



**Department of Veterans Affairs  
Board of Veterans' Appeals**

**Annual Report  
Fiscal Year (FY) 2017**



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# Board Senior Leadership

(as of the end of FY 2017)

## Chairman

*Executive in Charge:* David C. Spickler

## Vice Chairman

David C. Spickler (Acting)

## Principal Deputy Vice Chairman

Cheryl L. Mason (Acting)

## Deputy Vice Chairmen

Kimberly E. Osborne

John Z. Jones (Acting)

## Director, Office of Resource Management, and Planning

Merrick E. Krause

## Chief Counsel for Operations

Donnie R. Hachey

## Chief Counsel for Policy and Procedure

James D. Ridgway

## Chief Veterans Law Judges

Keith W. Allen

Linda A. Howell

Bethany L. Buck

John Z. Jones

Theresa M. Catino

James L. March

Cherry O. Crawford

Robert C. Scharnberger

John J. Crowley (Acting)

Claudia Trueba

## Veterans Law Judges<sup>1</sup>

Karen J. Alibrando  
Dorilyn M. Ames  
Marjorie A. Auer  
Kathy A. Banfield  
Lisa M. Barnard  
Dana R. Benjamin-Johnson  
Matthew W. Blackwelder  
Wayne M. Braeuer  
Derek R. Brown  
Cynthia R. Bruce  
Sonnet B. Bush  
Angel Caracciolo  
Vito A. Clementi  
Kelly B. Conner  
Barbara B. Copeland  
Paula M. DiLorenzo  
Nathaniel J. Doan  
Rebecca A. Feinberg  
Caroline B. Fleming  
John W. Francis

Michael A. Herman  
Mark D. Hindin  
Jennifer R. Hwa  
Marti N. Hyland  
Amy C. Ishizawar  
Anne E. Jaeger  
Michelle L. Kane  
Susan L. Kennedy  
Ryan T. Kessel  
Michael E. Kilcoyne  
B. Tom Knope  
Kelli A. Kordich  
Jonathan B. Kramer  
Simone C. Krembs  
Nathan J. Kroes  
Michael S. Lane  
Mary E. Larkin  
Eric S. Leboff  
Michael D. Lyon  
Andrew C. MacKenzie

Thomas H. O'Shay  
Michael A. Pappas  
Kalpana M. Parakkal  
Jeffrey D. Parker  
Ursula R. Powell  
Lesley A. Rein  
James G. Reinhart  
Steven D. Reiss  
Tara L. Reynolds  
Harvey P. Roberts  
Howard N. Schwartz  
Anthony Scire  
Holly L. Seesel  
George R. Senyk  
Alexandra P. Simpson  
Deborah W. Singleton  
Tanya A. Smith  
Mary S. Sorisio  
Paul Sorisio  
Gayle E. Strommen

<sup>1</sup> Pursuant to 38 CFR § 19.2(b), a member of the Board may also be known as a Veterans Law Judge.

M. Caryn Graham  
Kristi L. Gunn  
Kristin A. Haddock  
Jonathan G. Hager  
Milo H. Hawley  
Stacey R. Heneks  
Bradley W. Hennings

Anthony J. Mainelli  
Michael D. Martin  
Simone B. Mays  
Kerri M. Millikan  
Jacqueline E. Monroe  
Victoria Moshiashwili  
Bobby R. Mullins

Matthew Tenner  
Estella I. Velez  
Helena M. Walker  
Glenn A. Wasik  
Yvette White  
David L. Wight  
Jessica J. Zissimos

# Introduction

The Board of Veterans' Appeals (Board) is the component of the Department of Veterans Affairs (VA or Department) responsible for making final decisions on behalf of the Secretary for claims for Veterans' benefits from all three administrations and the Office of General Counsel (OGC) that are presented to the Board for appellate review. The Board's mission is to conduct hearings and issue timely decisions for Veterans and other Appellants in compliance with the requirements of law. See 38 United States Code (U.S.C.) § 7101(a). The Board's jurisdiction extends to all questions in a matter involving a decision by the Secretary under a law that affects a provision of benefits by the Secretary to Veterans, their dependents, or their Survivors. 38 U.S.C. §§ 511(a); 7104(a). Final decisions on such appeals are made by the Board based on the entire record in the proceeding and upon consideration of all evidence and applicable provisions of law and regulation. 38 U.S.C. § 7104(a).

In addition to fulfilling its statutory mission, the Board's vision is to be the best in customer service for our Nation's Veterans and a great place to work. The Board is also committed to VA's Core Values: Integrity, Commitment, Advocacy, Respect, and Excellence (ICARE). After the end of each FY, the Chairman is required to prepare a report on the activities of the Board during that FY and the projected activities of the Board for the current and subsequent FYs. 38 U.S.C. § 7101(d)(1). This Annual Report includes two parts: Part I provides a discussion of Board activities during FY 2017 and projected activities for FYs 2018 and 2019; Part II provides statistical information related to the Board's activities during FY 2017 and projected activities for FYs 2018 and 2019.

The current appeals process in VA is a complex, non-linear process, which was set in law and is unique from other appeals processes across Federal and judicial systems. A feature of the current VA appeals process is a continuous open record that allows a Veteran, Survivor, or other Appellant to submit new evidence and/or make new arguments at any point from the beginning to the end of the appeals process. Additionally, the duty to assist throughout the appeals process requires VA to develop further evidence on the Veteran's behalf and pursue new arguments and theories of entitlement. Each time new arguments are presented and evidence is added / obtained, VA generally must issue another decision considering that evidence, which protracts the timeline for appellate resolution.

The appeals process consists of multiple steps, most of which occur at the Agency of Original Jurisdiction (AOJ), which includes the Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), the National Cemetery Administration (NCA), and OGC. While the vast majority of appeals considered by the Board involve claims for disability compensation, the Board also reviews appeals involving other types of Veterans benefits, to include insurance benefits, educational benefits, home loan guaranties, vocational rehabilitation, dependency and indemnity compensation, health care delivery, burial benefits, pension benefits, and fiduciary matters. If an appeal is not resolved at the AOJ level to the Veteran's (or Appellant's) satisfaction, he or she may formally continue that appeal to the Board for a *de novo* review (*i.e.*, new look) and the issuance of a decision on behalf of the Secretary.



**Department of Veterans Affairs  
FY 2017 Veterans Law Judges**

# **PART I**

## **Activities of the Board of Veterans' Appeals FY 2017**

The Board was established in 1933 and operates by authority of, and functions pursuant to, Chapter 71 of title 38, U.S.C. The Board consists of a Chairman, a Vice Chairman, and such number of members as may be found necessary to conduct hearings and dispose of appeals properly before the Board in a timely manner. 38 U.S.C. § 7101(a). "Members of the Board," also known as "Veterans Law Judges," are supported by a large staff of attorneys and administrative personnel. 38 Code of Federal Regulations (CFR) § 19.2(b).

