captured from this program, VA will have the opportunity to create a capacity model based upon factual data and trend analysis. These actual data points will give VA more detailed information on the amount of field resources that should be assigned to administer the new appeals system and resources required to address appeals of decisions on legacy claims. VA will use the actual data obtained regarding behavior in the new system to assist in developing future resource requirements as part of the annual budget process. VA plans to administer RAMP in three general phases: a start-up phase, a roll-out phase, and a close-out phase. Section 4 of this report contains a detailed description of the program's plan.

Specific to the Board, RAMP will provide data regarding the rate at which Veterans who receive a RAMP decision appeal to the Board. Additionally, once the new system becomes effective, the Board will gather actual data regarding issuing decisions in the new system and will use that data to assist in developing the Board's future resource requirements as part of the annual budget process.

Section 3(b)(2) - Personnel

(2) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—

- (A) period in which the Administration and the Board are concurrently processing—*
 - (i) appeals of decisions on legacy claims; and*
 - (ii) appeals of decisions on non-legacy claims under the new appeals system;*

The period in which VBA and the Board are concurrently processing legacy appeals and appeals under the new system will be dependent on the rate of Veterans who have appeals under the legacy system that elect to participate in the new process. Within VBA, which accounts for an overwhelming majority of the appeals inventory, VA has allocated 1,495 FTE to

process appeals. These employees will work legacy appeals and claims under the new appeals system. VBA intends to allocate field resources in an efficient manner that will establish timely processing in the new process and will allocate all remaining resources to address the inventory of legacy appeals.

The Board's personnel requirement/staffing level for FY 2018 is 1,050 FTE. These employees will work legacy appeals and appeals under the new appeals system, when it goes into effect. The Board will allocate resources in an efficient manner that will establish timely processing in the new system and will allocate all remaining resources to address the inventory of legacy appeals. Whether the Board will need additional resources for appeals in future years is contingent upon resource allocation decisions made during the annual budget process, and the rate of Veterans' elections to participate in the new process; therefore, future staffing requirements cannot be predicted at this time. However, once VA has gathered actual data regarding employee productivity in the new system, VA will analyze that data and create a forecast and resources model.

Nevertheless, before VA requests additional resources for appeals processing under the legacy and new process, it will further maximize the productivity of existing resources by leveraging technology, to include by optimizing distribution of workload, either by utilizing the National Work Queue and/or by consolidating appeals processing.

(B) Period during which VBA and the Board are no longer processing any appeals on legacy claims.

The timeframe in which VBA and the Board will no longer process any appeals on legacy claims is dependent on the rate of Veterans' participation in opt-ins. Whether VA will need to adjust resource requirements when VA is no longer processing any legacy appeals in future years is contingent upon resource allocation decisions made during the annual budget process and cannot be predicted at this time. As VA gathers actual data on employee productivity in the new system during RAMP and after the new system goes into effect, it will analyze the data and create a forecast and resource model.

Section 3 (b)(3) - Legal Authorities for Hiring and Removing Employees

(3) Identification of the legal authorities under which the Administration or the Board may—

(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and

VA will use any of the following applicable legal authorities to hire federal employees to conduct the concurrent processing described in paragraph (2)(A).

- Competitive, non-competitive, and direct hire authorities (5 U.S.C. 3304; and 5 CFR 337; 5 U.S.C. 2102, 5 U.S.C. 2103)
- Delegated examining authority (5 U.S.C. 1104(a)(2))
- Veterans Employment Opportunities Act (5 U.S.C. 3304(f); 5 CFR 315.611; 335.106)
- Veterans Recruitment Appointments (5 CFR 307)
- Pathways for Students and Recent Graduates (see 77 FR 28194). Sch D, 213.3402(b))
- Reemployed annuitant, Expert or consultant (5 U.S.C. 3109; 5 CFR 533)
- Excepted Appointments (e.g., doctors, lawyers, etc.) (5 CFR 213)

- Senior Executive Appointments (5 U.S.C. 3133)
- Senior Level Appointments (18 U.S.C. 207(c))

Additionally, to support non-permanent positions and special projects, VA may explore hiring under the following appointment types.

- Temporary Appointments. These appointments may be made for a specified period not to exceed one year with a specific expiration date. The appointment may be extended one additional year for a maximum of 24 months of total service;
- Term Appointments. These appointments are made for more than 1 year but not more than 4 years to positions where the need for an employee's services is not permanent. The first year of service is considered a trial period and the agency may terminate a term employee at any time during the trial period.

Furthermore, the Board may hire Veterans Law Judges (VLJ) under the provisions of 38 U.S.C. § 7101A(a)(1). VLJs are appointed by the Secretary, with the approval of the President, based upon the recommendations of the Board Chairman.

(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

The rate of removal required to maintain necessary staffing levels under the new system is dependent on several factors to include the normal rate of employee attrition and the rate in which Veterans elect to participate in the new system. VBA's historical attrition rate is approximately 7 percent. The Board's average attrition rate from FYs 2011-2016 was 9.3 percent. When the last legacy appeals are adjudicated, resources dedicated to legacy claims processing in VBA will be reassigned to other claims processing teams. In the event that forms of removal are needed, VA may remove employees under the following authorities.

- Furlough (5 CFR Part 752)
- Career Transition Assistance (5 CFR 330)
- Performance based removal (5 U.S.C. 4303; 38 U.S.C. 714)
- Conduct based removal (5 U.S.C. 7513; 38 U.S.C. 714)
- Expiration of a term appointment (5 U.S.C. 2103)
- Termination during a probationary period (5 C.F.R. 315.801 and 802)
- Voluntary Early Retirement (5 U.S.C. 8336(d)(2)(D); 5 U.S.C. 8414(b)(1)(B))
- Reduction in Force (RIF) (5 USC 3501-3504; 5 CFR Part 351)
- Reassignment (5 USC 3501-3504)

VA anticipates that normal attrition will address any necessary staffing changes as a result of elimination of the legacy appeals inventory.

Section 3(b)(4) - Estimated Time For Hiring Employees

(4) An estimate of the amount of time the Administration 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.

VBA estimates it will require the same average amount of time as it has historically taken to hire additional employees. On average, VBA requires 80 days to hire Rating Veterans Service Representatives, 53 days to hire Veterans Service Representatives, and 73 days to hire Decision Review Officers. For all VBA positions, the total average time to hire is 67 days.

In FY 2017, the Board was able to onboard 139 FTE in the first quarter, 52 FTE in the second quarter, 9 FTE in the third quarter and 74 FTE in the fourth quarter. The Board anticipates that it will hire to an FTE level of 1,050 by the end of the second quarter of FY 2018.

Section 3(b)(5) – Higher-Level Adjudicator Training and Experience Requirements

(5) 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).

For VBA compensation and pension disability rating decisions, training and experience will be commensurate with the requirements of Decision Review Officers (DRO). A DRO is a journeyman-level employee who is a senior technical expert in adjudication matters. The training curriculum for DROs is included in Appendix C of this report. As noted in Appendix C, the DRO training curriculum emphasizes mastery of work processes, applied Veterans case law, knowledge of body systems, and federal regulations impacting VA claims. In addition, there is a focus on development of interpersonal skills and situational judgment due to the public-facing nature of the position and the requirement to interact with Veterans through informal conferences.