In FY 2017, the Board's organizational structure consisted of six main components: the Office of the Chairman; the Office of the Principal Deputy Vice Chairman (PDVC); the Office of Veterans Law Judges (OVLJ), the Office of Resource Management and, Planning (RMP); the Operations Group, and the Office of Strategy, Innovation and Programs (SIP).

The Office of the Chairman consists of a Chairman (EX) and a Vice Chairman (Senior Executive Service (SES)/VLJ) and support staff. The Chairman is appointed by the President, by and with the advice and consent of the Senate, for a term of 6 years, and is directly responsible to the Secretary. The Vice Chairman is a Member of the Board who is designated by the Secretary.

The Office of the PDVC consisted of a Principal Deputy Vice Chairman (SES/VLJ) that provided legal advice and policy guidance to the Board and other VA business lines, and included the following offices: Legislation, Regulations, and Policy, Quality Assurance (QA), the Office of Knowledge Management (KM), Research Center, and Freedom of Information Act.

The OVLJ consisted of two Deputy Vice Chairmen (DVC) (SES/VLJ), the Hearing and Support Management Division, a Medical Advisor, and the OVLJ Division with up to 10 Chief VLJs, up to 84 VLJs, and approximately 671 attorneys who prepare tentative written decisions for review and signature by a VLJ. VLJs are appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman. 38 U.S.C. § 7101A(a)(1).

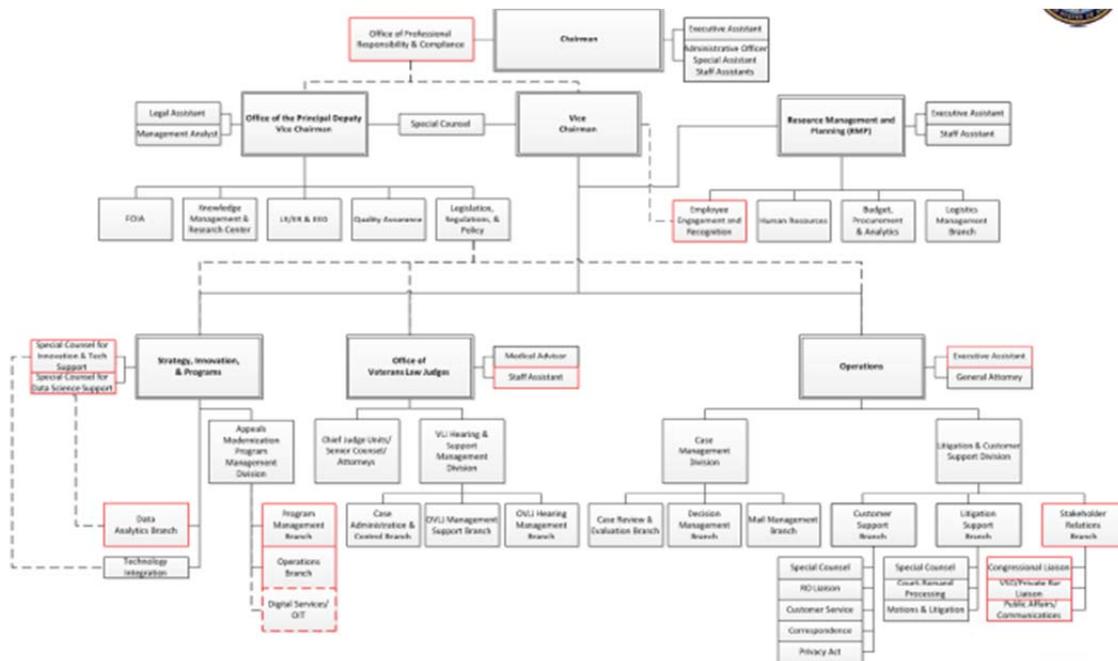
RMP consisted of the Director (SES), Budget, Procurement and Analysis, Human Resources, Labor and Employee Relations, and the Logistics Management Branch.

The Operations Group consisted of a Chief Counsel for Operations (SL/VLJ) and was the administrative directorate of the Board and consisted of the Case Management Division, and the Litigation and Customer Support Division.

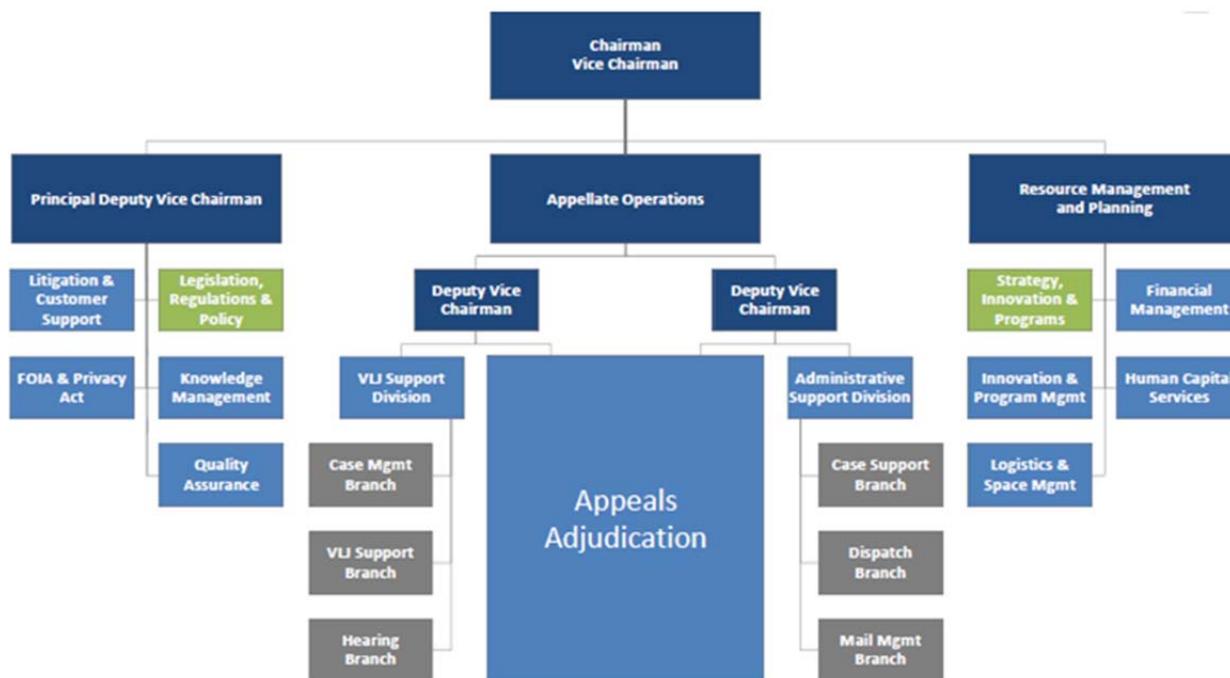
The SIP consisted of Chief Counsel (SL/VLJ), Technology Integration, and the Appeals Modernization Program Management Division.

In October 2017, the Board leadership, in accordance with the Secretary's priorities and the Office of Management and Budget's Directive 17-22, took the necessary steps to realign its workforce to improve accountability over lines of business and reduce fragmentation across the organization by focusing its resources towards its primary mission of deciding appeals and holding hearings. The Board's organizational structure in FY 2018 will consist of four main components: the Office of the Chairman, the Office of the Principal Deputy Vice Chairman; the Office of Appellate Operations; the Office of Resource, Management and Planning.

## Board Structure in FY 2017



## Board Structure in FY 2018



## Successes

FY 2017 was a year of many successes for the Board. In addition to continuing to provide outstanding service to Veterans by issuing high quality decisions and conducting hearings of appeals before the Board, the Board also continued to seek and implement innovative ways to improve business processes through technological advancements and other efficiencies. Among those was the continued collaboration with Veterans Service

Organizations (VSO) and other internal and external stakeholders, which ultimately resulted in the historic passage of the *Veterans Appeals Improvement and Modernization Act of 2017* (Appeals Modernization Act), signed by the President in August 2017.

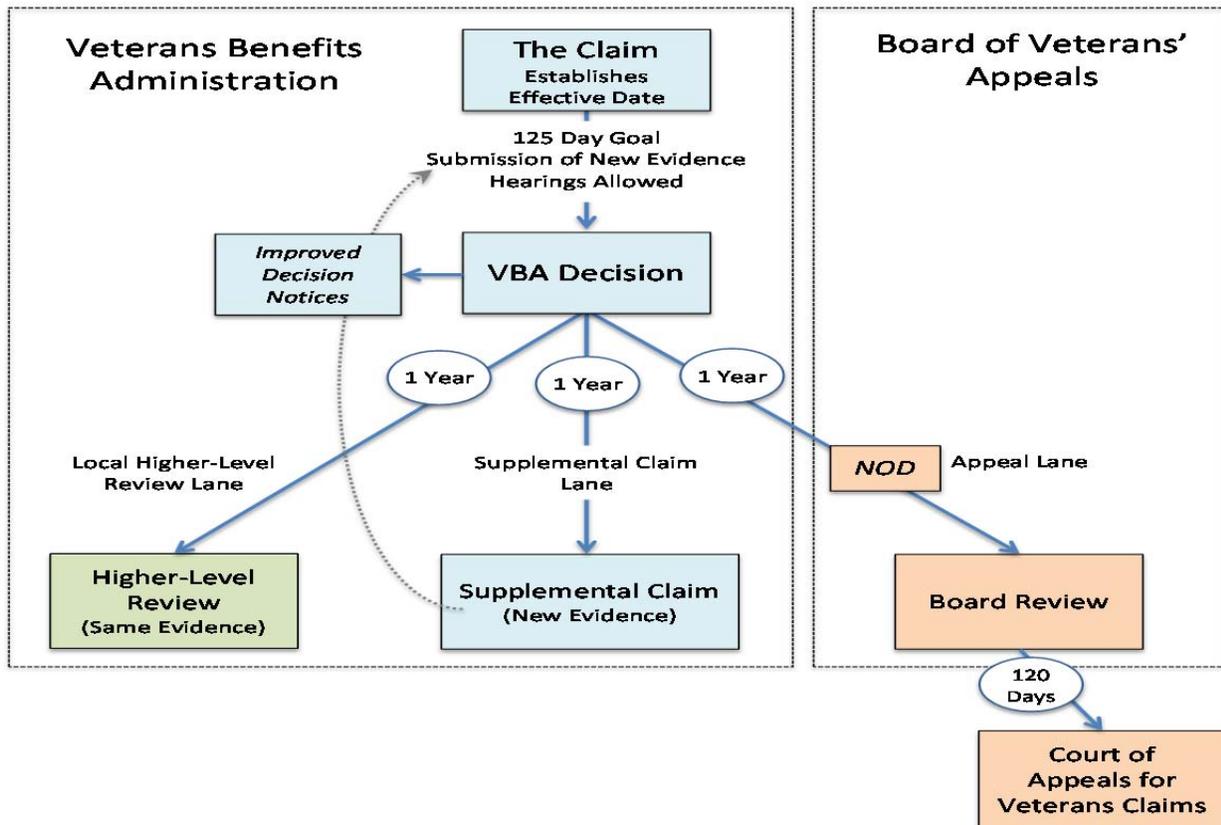
As noted above, the Board's top legislative priority in FY 2017 was Appeals Modernization, a comprehensive legislative package aimed at streamlining the appeals process at all levels to provide Veterans with a clearer, faster appellate experience. The amendments made by the Act will be effective in February 2019; thus, the Board is preparing for implementation of the new law.

Appeals Modernization was developed in response to VA's recognition that the current appeals process is broken—the legal framework is complex, inefficient, ineffective, and confusing. Veterans have no defined endpoint to their appeals, and the continuous evidence gathering and re-adjudication of the same matters mean that Veterans wait much too long for final resolution of their appeals.

To address these failures in the appeals process, VA has continued to work with VSOs, Congressional staff, state and local government officials, and other stakeholders to discuss the challenges and opportunities for developing a new appeals process. The result of this collaboration is a framework that will transform the appeals process into a simpler system that provides timely, transparent, and fair resolutions for Veterans, while meeting the needs of their advocates, outside stakeholders, and VA.

The essential feature of this new design is to give the Veteran choices by offering three differentiated "lanes," giving Veterans clear options after they receive an initial decision on a claim. One lane provides review of the same evidence by a higher-level claims adjudicator in the AOJ; one lane allows a claimant to submit new and relevant evidence with a supplemental claim to the AOJ; and one lane provides review by a Veterans Law Judge at the Board. In this last lane, intermediate steps, such as the Statement of the Case and Substantive Appeal, are eliminated. Veterans appealing to the Board may elect one of three options: direct review of the evidence that the AOJ considered; an opportunity to submit additional evidence without a hearing; or they may elect to have a hearing before a VLJ, which includes the opportunity to submit additional evidence. Cases will be handled on separate dockets, depending on which of the three options was selected, so these distinctly different types of work can be better managed. As a result, the AOJ, such as VBA, would be the claims adjudication agency, and the Board would be the appeals agency. This disentanglement of process is enabled by one crucial innovation: in order to make sure that no lane becomes a trap for any Veteran who misunderstands the process or experiences changed circumstances, a Veteran who is not fully satisfied with the result of any lane would have 1 year to seek further review while preserving an effective date for benefits based upon the original filing date of the claim. For example, a Veteran could go straight from an initial AOJ decision on a claim to an appeal to the Board. If the Board decision was not favorable, but it helped the Veteran understand what evidence was needed to support the claim, then the Veteran would have 1 year to submit new and relevant evidence to the AOJ in a supplemental claim without fearing an effective-date penalty for choosing to go to the Board first.