The expectation is that DROs have at least three years of experience or knowledge commensurate with that of a journey-level Rating Veterans Service Representative. VBA mandates a minimum of 57 hours of curriculum-based training in performing the duties of a senior technical expert.

VA intends to use RAMP to test facets of the higher-level review lane. Data collected will be used to craft best practices for higher-level adjudicators and to refine the training curriculum and materials.

Section 3(b)(6) - Estimated Percentage of Higher-Level Adjudicators Who Were Decision Review Officers

(6) 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.

The DRO position currently only applies to the VBA compensation and pension appeals process. Initially, VA intends to utilize DROs to process requests for higher-level reviews of VBA's compensation and pension disability rating decisions. For non-disability related

compensation and pension higher-level reviews, VA intends to utilize a combination of Authorization Quality Review Specialists and Senior Veterans Service Representatives. Commensurate with the reduction rate of the legacy appeals inventory, VA intends to transition existing DRO personnel to processing higher-level reviews. VA will utilize the data captured during the implementation period to determine the appropriate ratio of DRO to non-DRO personnel that will be required to process higher-level reviews.

Section 3(b)(7) - Decision Review Officer Functions in New System

(7) 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.

A higher-level review in VBA's compensation and pension disability rating claims contains many of the same functions of the DRO review process, such as:

- a *de novo* review of the evidence of record;
- identification of any errors, to include any duty-to-assist errors that may have been committed during the adjudicative process; and
- the authority to change the prior decision based on a difference of opinion.

Therefore, VA anticipates that DROs will continue to perform the same functions after the date on which the new claims and appeals system takes effect. As noted above, VA will transition DRO personnel from the legacy appeals process into higher-level review processing in a phased approach as the legacy appeals inventory is drawn down through implementation of the new appeals system.

Section 3(b)(8) - Training Identification and Timeline

(8) 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

Generally speaking, VBA does not assign newly hired employees to process legacy appeals. For any new employee that VA hires prior to the applicability date of the law, VBA will train employees on both the new claims process and also provide them with a general knowledge of the legacy appeals process. VBA has a rigorous, centralized training program for new hires, called Challenge training. For VBA's Rating Veteran Service Representatives, Challenge typically takes 11 weeks and is broken up into an internet web-based training component and a centralized residency component. The web-based component is 6 weeks long for internal hires and 7 weeks for external hires; the residency component is 4 weeks long for both types of hires. For VBA employees who will adjudicate compensation claims under RAMP, training began in October 2017. All remaining existing VBA employees will receive training on the new process beginning as early as March 2018.

The Board will begin new appeals process training in April 2018. Prior to that time, the Board will continue to train new hires on the legacy appeals system. The Board's Office of Knowledge Management handles all training of new attorney staff for the 12-week initial training period,

which includes robust lecture content, further detailed guidance on how to adjudicate cases in a virtual environment, and case drafting.

Appendix B contains a list of training materials that will require updates to support the new process.

(B) any retraining of existing employees that may be required to carry out such system or to process such claims.

All existing VA employees assigned to processing reviews under the new appeals system will receive updated training and guidance. See Appendix B for a list of positions by business line that will receive this training. The timeline for this training varies based on business line and the complexity of the benefit type. Training for VA's various business lines will start as early as March 2018 with a completion date of February 2019. For those existing employees in VBA who will process compensation claims under RAMP, training on the new process began in October 2017.

The Board will begin re-training existing employees in April 2018 based on the statutory framework and proposed regulations. To prepare, the Board will prepare specific training materials from January through March 2018. These materials will be authored by a core group of volunteers to serve as SMEs on appeals modernization and how it will impact each respective group within the Board. Once complete, SMEs will provide these trainings to all legal staff and impacted administrative branches. Once final regulations are published, any changes to the proposed rules will be incorporated into the training materials and additional training will be conducted as needed.

Section 3(b)(9) - Costs of Training

(9) Identification of the costs to the Department of Veterans Affairs 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.

There are no additional training costs to VA, as existing employees, whose duties already include providing training, will conduct the training described in paragraph (8). VA will not require any additional facilities to provide such training.

Section 3(b)(10) - Modifications to Information Technology Systems

(10) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.

In order to support the new appeals system, the Board and VBA have worked with Digital Service at VA to develop Caseflow Intake. This tool will act as a single entry point in the new system for reviews of decisions, to include appeals to the Board. Caseflow Intake is integrated with VBMS, and provides the ability to receive and process requests for review under the Appeals Modernization Act. As of October 30, 2017, this tool is capable of receiving and

processing RAMP opt-ins (for supplemental claims and higher-level reviews). Digital Service will continue to develop Intake to receive and process Notices of Disagreement. Caseflow Intake will serve to capture data on Veterans' lane selections in the new process. The data are instrumental in the satisfaction of VA's reporting and tracking requirements. In addition to Caseflow Intake acting as a single point of entry and coordination for the new system from an IT perspective, VBA and the Board are also making modifications to IT systems to address reviews and appeals, respectively, in the new system.

VBA is leveraging and, in some cases, enhancing existing functionality in VBA's VBMS application to address reviews in the new system.

VBMS is generally capable of supporting end-to-end claims processing for most types of compensation and pension claims. As such, the primary infrastructure for supporting the processing of the overwhelming majority of claims in the new process at the VBA level is presently in place. However, some enhancements to VBMS are necessary to meet all specifications in the statute. These enhancements include: new end products (EP) for tracking and reporting purposes, updated language to certain letters, modifications to the VBMS-Rating component to fully support the enhanced notice decision, and enhanced functionality to capture the disposition of all claims for reporting purposes. VBMS currently shares data feeds with VA's Corporate Data Warehouse (CDW), which is where VBA stores its data for metrics and reporting purposes. This will enable VA to meet the majority of the reporting requirements with minimal modifications to the system.

VBA will make enhancements to VBMS using agile methodology, meaning enhancements will be added to the system in an iterative approach based on user feedback and other external factors. This approach makes predicting a final timeline for implementing all IT solutions to support Appeals Modernization difficult if not impossible. It should be noted that virtually all provisions of the statute can be met using manual workarounds, if needed. Furthermore, VA is confident that any critical updates for which there is no manual workaround available (e.g., enhancements to the EPs for tracking and reporting purposes) will be completed prior to the end of FY 2018.

Furthermore, VBA is working on integrating all Veterans' electronic records into the VBMS electronic records repository system (eFolder) as part of its ongoing IT Modernization initiative in conjunction with the Appeals Modernization efforts.

The Board's required IT modifications are being accomplished via work with Digital Service at VA. Details regarding these modifications are provided below.