## New Framework Process



The Board looks forward to implementing a streamlined, understandable process that provides multiple options for review of claims decisions to more efficiently and effectively serve Veterans.

Additionally, the Board is committed to modernizing appeals processing technology to optimize efficiency to best serve Veterans and their families and to ensure the seamless transfer of appeals between jurisdictions by leveraging industry best practices and Human Centered Design principles. To this end, the Board is fortunate to have the United States Digital Service (USDS or Digital Service) leading the technical approach to this effort. Working components delivered by Digital Service in FY 2017 included a completed pilot of Caseflow Reader, an evidence review tool that increases the productivity of judges and attorneys at the Board of Veterans' Appeals as they prepare decisions, speeding the appeals process and reducing backlogs. Additionally, Digital Service deployed new functionality for Caseflow Certification at VBA Regional Offices, which adds additional checks to ensure the accurate transfer of appeals between VBA and the Board and lay the groundwork for auto-activation of appeals at the Board. Digital Service also developed an application programming interface to provide appeals data to Vets.gov, to enable Veterans to access more accurate and useful information about the status of an appeal. Lastly, Digital Service initiated discovery in the areas of appeals workflow and the scheduling of appellate hearings, two areas of core Veterans Appeals Control and Locator System functionality that must be replaced.

## ***Service to Veterans***

In FY 2017, the Board issued 52,661 decisions for Veterans and their families. Additionally, the Board's VLJs personally interacted with Veterans and Appellants by holding 16,626 hearings, either conducted face-to-face at a VA facility, in-person at the Board's location in Washington, DC (known as "Central Office" hearings), or through video teleconference (VTC) between the Board and a VA facility. Most VLJs traveled to at least two ROs to conduct 1 week of hearings at each site (known as "Travel Board" hearings), in addition to holding a large number of VTC hearings and Central Office hearings.

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.

The Board received 90,327 appeals in FY 2017. Based on trends in case receipts, the Board anticipates receiving 93,180 appeals in FY 2018, which includes original appeals from VBA; returned remands from VBA's Appeals Management Office (AMO); appeals from other elements of VA, including VHA, OGC, and NCA; and cases returned by the Court of Appeals for Veterans Claims (CAVC). This is consistent with the historical rate of appeals received by the Board as a percentage of the claims decided by VBA.

In addition to dispatching 52,661 decisions in FY 2017, the Board's administrative support staff reviewed and processed 92,771 pieces of mail. Additionally, the administrative staff, including the Board's Call Center in Wilkes-Barre, Pennsylvania, answered 128,620 inquiries from Veterans or their representatives by phone, email, or written correspondence. The Board's Correspondence Unit issued written responses to 999 Congressional inquiries and provided 1,969 written status updates to Veterans and Appellants concerning their appeals. Furthermore, the Board requested 88 independent medical examination opinions and 1,600 VHA medical opinions on Appellants' cases.

## ***Hearings***

The Board held 16,626 total hearings, which represented a 23 percent increase in the number of hearings held compared to FY 2016. The Board held 61 percent of hearings by VTC. The Board continued to encourage more widespread use of VTC hearings to reach Veterans and other Appellants at ROs.

## ***ChooseVA Initiatives***

In 2017, Secretary Shulkin announced his strategic plan that described the major changes the Department will undergo over the next 5 to 7 years to deliver better choice for Veterans. Expanding options for Veterans to obtain benefits, care and services will force the Department to compete for our Veteran customers. VA's path to competitiveness is shaped by the Department's five priorities which define the operational focus of VA and which will make VA a stronger organization that provides better outcomes for Veterans and taxpayers. VA's priorities are: to provide greater choice for Veterans, improve timeliness of service, modernize systems, focus resources more efficiently, and prevent suicide.

## ***Technology***

The Board continues to leverage technology where possible in order to gain efficiencies in appeals processing. In FY 2017, the Board's investment in "Appeals Modernization" through a people, process, and technology strategic approach continued. Specific to technology, the Board continued to team with the Digital Service to begin incremental replacement of the Veterans Appeals Control and Locator System (VACOLS), the Department's system of record for appeals, with the development of the Caseflow System. The USDS pairs the country's top technology talent with the best public servants to improve the usefulness and reliability of the country's most important digital services. The USDS is designing and building the Caseflow system in close cooperation with Board subject matter experts. The Board increased its engagement with the stakeholders of the Veterans Benefits Management System (VBMS). The long-term goal is increased integration between VBMS and Caseflow, improving data exposure between the two systems.

The Board also continued to maintain its presence on eBenefits – a joint venture between VA and the Department of Defense - which provides Veterans the opportunity to check the status of their claims and appeals securely online or from their mobile device.

## ***Hiring***

The Board hired staff to continue supporting its mission to serve more Veterans and their families. Specifically, in order to both maintain staffing levels and increase capacity where possible, the Board hired 274 staff (which included new hires and backfills for attrition). In FY 2017, 26 additional VLJs were sworn in. Additionally, the Board continues to recruit and hire, attorney and administrative staff.

## ***Training***

In FY 2017, the Board continued to focus on methods to increase the quality of appellate decisions rendered while maintaining a high level of output. KM created targeted training for all employees based, in part, on trends gleaned from the Board's quality assurance process, as well as outcomes in cases heard before CAVC and the United States Court of Appeals for the Federal Circuit (Federal Circuit). Specifically, KM presented comprehensive training for Board counsel and VLJs, including courses on topics such as: new and material evidence, VA examinations, Gulf War illness, and ethics. KM also partnered with the Office of Quality Assurance (QA) to present training on the QA process and quality trends (38 C.F.R. § 3.321, 4.59, and entitlement to a total disability rating based on individual unemployability) and on navigating 38 C.F.R. § 3.321(B)(1) extraschedular analysis. KM conducted refresher training for all staff regarding new and material evidence claims and time periods on appeal. KM also coordinated with our colleagues at the AMO to bring members of the AMO staff to the Board to provide training on how to best draft remand directives to ensure faster response times. Finally, KM ensured that Board staff completed all VA-required on-line training courses (such as privacy and security awareness, etc.), which are designed to support a strong management workforce and certified the active standing of all attorney staff members.