- **Caseflow Work Queue:** The Digital Service is completing discovery on work queue requirements to handle legacy and new system appeals.
- **Caseflow Hearings:** The Digital Service will continue discovery on a solution to schedule Board hearings in the second quarter of FY 2018.
- **Reporting Functionality:** The legislation tasks VA with satisfying 37 new reporting requirements. Many of these will be Board specific, and Caseflow will have to capture necessary data and provide an appropriate reporting mechanism to comply with the reporting needs. Some of the reports will require data from multiple systems, and functionality to either generate or integrate this data must exist in Caseflow or another VA system. As noted above, Caseflow Intake will serve as one of the primary tools to accomplish the necessary data collection.

- **Timeline:** Caseflow Intake was launched to VBA users on October 30, 2017, prior to the first mailing of RAMP opt-in notices.

The Digital Service has calendared Board-specific Caseflow functionality to be prepared by the end of August 2018. This timeline is approximately 6 months in advance of the February 14, 2019, implementation date. The Digital Service is aiming to complete this functionality by that time to ensure there is sufficient time to adapt should unexpected challenges arise in the discovery and development process.

Presently, OIT is finalizing a system architecture that will define the handoffs, interfaces, and discrete business processes that will be shared between existing systems and services. The general idea is to ensure proper architecture and integration to support data flow and capture of all metrics needed to fulfill the reporting requirements.

This development, with respect to tracking and reporting of appeals, will be accomplished through partnership/collaboration between Digital Service and the Board.

- **Cost:** The Digital Service anticipates no costs beyond what has been budgeted under the Appeals Modernization IT budget.

Section 3(b)(11) - Estimate of Office Space by Phase

(11) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including—

VBA does not intend to acquire any additional office space during the periods in which VBA and the Board are concurrently processing appeals of decisions on legacy claims and appeals of decisions on non-legacy claims under the new appeal system. VBA does not anticipate that it will require the acquisition of any additional office space to carry out processing of legacy appeals and processing of claims under the new system as VBA has existing office space consisting of approximately 5 million usable square feet within its 56 Regional Offices (RO). During the period which VA is no longer processing any appeals of decisions on legacy claims, VBA does not anticipate that it will require the acquisition of any additional office space.

The Board will meet its planned staffing level of 1,050 FTE in FY 2018. The Board's workspace, 425 I Street NW, has 851 workstations. Due to aggressive telework and hoteling programs, the Board does not expect to need additional space beyond the additional 44 seats described below.

The Board is able to mitigate any risk related to meeting its office space needs because of its successful telework program and collaboration with VA partners. In addition to the present 851 seats, the Board anticipates that an additional 16 seats from a Veterans Service Organization will be returned to the Board in the second quarter of FY 2018, bringing total seats to 867. Of these 867 seats, 167 are allocated for hoteling/overflow, meaning 700 seats remain for staff not using hoteling/overflow space. Based on present rates of telework participation, the Board projects need for an additional 44 seats, principally offices, to accommodate its full staffing level. The Board is working with VA's Office of Administration to identify space from VA partners that may be available to meet the Board's continuing personnel growth. The Board expects to

obtain an additional 44 seats prior to reaching its full onboard strength, thus mitigating risk. This risk is further mitigated by the fact that additional staff become eligible for telework every month.

The Board will continue to monitor and assess its space needs and make adjustments as necessary.

(A) an estimate of the amount of time the Administration 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;

The Board does not expect to need additional space. However, generally, a minimum of 120 days would be required to acquire additional office space with existing resources (i.e., rentable empty space). The timeframe accounts for defining requirements, validating contract requirements to include micro-purchase construction projects (if required), establishing memorandum of understanding and informing the workforce/union of the impending move. If furniture and tenant improvements are required, the timeline may extend beyond the 120 days.

(B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and

The Board relocated to 425 I Street, N.W. in June 2011 and, since, has increased space efficiencies, for example, by converting several spaces previously used for case storage into workstations. However, using historical figures from this process would not be applicable for acquiring new office space in the future. The Board is currently working closely with VA's Office of Administration to identify additional space, if needed in the future.

(C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.

As noted above, VBA's staffing needs do not exceed its existing office space; therefore, VBA does not require the use of telework to accommodate staff. However, VBA has a formal telework program in place to allow the flexibility in workforce management. As outlined in VBA Letter 20-17-06, dated May 19, 2017, supervisors must complete VA Telework Training Module for Managers (VA 1366994) and employees who telework must complete the following courses via the Talent Management System (TMS):

- VA Telework Training Module for Employees (VA 1367006)
- VA Privacy and Information Security Awareness and Rules of Behavior (VA 10176)

The Board is successfully using telework to accommodate its staffing-level space needs. The Board will continue offering telework to eligible employees as part of its ongoing space strategy. Regarding the Board's telework program, attorneys in the Board's Office of Appellate Operations who have successfully completed their first year at the Board may apply for regular recurring telework, reporting to the main duty station twice a pay period. At the 2-year point, attorneys in the Board's office of Appellate Operations may elect to participate in the Board's "remote telework" program, wherein employees are permitted to work from home, move out of the D.C. metro area, and are required to report to the 425 I Street, N.W. location up to four times a year. The Board also offers regular recurring telework to VLJs and administrative professional staff. As of October 17, 2017, the Board had 472 employees participating in the telework program. The table below provides the type of telework.

Agreement Type	Participants
Situational	56
Regular Recurring	234
Remote	182
Total	472

Section 3(b)(12) - Projections for the Productivity of Individual Employees

(12) Projections for the productivity of individual employees at the Administration 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).

VA has decided to test certain aspects of appeals modernization under VBA's RAMP pilot. One assumption that VA will test during RAMP is work productivity in the higher-level review lane, for which VA has no comparative historical data. VA will implement the new enhanced notice requirements under 38 USC 5104 as part of the program. For a detailed description of RAMP, see section 4 of this report. Based on actual data gained from RAMP, VA will be able to create a forecasting model and determine the productivity of FTE within VBA. This will allow VA to refine the total number of FTE required to administer the new supplemental claim and higher-level review lanes while continuing to process legacy appeals. As actual data are made available, VA will reassess work productivity and provide updates to the appropriate committees of Congress.

For FY 2018, the Board projects productivity of 79 decisions per FTE for legacy appeals. Productivity for new employees reflects that the Board has a 6-month period during which new attorneys receive training and develop the necessary skills to effectively produce quality decisions in a timely manner. Based on data, the Board expects new attorneys to achieve 65 percent production in the first year.

The Board changed its attorney performance standards at the beginning of FY 2018. The Board continually evaluates and assesses its productivity and performance standards. Based on the findings in the new system, the Board will provide projections for individual productivity in the future.

Section 3(b)(13) - Outreach Plan

(13) 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 as 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.*

VA's Outreach Plan includes coordination of messaging and outreach activities across VA. This enterprise-wide approach provides Veterans and other external stakeholders with a consistent message and understanding of how the new system works.

In order to ensure wide dissemination of information on the new system, VA will conduct outreach through the following avenues:

- Web communication on internet sites such as VA.gov, Vets.gov, and other VA social media sites (Facebook, Twitter, YouTube etc.);
- Communications through regular mail, email, print, and traditional media outlets;
- Training products for external stakeholders (service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders); and
- In-person events such as VA town halls and other community-based occasions.

To support these outreach activities, the appeals modernization implementation Outreach sub-workgroup is developing messaging and materials, which include a strategic communications campaign. Materials will include content for external internet sites, as well as basic information materials for use in media outreach. VA may also use these materials later as the basis for public education and media relations. Much of the messaging and materials developed for use at the national level can be customized to meet the needs of local offices supporting outreach initiatives and to inform VA employees of how the new system functions.

The following is a list of products under development as part of the Outreach Plan.

- Fact Sheets
- Call Scripts and Public Contact Training
- Press Releases
- Stakeholder Briefings
- Updates to Internal and External Websites (VA.gov, Vets.gov VA Pulse, HeyVBA, VA News & Vantage Point blog posts)

The following table provides a timeline of outreach activities occurring during the implementation period. In addition, VA is exploring video training for its stakeholder partners.

FY- Quarter	Anticipated Completion Date	Outreach Activities
FY 2018- Quarter 1	November 2, 2017	Release of VA.gov webpage outlining appeals modernization (this will also contain language updating or linking to content in Vets.gov). The content will outline modernization, and provide a brief discussion.
FY 2018- Quarter 1	November 1, 2017	Phase one of RAMP begins with an initial mailing to 500 Veterans. Outreach includes: • Web communication on internet sites such as VA.gov, Vets.gov, and other VA social media sites (Facebook, Twitter, YouTube etc.) • Communications through regular mail, email, print, and traditional media outlets • Frequently Asked Questions (FAQ) for National VA Call Center and Public Contact representatives
FY 2018-	January 1, 2018	RAMP start-up phase will be expanded to other ROs

Quarter 2		(closing out start-up phase, beginning of phase II "expansion phase"). Outreach includes: • Internal communication with employees through Town halls • Stakeholder briefings • Web communication on sites such as VA.gov, Vets.gov, and other VAs social media sites (Facebook, Twitter, YouTube etc.)
FY 2018-Quarter 2	February 1, 2018	VA will begin releasing improved notice letters under 38 USC 5104 on all VA decisions. Outreach includes: • Stakeholder briefings • "Vantage Point" blog about new letters • Press release on advantages of the new letters • Social media communications (Twitter, Facebook, etc.) • Updates to call scripts regarding the new letters • Updates as to public-facing websites (Vets.gov and VA.gov)
FY 2018-Quarter 3	April 1, 2018	RAMP expansion phase will have reached all districts. Outreach includes: • RO Town halls with VBA employees • Social media releases • Updates to National Call Center scripts as necessary • Updates as necessary to VA.gov webpage on Appeals Modernization
FY 2019-Quarter 1	October 1, 2018	Closing phase of RAMP. Outreach includes: • Social media releases • Updates to National Call Center scripts as necessary • Updates as necessary to VA.gov webpage on Appeals Modernization
FY 2019-Quarter 2	January 14, 2019	<i>Secretary certifies that he is ready to implement.</i>
FY 2019-Quarter 2	February 14, 2019	<i>Full implementation of the new law.</i> Outreach includes: • Web communication on sites such as VA.gov, Vets.gov, and other VAs social media sites (Facebook, Twitter, YouTube etc.) • Communications through regular mail, email, print, and traditional media outlets • FAQs for National VA Call Center and Public Contact representatives • Additional Vantage Point story • Town halls with VA employees • Presentations at community-based events such as

		state fairs, VA stand-downs, and other regional gatherings
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Finally, to execute the Outreach Plan, VA will utilize existing resources. In addition, Change Management Agents in the various VA regional offices will assist with internal communication and outreach. As part of VA's continued reporting requirements, VA will provide status updates to the appropriate committees of Congress as the schedule for release of materials and for conducting such outreach is updated.

Section 3(b)(14) - Timeline for Policy Updates

(14) 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.*

Since its creation more than 80 years ago, the benefits appeal process has not undergone a revision of this magnitude. Nevertheless, VA provides the following estimates.

Policy Guidance

As VA develops its policy guidance through proposed rules and regulations, VA will also develop internal procedures through updates to its manuals, handbooks, and other directives. Within the Board, the bulk of this work will be completed by the Office of Legislation, Regulation, and Policy. Within the three administrations, each program office is responsible for developing policy documents as part of implementation of the Act. VA program offices will seek stakeholder input as appropriate and will consult the Office of General Counsel to ensure all policy guidance is legally sufficient. VA expects completion of policy updates to take the full 18-month implementation period. For a timeline with interim milestones for promulgating regulations, see section 15 of this report. For a timeline for updating internal procedures, see the table below.

Timetable for Updating Internal Procedures		
Responsible Office	Milestone	Days to complete
VA Program Offices (POs)/Board	Develop procedures/processing steps	90
AMO/Board	Receive VSO/Stakeholder feedback on procedural guidance	14
POs/Board	Internal concurrence of procedural changes	14
POs/Board	Publish updated guidance on internal and external websites, as applicable	30
POs/Board	Release manual/procedural guidance	14

Forms

Updates to all official forms used by claimants and appellants, as well as those used internally by VA, will be overseen by the respective VA office responsible for each form. Historically, updates to internal and external forms take anywhere from 9 to 12 months to complete. These efforts will be coordinated VA-wide in partnership between the Appeals Management Office and the Board. A timeline, including milestones for publication of official forms, is provided below.

Timetable for Updating Official Forms		
Responsible Office	Milestone	Days to complete
VA Program Offices (POs)/Board	Create Forms	90
AMO/Board	Receive VSO/Stakeholder feedback on external forms	14
VA Publication Control Officer (PCO)	Submit package for Federal Register notice	14
Office of Management and Budget (OMB)	Federal Register notice of proposed forms and changes	7
Public	Public comment period	60
POs/Board	Respond to public comments	30
OMB	Final Federal Register notice	30
PCO	Submit to OMB	7
OMB	OMB reviews/approves forms	120

Internet Sites

VA maintains both internal and external internet sites. The external i.e., public-facing, internet sites throughout VA are managed by the Office of Information and Technology. As part of implementing the new system, the Appeals Management Office will coordinate with the Office of Public and Intergovernmental Affairs to develop content explaining the new system for Veterans and the public. VA plans the build and maintenance of these pages in accordance with VA Directive and Handbook 6102, *Internet and Intranet Services*, which provides the policy and standards relative to the establishment and maintenance of VA websites. VA plans to release general information on the new system as soon as it is available. VA will provide additional updates in phases, as VA develops procedural updates and releases official forms. Updates to internal and external websites take on average 45 days to complete.

Section 3(b)(15) - Timeline for Promulgating Regulations

(15) 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.

Historically, the time needed to draft and promulgate new regulations has been highly variable, but has taken as little as less than a year in certain cases. Processing timelines are dependent upon the type of rulemaking.

The promulgation of regulations necessary to carry out the new appeals system requires a two-staged approach. This requires VA to publish proposed rules in the Federal Register and solicit public comments. Secondly, VA must respond to the public's comments and publish final rules. Most final rules become effective as regulations 30 days following publication in the Federal Register. VA's current processing time standard for publishing two-stage regulations is 22.4 months. However, given the high priority of this rulemaking, VA anticipates completion of all regulatory actions necessary to implement the Act - including promulgation of final agency rules and regulations - within 18 months of enactment of the law.