FY 2017 also marked the expansion of the Board's prior approach to large-scale training of new attorney hires, referred to as "Bootcamp." From October 2016 through March 2017, Bootcamp consisted of a 4-week intensive classroom lecture and activity series, providing

new attorneys with training on how claims move through the appeals process at the Board, how to successfully navigate VBMS, how to structure draft decisions for VLJs, and the basics of Veterans law. Beginning in April 2017, Bootcamp was expanded to a full 3-month period, wherein the attorney staff assigned to KM took over full responsibility for the training of new attorney hires in an expanded and more expansive version of the original Bootcamp concept.

In FY 2017, the Board continued to coordinate with VBA on joint training efforts. Specifically, the Board continued to provide jointly approved training to RO staff on topics of interest identified by KM and QA, and by VBA. The Board continued to work closely with VBA to assist with the shared goal of resolving appeals at the earliest stages of the appeals process. Additionally, KM, QA staff of the Board, and the Quality Review staff of VBA worked together to identify trends and target training to common issues, and continued to assist VHA with training efforts focused on training clinicians who provide examinations in conjunction with compensation claims on the legal requirements of such exams. These efforts helped ensure that claims were developed properly at the local level in the first instance, ultimately decreasing wait times for final decisions.

The Board continued to closely track the reasons for remand in those cases that were remanded to the AMO/AOJ for further development, and made that data available to all VA components in the adjudication system for management and training purposes.

## *Quality*

In FY 2017, the Board determined that its accuracy rate measurement system was not operating efficiently and temporarily suspended random sampling of cases pending re-evaluation. Simultaneously, the Board began using targeted case review to evaluate specific quality concerns identified through data analytics and then develop solutions to them.

In FY 2017, targeted case review was conducted on the handling of claims adjudication involving consideration of an extraschedular rating under 38 C.F.R. § 3.321(b)(1). Data showed that § 3.321(b)(1), and case law related to it, were at least one of the reasons for remand from the CAVC in approximately 20 percent of all increased and initial rating (IR) cases in both FY 2015 and FY 2016. The Board reviewed 706 IR issues (covering 526 individual cases) that were remanded or reversed by the CAVC due to 38 C.F.R. § 3.321(b)(1), 344 IR issues (covering 282 individual cases) which were affirmed by the CAVC, and 264 IR issues (covering 112 individual cases) that were denied by the Board and not appealed to the CAVC. The margins of error for these populations were 3.46 percent for issues remanded or reversed by the CAVC, 3.59 percent for issues affirmed by the CAVC, and 5.96 percent for issues that were not appealed to the CAVC, all with a 95 percent confidence interval.

The findings of this research included significant cost to the Federal Government contrasted with very few awards to appellants and significant time being spent by the Board in adjudicating extraschedular ratings under 38 C.F.R. § 3.321(b)(1) when those ratings were not requested by the appellant or raised by the record, and thus not required by law. Specifically, 38 C.F.R. § 3.321(b)(1) was not argued or raised by the record before the Board in over 84 percent of all IR cases appealed to the CAVC, but the Board was addressing 38 C.F.R. § 3.321(b)(1) in approximately 95 percent of all IR cases.

To improve quality and efficiency, a new approach to extraschedular ratings under 38 C.F.R. § 3.321(b)(1) was developed to focus adjudication on the cases where the issue was raised. Initial results from October 2017 showed that the Board was addressing 38 C.F.R. § 3.321(b)(1) in approximately 22 percent of all IR cases. This significant change in the Board's adjudicatory approach has increased productivity and is expected to reduce the rate of remand and reversal by the CAVC for problems related to 38 C.F.R. § 3.321(b)(1).

## ***Efficiencies***

The Board continued to leverage opportunities to implement changes to enhance efficiencies in its operations in order to provide better service to Veterans. The Board actively pursued several business process improvements aimed at streamlining the complex appeals adjudication process in order to improve service to Veterans and their families. Such initiatives included: engaging internal and external stakeholders in streamlining the appeals adjudication process; maximizing available hearing resources for Veterans; clarifying internal procedures to optimize efficient caseflow; and leveraging technology to better modernize appeals processing.

In FY 2017, the Board continued to implement various technological and process improvements to meet the anticipated rise in the incoming workload, particularly in light of the transition to a fully paperless appeals system. To this end, the Board is leading "Appeals Modernization" to better serve Veterans and their families and provide timely and quality appeals decisions. As a part of this broad effort, information technology funds have been used to develop robust paperless functionality in the VA appeals process. This is part of the Board's multi-pronged approach to leverage technology, people, and process improvements, and long-needed legislative reform, to most effectively serve Veterans and their families in the processing of appeals. Initial key appeals-specific functionalities in the paperless environment will focus on seamless integration of systems, and key accountability and workability features.

## ***Employee Engagement***

The Board continued to make strides in improving its organizational culture and climate through several initiatives in FY 2017. Specifically, the Board continued its ICARE Recognition Program, which was first deployed at the end of FY 2014. This Program provided a forum for peer-to-peer recognition of accomplishments, achievements, and behaviors that reflect VA's Core ICARE Values. Through this forum, a number of Board employees were nominated by their peers and recognized in Board-wide Town Halls for demonstrating one of these Core Values.

Additionally, in FY 2017, the Board continued issuing a special edition newsletter titled "Innovative Ideas" that provides follow up to all staff regarding ideas, questions, and concerns raised by the staff. Also, in FY 2017, the Board's Innovative Ideas Team continued to receive, review, develop, and communicate ideas submitted by all Board employees resulting in an improved employee experience. The Team's mission was to foster and facilitate an organizational culture that valued Board employee innovation and input in workplace processes, with the goal of making VA an employer of choice and providing outstanding service to our Nation's Veterans. The Team consisted of volunteers from all Board staff sections. Further, in FY 2017, the Board met to discuss and analyze the Board's survey results for the VA All Employee Survey (AES).

In FY 2017, the Board made improving customer service to Veterans and their advocates a priority. As part of this effort, the Board continued to contract with J.D. Power to conduct a customer satisfaction survey to learn more about Veterans' experiences with appellate decisions and the Board's call center. A workgroup of attorneys and Veterans Law Judges reviewed the data provided by the survey and made appropriate suggestions.

During FY 2017, the Board created a new Veterans Law Judge training program with an emphasis on customer service to Veterans and improving the employee experience. The training incorporated the VA ICARE core values (Integrity, Commitment, Advocacy, Respect, and Excellence) to encourage Judges to improve the employee experience by focusing on people and culture to attract, retain, and develop high performers. The Judges were encouraged to foster a collaborative, inclusive, and results-oriented culture that inspires trust. Judges are charged with leading a diverse group of people and are encouraged to continue professional development, to include leadership, management, and legal training to establish a superior Veteran experience through employee engagement. Additionally, both Judges and Supervisory Senior Counsel received leadership training which included information consistent with diversity and inclusion goals. The Board also held several ceremonies for valued staff to recognize their accomplishments and contributions to the Board's mission.