To ensure the necessary supporting policies are established in an appropriate, timely manner, VA began outlining and drafting required regulatory changes in response to the proposed appeals modernization legislation in May 2017. With the passage of the Act on August 23, 2017, the Regulations sub-workgroup began to formulate a proposed rule. The Department has centralized the management and control for the publication of all VA regulations with VA's Office of Regulation Policy and Management (00REG). 00REG will coordinate with the three VA administrations and the Board to ensure completion of all regulatory actions. 00REG will also work with OMB for approval of the proposed rules and regulations. VA anticipates publication of final rules by February 2019. A timeline, including interim milestones for promulgating such regulations, is provided below.

Timetable For Promulgating Regulations		
Responsible Office	Milestone	Days to complete
Program Office (PO)/Board	Draft Proposed Rule (PR)	N/A
AMO/Board	Receive VSO/Stakeholder feedback on regulatory approach	14
AMO/Board	PR to 00REG	9
VA Office of General Counsel (OGC)	OGC clears PR	60
00REG	00REG submits PR to OMB	14
OMB	OMB clears PR, which is published in the Federal Register	90
Public	Public comment period	60
AMO/Board	PO addresses comments and submits final rule to 00REG	60
OGC	OGC clears final rule	60
00REG	00REG submits final rule to OMB	14
OMB	OMB clears final rule	90
00REG	00REG submits the final rule to the Federal Register for publication	5

Section 3(b)(16) - Outline of "Opt-In" Circumstances

(16) 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.

Claimants with pending appeals of decisions on legacy claims will be offered the option to have their legacy appeal reviewed under the new appeals system both before and after the applicability date of the Appeals Modernization Act.

Before Applicability

As noted earlier, prior to the applicability date of the law, VA will implement an Appeals Modernization pilot. In November 2017, VBA began administering that pilot, otherwise known as the *Rapid Appeals Modernization Program* (RAMP). During the implementation period, Veterans with an appeal pending in the legacy system will have the opportunity to opt in to VBA's supplemental claim or higher-level review lanes in the new claims process. VBA will continue processing elections by Veterans as long as necessary to accelerate appeal resolution of the legacy inventory by providing Veterans increased choice and the possibility of early resolution. Participation is strictly voluntary and is only open to those Veterans with a pending legacy compensation-related appeal. For further details on RAMP, see section 4 of this report.

After Applicability

After the applicability date of the new law, claimants with pending appeals of decisions on legacy claims will be provided with the opportunity to have their appeals reviewed under the new appeals system each time they receive an SOC or SSOC for their legacy appeal. Amended VA regulations will require that each SOC and SSOC sent to an appellant following the effective date of the change in law include information on how to opt into the new appeals system. Because a new SSOC is generated each time an appeal is returned to the Board following a remand to the agency of original jurisdiction, some appellants with pending legacy appeals will continue to receive information about how to opt into the new system multiple times - ensuring there are multiple opportunities for appellants to take advantage of the new appeals system, while still preserving their original effective dates.

Section 3(b)(17) - Key Goals & Milestones for Reducing Legacy Appeals

(17) 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.

VA intends to allocate resources in an efficient manner that will establish timely processing in the new system, and utilize all remaining appeals resources to address the inventory of legacy appeals. The rate at which the legacy appeals inventory can be resolved is dependent on a number of factors, including future funding for appeals processing in the annual budget appropriations and the rate of election into the new framework process of claimants with appeals pending in the legacy system.

As discussed earlier, VBA will gather data as it administers the RAMP program. These data will include information regarding the rate at which Veterans choose to opt in to the higher-level review and supplemental claim lanes in the new system. Once the Board begins deciding appeals in the new system, we will gather additional data related to Veteran behavior and Board productivity. As VA gathers actual data, and creates a forecasting model, it will establish more

accurate goals and milestones for reducing the number of pending legacy appeals, including the expected number of appeals, remands, and hearing requests at VBA and the Board. VA plans to inform the committees and the Comptroller General on its findings on a regular basis through quarterly updates to this plan.

Section 3(b)(18) – Risk Factors

(18) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.

The Department has identified the following risks and mitigation strategies:

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

Risk: VA cannot forecast actual Veteran behavior regarding the numbers of Veterans with legacy claims who opt for the new appeals system and which of the new process lanes Veterans will opt into and how many times. This difficulty could result in either understaffing, with risk to achieving performance objectives, or over hiring, with risk to efficient use of resources.

Mitigation: VA will conduct a pilot program, RAMP, to validate its assumptions used in planning. Through this program, described in section 4 of this report, VA will obtain actual data on the percentages of eligible Veterans who opt for the modernized system, impact of the new notice requirements on employee productivity, processing times, resource requirements, challenges, and best practices. The phased nature of the program will allow VA to adjust its course prior to the full implementation of the Appeals Modernization Act.

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

Risk: Current statutes may constrain VA's ability to scale its workforce to address the growing inventory of appeals in a timely manner, resulting in risk to meeting performance goals.

Mitigation: VA will use any appropriate applicable legal authority to hire federal employees, therefore, the risk to VA's hiring plan from insufficient authority to hire is negligible.

Risk: Current statutes may constrain VA's ability to scale its workforce to address reduced workload once the inventory of legacy appeals has been exhausted.

Mitigation: VA will use any appropriate applicable legal authority to remove employees, if required as a last resort. However, because exhausting the inventory of legacy appeals will be a long-term effort, VA anticipates use of more routine workforce management methods, such as normal attrition of permanent employees, to address any necessary staffing changes as a result of elimination of the legacy appeals inventory. Furthermore, VA may also reassign employees to address other workload inventories.

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

Risk: The Board may not be able to meet its schedule for hiring and onboarding new attorneys, resulting in risk to meeting performance objectives for appeals inventory reduction.

Mitigation: The Board's risk mitigation strategy for hiring in FY 2018 involved pre-coordination with the Board's new Human Resources (HR) service provider, the Veterans Health Administration's Consolidated Human Resources and Management Office. The Board transitioned to this new provider, effective October 1, 2017, as part of VA's HR modernization effort.

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

Risk: VA might not have a sufficient pool of experienced personnel to adjudicate both higher-level reviews under the new process and appeals pending under the legacy system simultaneously.

Mitigation: The experience and training required to conduct higher-level reviews in the new process exist already and the employees conducting the reviews will be able to perform the reviews under both the legacy and modernized systems with relatively little additional training. VA's RAMP will reduce the timeframe in which VA is concurrently processing appeals under the legacy process and claims under the new system. This concurrent processing will allow VA to transition more of its experienced workforce, (i.e. DRO) in a more expedient manner.

6. Estimated percentage of higher-level adjudicators who were Decision Review Officers (Section 3(b)(6))

VA has not identified any risks with this element of the plan.

7. Decision Review Officer functions in new system (Section 3(b)(7))

VA has not identified any risks with this element of the plan.

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

Risk: VA may not be able to complete required training on schedule resulting in risk to performance objectives.

Mitigation: VA's strategy of leveraging existing systems and processes to the extent practicable in the new appeals system avoids the requirement to conduct extensive training on an entirely new system. Training will focus on the differences in processing legacy versus new appeals, but the substance of how higher-level reviews, as well as supplemental claims and appeals to the Board, are adjudicated remains unchanged. Furthermore, training will be largely decentralized to meet the unique requirements of each line of business. This flexible, adaptive approach avoids risks associated with large-scale, top-down training development. Risk is spread to the lines of business, which allows leadership to prioritize resources to the lines of business with the greatest number of appeals, and allows senior leaders in each line of business to manage internal risks associated with training for the new appeals system.

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

Risk: Insufficient manpower resources for developing and delivering necessary training to support the new appeals system may result in incomplete training, which risks timely or incomplete implementation of the new appeals system.

Mitigation: VA has decentralized training and existing training resources across business lines. Risk is spread to the lines of business, which allows leadership to prioritize resources to the

lines of business with the greatest number of appeals, and allows senior leaders in each line of business to manage internal risks associated with training for the new appeals system.

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

Risk: The lack of an existing, integrated information technology system may prevent VA from timely or fully implementing the new appeals system, or from achieving timeliness and reporting requirements.

Mitigation: VA has worked with the Digital Service at VA to create a single, integrated point of entry for receiving and processing review requests under the Appeals Modernization Act. This tool, Caseflow Intake, serves to integrate claims and appeals data such that a Veteran's lane selections can be tracked linearly. Further, with this functionality, all necessary data will be captured at the front end of the process, enabling VA to properly prioritize review requests to address questions of timeliness and to capture necessary data to enable VA to meet reporting requirements.

In addition to building new functionality to support intake of review requests, VBA will enhance existing infrastructure to support end-to-end processing of review requests, issuance of improved decision notices, and other claims functionality required under the Appeals Modernization Act. VBA processes 98 percent of its legacy appeals inventory in VBMS' digital environment. VBMS and other existing systems will be modified to support the new processes, procedures, and reporting requirements mandated by the law. Some of the VBA lines of business not currently using these systems will be brought into this framework. In the event all required IT updates are not available, VA can still implement the new law through manual processes until such time where VAIT can support the creation of functionality that will allow all Appeals Modernization reviews to be performed electronically.

11. Estimate of office space by phase (Section 3(b)(11))

Risk: VA may not have adequately planned for and resourced workspace for additional full time employees hired to support appeals modernization.

Mitigation: VA is using a combination of existing office space and telework to support additional hires. The Board has successfully implemented a robust telework program described above and is already working collaboratively with VA's Office of Administration to identify additional work spaces. VBA has determined that there is sufficient space in the ROs to accommodate additional employees. Therefore, VA considers this risk to be negligible.

12. Projections for the productivity of individual employees (Section 3(b)(12))

Risk: There could be an unanticipated decrease in employee productivity, leading to a risk of not meeting performance objectives.

Mitigation: RAMP will yield actual data that will assist VA in creating a forecasting model, identifying best practices, and making changes to its procedures, processes and systems in order to gain efficiencies and faster adjudications. Should RAMP and subsequent full implementation of the new appeals system not yield the expected increase in productivity, VA may consider reallocating internal resources to meet performance objectives.

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

Risk: Veterans may not learn about the new appeals system, be confused about it, or receive erroneous information from third party sources if VA is not providing Veterans with clear, accurate, timely and useful information, resulting in a poor experience for the Veteran, and potential risk that insufficient Veterans will opt in to the RAMP or the new appeals system.

Mitigation: VA is pursuing a robust outreach campaign as described in section 3(b)(13) above. Implementation of RAMP will assist VA in evaluating the effectiveness of our communications and allow us to understand the questions and concerns of Veterans navigating the new review lanes.

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

Risk: VA will not be able to develop and publish policy to support the new appeals system in a timely manner, thus putting the implementation schedule at risk.

Mitigation: As noted above, VA is taking a decentralized approach to revising internal policy to support the new appeals system, which allows for each line of business to work in parallel. As some internal procedures will be put into effect during RAMP, the overall risk of failing to update policy in a timely manner is commensurately reduced. Although VA anticipates that policy revisions will take nearly 15 months to complete (see timeline), this risk is low for the reasons specified.

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

Risk: VA may not be able to develop and publish regulations in the Federal Register to support the new appeals system in a timely manner, thus putting the implementation schedule at risk.

Mitigation: VA began drafting regulations and forms well ahead of passage of the *Veterans Appeals Improvement Act of 2017*, based upon proposed legislative bills. VA accepted risk that the final legislation might require revisions to its draft regulations and forms. As a result of work already done, VA has considerably reduced this risk. However, because of the external dependency on the OMB process, with fixed intervals for public comment, VA considers this risk to be of medium significance and will monitor the process closely. VA will endeavor to expedite its internal concurrence process and submit draft regulations and forms to OMB as soon as practicable. VA will work closely with OMB and request expedited review to facilitate timely approval.

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

VA has not identified any risks with this element of the plan.

17. Key goals and milestones for reducing legacy inventory (Section 3(b)(17))

VA has not identified any risks with this element of the plan.

Section 4 - Pilot Program to Test Assumptions

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may 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.

(2) REPORTING REQUIRED.—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.

VA will exercise its authority under Section 4(a) of the Act to test assumptions relied on in development of this comprehensive plan for processing of legacy appeals and implementing the new system. Veterans who have a pending legacy appeal will have the opportunity to opt into VBA's supplemental claim or higher-level review lanes in the new claims and appeals system beginning in November 2017. VBA will administer the new program known as the *Rapid Appeals Modernization Program* (RAMP) during the 18-month period after enactment allowed for full implementation of the new process and continue processing elections by Veterans as long as necessary thereafter to continue to accelerate resolution of legacy appeals.

Participation is voluntary and is only open to those Veterans with a pending legacy compensation related appeal. Veterans must withdraw their pending legacy appeal in order to elect participation in one of the two VBA new claims process lanes.

This conversion of legacy workload to new process workload will be phased based upon the age of the appeal, either overall or by appeal stage, if the Veteran has requested VBA's DRO review process or a Board hearing, as well as other factors. VBA will also test consolidation of the workload at certain ROs that have capacity. Most importantly, Veterans with compensation benefit related appeals will receive access to the early resolution opportunities and effective date protection features of the new process.

The program requires the development of opt-in notices to Veterans, training for claims processors and VSO representatives, and development of systems updates and controls to track and execute decisions under the supplemental claim and higher-level review lanes.

Start-Up

During the start-up phase, VBA will begin by testing a subset of 500 of the oldest appellants who have a compensation-related benefit appeal pending. VA determined that compensation appeals were the most appropriate to develop modeling assumptions due to the need to test the complex workload and capacity issues involved with compensation claims. In addition, as the majority of the pending legacy appeals inventory involves compensation claims, it is critical that VA accurately forecast and develop assumptions associated with compensation-related staffing, production, and inventory.