### ***Coordination with Administrations and Other Staff Offices***

During the past year, the Board continued to actively partner with VA stakeholders across the corporate enterprise, including VBA, VHA, OGC, NCA, the Office of Information & Technology (OIT), OM, Human Resources & Administration (HRA), and other staff offices in order to better serve Veterans and their families. In particular, the Board continued its efforts to conduct as many hearings as possible within full-time equivalent (FTE) employee levels in order to reduce the number of cases on appeal awaiting Board hearings. To this end, in FY 2017, the Board continued to work closely with VBA leadership to track the Travel Board and VTC hearing utilization rates in an effort to ensure that each hearing docket was fully maximized to serve as many Veterans and other Appellants as possible. On August 23, 2017, the President of the United States signed into law the Veterans Appeals Improvement and Modernization Act of 2017 (the Act). Since that time, the Board is working - closely with representatives from VBA, VHA, OGC, and NCA, to prepare for the Act's implementation on February 14, 2019. By focusing on VA appeals processing throughout the entire Department, Appeals Modernization leverages technology, people, and process improvements, and long-needed legislative reform to most effectively serve Veterans and their families in the processing of appeals.

During FY 2017, the Board continued to send counsel on Travel Board trips to provide VBA adjudicators with a training. This presentation targeted current changes in the law and sought to ensure that full development of an appeal is completed by VBA prior to that appeal reaching the Board.

### ***Veterans Service Organization Forums and Training***

The Board continued its outreach and initiative events to VSOs by providing 12 training and appeals modernization update discussions at annual conferences and other outreach events. In addition, the Board increased its meetings and outreach to VSOs and attorneys who represent Appellants before the Board by holding VSO Forums.

These meetings are held periodically throughout the year to collaborate and update VSOs on activities and resolve matters of interest. The meetings address appeals issues raised by representatives and also facilitate the exchange of ideas and information. VSOs are also invited to participate in any in-house training that is provided to Board staff.

## ***The Board's Strategic Plan and Priorities for FYs 2018 and 2019***

As mentioned previously, the Board implemented a streamlined realignment of its organizational structure for FY 2018. This realignment will better position the Board to focus its resources towards its primary mission of deciding appeals and holding hearings.

The Board is prepared to meet the challenge of transforming into a proactive Veteran-centric organization that will increase the number of Veterans served, increase efficiency in the appeals system, and leverage intra-Departmental partnerships to improve both the Veteran experience and the employee experience. These priorities will be achieved through the coordinated efforts of all employees, each of whom is expected to maintain VA's Core ICARE Values in all actions. The Board will utilize a multi-pronged approach to most effectively serve Veterans and their families in the processing of appeals.

### **1. Increase the Number of Veterans Served and Optimize Accuracy**

In FY 2018, the Board will focus on maximizing the number of Veterans and family members served through issuance of appeals dispositions by using a multi-pronged strategic approach. Specifically, the Board will leverage existing resources by concentrating on the following:

- **▶ Internal training:** The Board is preparing to train staff on the recently enacted Veterans Appeals Improvement and Modernization Act of 2017. Beginning in April 2018, training will commence for both new and existing staff on the existing legacy system as well as the new 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 subject matter experts (SME) on appeals modernization and how it will impact each respective group within the Board. Once complete, these trainings will be provided by the SMEs 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 necessary. In FY 2018, QA will implement a new methodology to review a statistically significant sampling of cases in order to determine whether internal quality control standards are being met. QA will review a randomly selected sample of cases each month to produce a monthly accuracy rate assessment. These monthly reviews will be aggregated to produce a FY accuracy rate assessment.
- **▶ Utilizing a robust Telework Program for employees:** Since 1999, the Board has served as a telecommuting model for other offices within the Department with its Telework Program. This Program enables the Board to attract and retain attorneys, including military spouses, as an employer of choice. In connection with this Program, the Board has successfully implemented a number of data security safeguards, such as encryption software for Board laptops used by Telework

Program participants. Each telework participant agrees to abide by the rules of the Program, which include strict safeguards to protect sensitive data. The Program was expanded to allow attorneys in the Board's Office of Appellate Operations who have successfully completed 2 years at the Board to apply to participate in the Board's remote telework program, wherein remote employees are permitted to work from home, move out of the D.C. metro area, and are required to report to the Board's offices up to four times per year. There are 472 teleworkers (almost half of the Board's workforce) of which 416 are on regular or remote telework agreements. There are 182 remote teleworkers, a program initiated less than a year ago. Each month, more employees become eligible for telework and enroll in the program. Coincident with the management initiated telework expansion, the Board proactively conducted space improvements to turn underused former case storage and other storage areas into "hoteling" and "overflow" spaces. Overflow is hoteling space that we use for new employees, if needed, as a preliminary space until a permanent office space becomes available. Office space assignment is based on entry on duty date per union agreement. Thus far this has been relatively effective. The Board is in a pilot with teleworkers who are out of the office 80-90 percent of scheduled duty days whereby they use hoteling software, VA's Event Management System electronic seat scheduling tool, to schedule hoteling workspace. This has proven successful with an anticipated roll-out on a larger scale in 2018 and beyond after requisite union negotiation.

► **Strengthening partnerships across the VA enterprise:** As in previous years, the Board will continue to meet with representatives from VBA, VHA, OGC, and VSOs on a frequent basis to discuss ways to improve the quality of services provided to Veterans. For example, the Board, partnering with the VSOs, piloted the Pre Hearing Conference Program to 12 ROs at the start of FY 2017. The Board will continue to contribute to these partnerships and play an active role in the VA community.

All these measures combined will work to increase the Board's decision output and improve accuracy, and will sustain fruitful, collaborative partnerships across the VA enterprise to better serve Veterans and their families.

## **2. Improve Timeliness by Reducing the Board's Pending Inventory**

The Board is committed to resolving appeals for as many Veterans as possible. The focus for the Board in FY 2018 is on addressing our pending appeals inventory, to provide resolution for Veterans waiting for an appeal decision. This will also best position the Board to prepare for implementation of the new legal framework in February 2019. The Board plans to assess decision output and devote resources required to maintain timely processing of the legacy appeals. The goal is to eliminate the inventory of legacy appeals in a timely manner following enactment of the appeals modernization legislation, while also maintaining timely processing in the new process. The Board is hiring additional FTE to impact our appeals inventory, and focusing our resources on our core mission: decisions and hearings. The Board will also be looking at re-engineering our processes and is working with our partners at VBA to implement opt-ins that we believe will directly impact legacy cases and provide early resolution for Veterans.