The 500 appellants chosen for the program were selected from the following appeals stages:

- Notice of Disagreement (NOD)
- Appeal to the Board of Veterans' Appeals (VA Form 9)
- Certified to Board (not activated)
- Remand

VA chose the above four stages because each stage has the potential for significant processing delays and represents a unique opportunity to quantify differences in Veteran behavior at a granular level.

In addition, to centralize the responses and data from the initial phase, with the goal of faster and more agile change management, VBA consolidated the processing of the first 500 potential responses to the Appeals Resource Center (ARC), located in Washington, D.C. The close proximity of the ARC to VBA decision makers allows for improved communication and response times.

Roll-Out

During the roll-out phase, VBA will expand the program, from the central startup phase site (ARC), to other ROs that have capacity and proven workload management expertise. During this phase, VA intends to validate any information from the first phase that might be the result of regional variances. In addition, by rolling out the program to other ROs, VA will be able to determine how workload allocations will impact modeling assumptions.

Close-Out

During the close-out phase, VA intends to assess the results from RAMP as they relate to Veteran behavior, work production, and inventory measures. VA intends to use this information to more accurately forecast the field resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.

Appendix A – Integrated Master Schedule

ID	Task Name	Start	Finish	Q4 FY 17	Q1 FY 18	Q2 FY 18	Q3 FY 18	Q4 FY 18	Q1 FY 19	Q2 FY 19
1	Implementation of Modernized Appeals System	02/14/2019	02/14/2019							
2	Legislatively Required Reports	11/23/2017	11/23/2017							
3	Secretary's Certification	01/12/2019	01/12/2019							
4	Regulations	06/02/2017	12/14/2018							
5	Draft regulations	06/02/2017	01/14/2018							
6	OMB public notice, comment, response	01/17/2018	02/01/2019							
7	Publish regulations	02/04/2019	02/08/2019							
8	Forms	06/02/2017	11/27/2017							
9	Draft forms	06/02/2017	11/27/2017							
10	OMB public notice, comment, response	11/23/2017	11/23/2018							
11	Publish forms	11/23/2018	01/17/2019							
12	Other HR	08/23/2017	02/14/2019							
13	Identify affected positions & evaluate position descriptions	08/23/2017	12/19/2017							
14	Engage with labor partners	12/04/2017	12/14/2018							
15	Position description & performance standards for higher level review position	08/23/2017	04/17/2018							
16	Implement revised performance standards	02/14/2019	02/14/2019							
17	Hire additional full time employees for the Board of Veterans' Appeals	12/20/2017	03/28/2018							
18	Manage workspace for Board of Veterans' Appeals new hires	06/14/2017	11/14/2018							
19	Internal procedures	06/23/2017	12/17/2018							
20	Supplemental claim lane	06/23/2017	12/17/2018							
21	Higher level review	06/23/2017	12/17/2018							
22	Notice letters	08/23/2017	12/28/2017							
23	Opt in notices	08/23/2017	12/19/2017							
24	Opt-in procedures	08/23/2017	12/29/2017							
25	IT	10/09/2017	12/14/2018							
26	Caseload	10/09/2017	12/14/2018							
27	Caseload Reader rollout	10/30/2017	11/13/2017							
28	Caseload Intake	10/30/2017	12/14/2018							
29	Caseload Hearing Prep	10/09/2017	12/10/2017							
30	Metrics	06/23/2017	01/01/2019							
31	VBA metrics	06/23/2017	01/01/2019							
32	NCA Metrics	06/23/2017	01/01/2019							
33	VHA Metrics	06/23/2017	01/01/2019							
34	Communications	06/23/2017	02/14/2018							
35	Outreach	06/23/2017	02/14/2019							
36	Quality assurance	06/23/2017	01/01/2019							
37	Training	06/23/2017	01/14/2017							
38	Assess training requirements and current training products	06/23/2017	11/14/2017							
39	Develop/revise training products	12/04/2017	02/01/2018							
40	Conduct training	02/01/2018	01/21/2019							

Appendix B –Training Requirements

The following table identifies the employees by position that will require additional training to administer the new claims and appeals system.

Business Line	Employee Position
Veterans Health Administration	TBD
National Cemetery Administration	TBD
Compensation Service	- Claims Assistants - Veterans Service Representatives - Rating Veterans Service Representatives - Decision Review Officers - Quality Review Team Members - Veteran Service Center (VSC) Management and Administrative Personnel
Board of Veterans' Appeals	- BVA Senior Management - Veterans Law Judges - Staff Attorneys - Administrative Personnel
Insurance Service	- Insurance Specialists - Insurance Center Management Personnel - Administrative Personnel
Benefits Assistance Service	- National Call Center Representatives - Public Contact Team Personnel - IRIS Response Personnel - RO Directors, Managers, and Coaches - Administrative Personnel
Education Service	- Veterans Claims Examiners - Supervisory Veterans Claims Examiners - Administrative Personnel
Pension and Fiduciary Service (Pension)	- Claims Assistants - Veterans Service Representatives - Rating Veterans Service Representatives - Decision Review Officers - Quality Review Team Members - PMC Management and Administrative Personnel - PMC Coaches
Pension and Fiduciary Service (Fiduciary)	- Legal Instruments Examiners - Field Examiners - Program Specialists - Fiduciary Hub Management Personnel
Loan Guaranty Service	- Loan Specialists - Loan Guaranty Officers - Administrative Personnel
Vocational	Vocational Rehabilitation Counselors

Rehabilitation and Employment	• Administrative Personnel • Vocational Rehabilitation Officers
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The following table identifies training by business line that VA will either create or update as part of implementing the new system.

Business Line	Training Items
Veterans Health Administration	• TBD
National Cemetery Administration	• TBD
Compensation Service	• Appeals Process: Talent Management System (TMS) 4180677 • Appeals SOC and SSOC: TMS 4179841 • Appeals Orientation: TMS 4179826 • Appeals Hearings: TMS 4179813 • Caseflow Certification Tool: TMS 41749627 • Appeals Processing for VSRs: TMS 4180046
Board of Veterans' Appeals	• Developing internal processes to handle the receipt and tracking of notices of disagreement and withdrawals of appeals under the VBA RAMP pilot program • Developing training for broad overview of new appeals process for administrative and legal staff • Developing training for each appeal stream, to include legacy appeals for new hires
Insurance Service	• TBD
Benefits Assistance Service	• NCC/NPCC/NIRC PCR New Hire Appeals Process • NCC/NPCC/NIRC PCR New Hire Status of Appeal • NCC/NPCC/NIRC PCR New Hire Understanding Rating Decisions & Notification Letters • PCT PCR New Hire Appeals Process • PCT PCR New Hire Status of Appeal • PCT PCR New Hire Understanding Rating Decisions & Notification Letters • NCC/NPCC/NIRC PCR Refresher Appeals Process • NCC/NPCC/NIRC PCR Refresher Status of Appeal • PCT PCR Refresher Appeals Process • PCT PCR Refresher Status of Appeal • Introduction to the New Appeals System (overview of the appeals process) • Status of Appeals Training for Public-facing Employees (incorporating the updated process and updated mandatory scripts) • Introduction to Rating Decisions and Notification Letters
Education Service	• TBD
Pension and Fiduciary Service	• Appeals Modernization Overview • Addressing BVA Remands Due to Appeals Modernization