The Board will continue its relationship with the Digital Service to drive earlier implementation of improvements in technology to provide tools to the staff, such as

Caseflow reader which launched in November 2017. The Board will issue a new decision template, which will provide streamlined and understandable decisions to Veterans and will allow for more efficient drafting of decisions. The Board will also explore opportunities to streamline decisions to Veterans through specialization of the attorney staff, triaging within the regulations guidelines, and case review process improvements.

In preparation for implementation of the Veterans Appeals Improvement and Modernization Act of 2017 in February 2019, 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, entering the more efficient process and receiving potentially faster resolution of disagreements with VA decisions.

In November 2017, VBA launched the Rapid Appeals Modernization Program (RAMP) with the goal of providing eligible appellants with the earliest possible resolution of their disagreement with VA's decision on their claim. RAMP is voluntary and will provide Veterans with the opportunity to enter the new, more efficient review process outlined in the Veterans Appeals Improvement and Modernization Act of 2017. Under RAMP, a Veteran can expect to receive a review of the decision on the claim much faster than if they were to remain in the legacy appeals process. The program will allow participants the option to have their decisions reviewed in the Higher-Level Review or Supplemental Claim Lane outlined in the new law. VA will continue to process RAMP elections as long as necessary to continue to accelerate resolution of legacy appeals.

### **3. Employee Engagement**

The Board will improve morale by creating an environment that fosters having pride in one's work and understanding the positive impact our work has on those we serve. The Board will continue to rebuild trust and an open, communicative relationship with Board staff and our Union partners to address these issues. The Board will evaluate the attorneys' performance standard and will work with its Union partners to preserve work life balance for its staff while serving as many Veterans as possible. To ensure Board employees are equipped to serve Veterans, the Board will continue its existing training program for both current staff and new attorneys and assess and adjust training programs based on feedback received from new employees and VLJs, as well as from VBA, OGC and CAVC stakeholders.

### **4. Appeals Modernization**

As noted above, the Board is continuing to pursue enterprise-wide "Appeals Modernization" to better serve Veterans and their families and provide timely and quality appeals decisions. As a part of Appeals Modernization, information technology funds have been used to develop and optimize paperless functionality in VA appeals processing and the Board will request appropriate funding in 2018. This effort is part of the Board's multi-pronged approach to leverage technology, people, and process improvements to most effectively process appeals. With FY 2017 IT funding, the Department began a multi-

phase process of enhancing appeals functionality in the paperless environment. These enhancements are necessary to keep pace with the transformation of benefits processing that occurred on the front end (*i.e.*, claims) of the VA benefits system. Initial key appeals-specific functionalities in the paperless environment will focus on seamless integration of systems, and key accountability and workability features. This investment will best position the Department, from a technological standpoint, to address the VA appeals inventory, which as of October 31, 2017, stands at over 471,000.

Caseflow is being developed in an agile process in which new functions are added to the system as they are completed. To date, the applications deployed to production by Digital Service include Caseflow Certification, eFolder Express, and Caseflow Dispatch. In FY 2018, the Digital Service is developing a tool (Reader) to make the review of Veterans' claims files by Board attorneys and VLJs more efficient, enhancements to Caseflow Certification intended to improve data accuracy in the transfer of appeals between VBA and the Board, and a tool to streamline the process by which VLJs prepare for Board hearings (Caseflow Hearing Prep). Lastly, Digital Service was able to coordinate with the AMO to define Caseflow Intake as a solution for managing RAMP and create an expedited release plan to ensure that all RAMP opt-ins could be tracked from day one. Digital Service regularly provides an updated 6-month roadmap of its prioritization projects.

## ***Workforce Planning***

As noted above, the Board successfully hired and on-boarded approximately 274 new FTE in FY 2017, the majority of which were attorneys as well our new 26 VLJs. The Board remains able to attract high-caliber attorneys and administrative personnel because the mission to serve Veterans is one that is particularly desirable to those seeking a career in public service.

The Board has a workforce plan to recruit, hire, and train new employees. The Board started fiscal year (FY) 2017 with 667 FTE and ended the fiscal year with 944 FTE. The Board's FY 2018 hiring plan projects the Board hiring to 1,050 full-time employees (FTE) by the end of the second quarter, and sustaining that FTE level throughout the year. To include backfilling for attrition, the Board plans to hire 200 FTE over the course of the FY, with majority of those FTE being attorney-advisors to prepare appellate decisions. These employees are the core of the Board's Appellate Operations line of business. The Board will also be filling several support positions; however, business cases for replacement of all support positions are currently under review, as the Board continually assesses its resources and focuses on its core mission.

The Board continues to send high performing attorneys, VLJs, and administrative professionals to leadership seminars and programs, such as Leadership VA, and programs offered through the Office of Personnel Management's Federal Executive Institute. These robust training courses are an integral part of the Board's commitment to developing its future leaders.

# PART II

## Statistical Data

### ***FY 2017 Information***

The following information is required by 38 U.S.C. § 7101(d)(2):

#### **38 U.S.C. § 7101(d)(2)(A)**

Number of cases formally appealed to the Board (Substantive Appeal (VA Form 9) filed), but not yet certified and docketed at the Board:	<b>69,820</b>
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Number of appeals certified to the Board during FY 2017:	<b>90,327*</b>
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#### **38 U.S.C. § 7101(d)(2)(B)**

Cases pending (certified) before the Board at the start of FY 2017:	<b>115,847*</b>
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Cases pending (certified) before the Board at the end of FY 2017:	<b>153,513*</b>
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\* Includes certified appeals pending in the field awaiting hearings, as well as cases docketed and actually pending at Board. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board. Case receipts include original appeals, remands, non-VBA receipts, and cases returned by the CAVC.