	• Processing Higher-Level of Reviews • Processing Supplemental Claims • How to Use Caseflow • Duty to Assist (Intermediate), 1197931 • Standardized VA Forms, Part I, Standardized Appeals Form for Pension, 3914056 • Standardized VA Forms Part II, Standardized Appeals Form for Pension, 3914064 • Appeals Orientation, New Appeals Procedures, 4179826 • Appeals: SOC and SSOC New Appeals Procedures, 4179841 • Appeals Processing: New Appeals Procedures, 4180046 • Appeals DRO Review Process: New Appeals Procedures, 4180677 • Introduction to Appeals: New Appeals Procedures, 4193050 • Appeals Overview: New Appeals Procedures 4194306
Loan Guaranty Service	• TBD
Vocational Rehabilitation and Employment	• TBD

Appendix C – DRO Training Curriculum

This section provides a recommended training plan for employees assigned to the DRO position. DROs should be given the opportunity to complete the identified training upon being assigned to the DRO position. VBA will amend this training plan based on best practices and training needs identified during RAMP.

Recommended DRO Training Plan

This training plan is recommended by Compensation Service for all Decision Review Officers (DROs) regardless of team assignment, to include special missions. The Regional Office (RO) may adjust the remaining areas of the DRO Training Plan as needed.

Upon reaching DRO status, Central Office will assign employees who have been promoted to the DRO position to the primary National Training Curriculum for their position to include mentoring and Core Foundation Training.

Mentor Assigned at RO: The RO will assign a mentor to review and provide feedback on 100 percent of the claims worked during the first 30 days upon assuming the Pre-Discharge Claims Processor position. The RO will assign a mentor to review and provide feedback on 100 percent of the claims worked until the mentor and a coach can verify that the student is ready to be released from 100 percent reviews. The RO will continue to assign a mentor to review and provide feedback on the new types of claims worked during this period.

Core Foundational Training: This section addresses foundational training items which were not taught during Challenge or training that the Year 1, Year 2, or Year 3 RVSR would not have been exposed to. The identified training items are specific to DRO competencies. It is recommended that DROs complete this training and be allowed to process cases related to the teaching topic to reinforce the identified training.

TMS ID	Lesson Title	Learning Hours	Lesson Delivery
4179826	Appeals Orientation	7	Instructor Led
4202764	Tableau Desktop Part 1: Working with Data in Tableau (video)	1	Online / Video
4202832	Tableau Desktop Part 2: Exploring Views (video)	1	Online / Video
4202898	Tableau Desktop Part 3 : Building Effective Dashboards (video)	1	Online / Video
4179486	VACOLS	4.75	Instructor Led
4180677	Appeals DRO Review Process	3	Instructor Led
4179841	Appeals: SOC and SSOC	2	Instructor Led
3914056	Standardized VA Forms: Claims Submission Part I	0.75	Instructor Led

3914064	Standardized VA Forms: Claims Submission - Part II	0.75	Web-based - TMS
4179627	How to Use Caseflow Certification	0.25	Web-based - TMS
4179813	Appeals: Hearings	1.5	Instructor Led
3937107	Giving and Receiving Feedback	1	Web-based - TMS
3808173	VBA Public Service Guide-Lesson 3: Effective Customer Service Skills for In-Person Contact	2	Web-based - TMS
3808174	VBA Public Service Guide Lesson 4: Effective Customer Service Skills Email/IRS/In writing contacts	2	Web-based - TMS
4191360	VA and Conflict Management: Conflict Resolution for Excellent Customer Service	2	Web-based - TMS
4277836	Decision-Ready Claims (DRC): VSRs and RVSRs	1.75	Instructor Led
4180566	Rating Automobile and Adaptive Equipment Allowance, SAH/SHA, and Veterans Civil Service Preference (as refresher)	2	Instructor Led
3770183	DRO Skills Certification Preparation Class	3.5	Instructor Led
3770185	DRO Skills Certification Test Self-Study Excluded Time	3	self-study
61419	Tour of the Compensation Service Website	2.5	Instructor Led
4201894	Evaluating Evidence	3	Instructor Led
TBD	Notification Letters (VSR)	1.25	Instructor Led
TBD	Case Law Updates (DAD, CAVC & BVA Decisions, Remand Reports) - subscribe to updates	TBD	TBD
TBD	M21-1MR-Pt. I, Ch. 5 Appeals	TBD	TBD
TBD	M21-4 Appendix (EPs) (Appeal EPS have been realigned) - Appeals Modernization Changes	TBD	TBD
TBD	Station-selected training focused on national/station Appeal/DRO issues	10	TBD
TBD	*Employee-based STAR/Quality Error Trend Training	TBD	TBD
	Total Hours	57.00+	

Employee-based STAR/Quality Error Trend Training

Upon assuming the DRO position, individualized training will be assigned to each employee based on the employee's STAR quality error findings.

The RO Training Manager must coordinate with the Quality Review Team Supervisor to analyze each Journey-level employee's STAR quality findings to identify training needs. The RO Training Manager must create an individualized training plan and assign necessary training to improve identified areas.

All policy- or procedural-driven changes that are mandated during the fiscal year must be completed in addition to the identified training plan items. Mandated training items will be assigned by Compensation Service and must be completed by the specified completion date.

Competency Achievement: The DRO will not achieve successful mastery of DRO competencies until completion of all identified training.

A	B	C	D	E	F	G
Short Title of Report:						
Report Required by:						
Section 1 - Manpower Estimate						
<u>Grade Level</u>	<u>Hourly Rate¹</u>	<u>Benefits Percent²</u>	<u>Salary + Benefit Rate</u>	<u>Approx. Number of Hours³</u>	<u>Subtotal (DxE)</u>	
14	\$60.83	32.99%	\$ 80.90	80.0	\$6,472	
15	\$71.56	32.99%	\$ 95.17	50.0	\$4,758	
13	\$51.48	32.99%	\$ 68.46	30.0	\$2,054	
		32.99%	\$ -		\$0	
		32.99%	\$ -		\$0	
		32.99%	\$ -		\$0	
		32.99%	\$ -		\$0	
		32.99%	\$ -		\$0	
		32.99%	\$ -		\$0	
Subtotal - Manpower				160	\$13,284	
¹ Calculate this by dividing the annual salary rate by 2080 hours.						
² FY 2004, use 25.10%; FY 2005, use 25.5%; FY 2006, use 22.6%; FY 2007, use 20.00%; FY 2008, use 21.4%; FY 2009 use 33.16%; FY 2010 use 32.99%						
³ Include all effort required to prepare the report. Once it moves forward in the supervisory chain for review and signature, do not include any of this effort in the cost.						
Section 2 - Contract Costs						
<u>Type of Contract</u>					<u>Cost</u>	
Subtotal - Contract(s)						
Section 3 - Other						
<u>Identify</u>					<u>Cost</u>	
Subtotal - Other						
Total Estimated Cost to Prepare Report:					\$13,284.11	