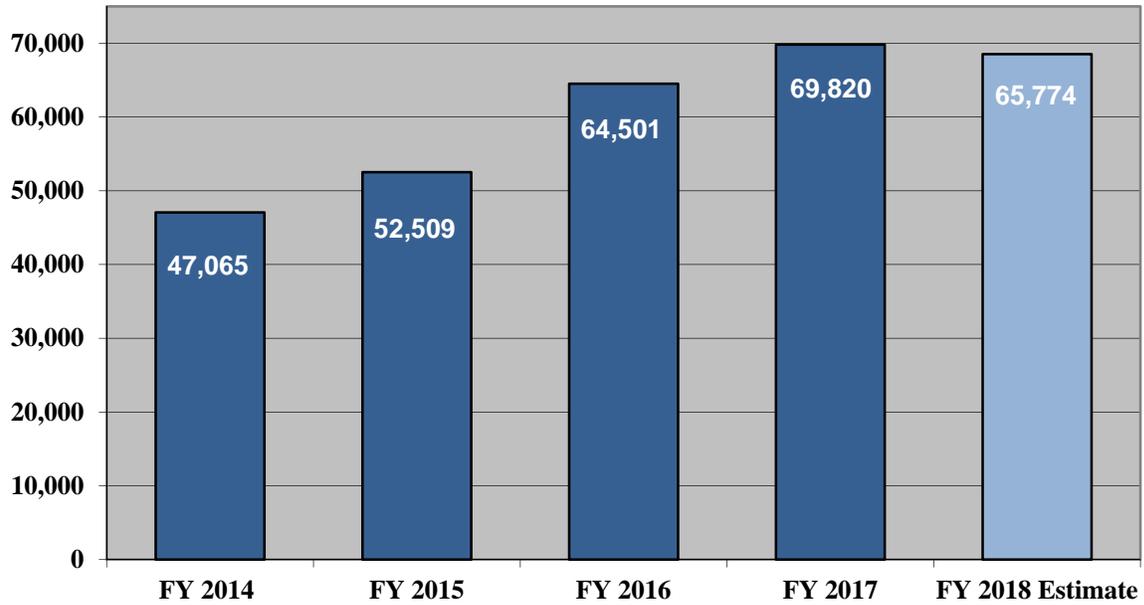
**38 U.S.C. § 7101(d)(2)(C)**

Number of Substantive Appeals (VA Form 9) filed at the AOJ and cases received at the Board during each of the 36 months preceding FY 2016.

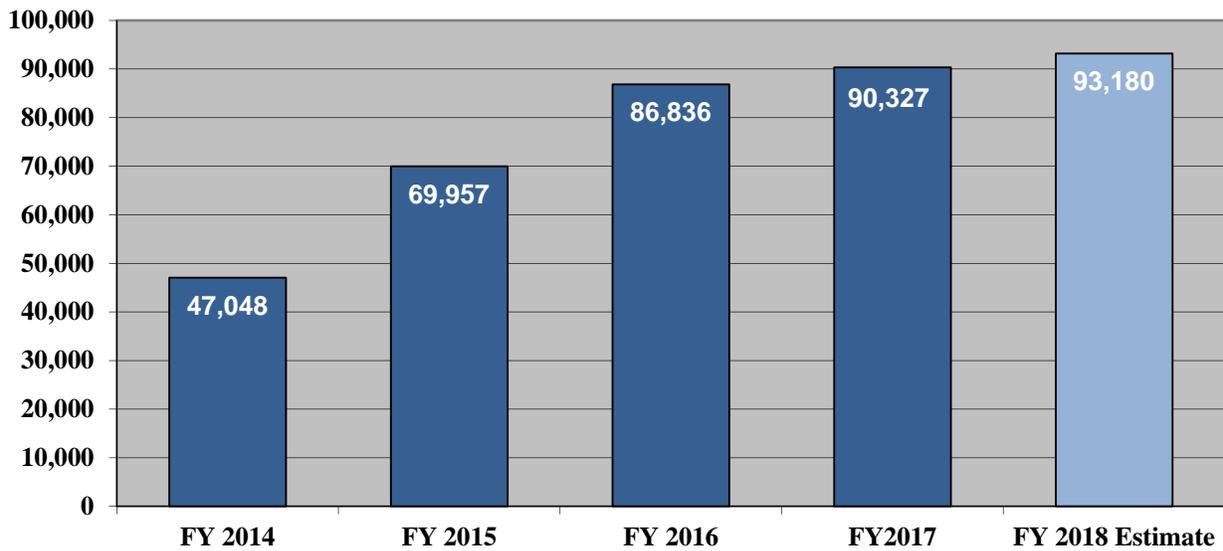
Month	Substantive Appeals (VA Form 9) Filed				Cases Received at Board*			
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2014	FY 2015	FY 2016	FY 2017
October	3,133	4,724	4,195	5,710	3,234	8,089	5,606	7,338
November	3,109	3,564	4,097	5,521	3,544	4,365	5,220	8,180
December	3,257	4,327	4,749	5,850	3,787	4,577	6,214	7,766
January	3,909	4,271	4,198	5,583	3,230	4,971	5,499	7,635
February	3,861	3,262	4,574	5,392	3,011	4,914	6,653	7,085
March	4,217	4,455	5,900	6,328	3,926	6,376	8,047	7,721
April	4,796	4,674	5,893	5,664	3,934	5,960	7,642	7,815
May	4,688	4,622	5,753	6,842	4,265	5,396	8,338	8,390
June	4,618	4,893	6,348	6,118	4,250	6,595	8,205	7,958
July	4,135	4,749	5,945	5,679	3,943	5,823	7,119	6,590
August	3,539	4,389	6,606	5,720	4,658	6,527	8,911	7,040
September	3,803	4,579	6,243	5,413	5,266	6,364	9,382	6,809
<b>FY Total</b>	<b>47,065</b>	<b>52,509</b>	<b>64,501</b>	<b>69,820</b>	<b>47,048</b>	<b>69,957</b>	<b>86,836</b>	<b>90,327</b>

\* Case receipts include original appeals, remands, non-VBA receipts, and cases returned by the CAVC. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board.

## Substantive Appeals Filed (VA Form 9) Filed at AOJ FY 2014- FY 2018



## Cases Received at Board \* FY 2014- FY 2018



\* Case receipts include original appeals, remands, non-VBA receipts, and cases returned by the CAVC. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board.

**38 U.S.C. § 7101(d)(2)(D)**

For appeals decided in FY 2017, the average length of time between the filing of an appeal (*i.e.*, Substantive Appeal (VA Form 9)) at the AOJ and the Board’s disposition of the appeal was 2,073 days. As reflected in the chart below, the average time between the time that an appeal was actually received and docketed at the Board to disposition was 247 days. The chart also provides the average processing time between other distinct steps within the multi-step appeals process that take place at the AOJ or VBA level.

Time Interval	Responsible Party	Average Elapsed Processing Time	
Notice of Disagreement Receipt to Statement of the Case*	VBA**	500 days	AOJ
Statement of the Case Issuance to Substantive Appeal (VA Form 9) Receipt*	Appellant	37 days	
Substantive Appeal Receipt to Certification of Appeal*	VBA**	773 days	
<b>Certification of Appeal to Board Receipt of Certified Appeal*</b>	<b>Board</b>	<b>321 days</b>	<b>Board</b>
<b>Receipt of Certified Appeal to Issuance of Board Decision</b>	<b>Board</b>	<b>247 days</b>	
Average Remand Time Factor	VBA**	492 days	AOJ

\* These numbers include Original appeals only.

\*\* The vast majority of appeals considered by the Board involve claims for disability compensation and VBA is the responsible party when these appeals are located at the AOJ. However, appeals may also originate with VHA, NCA, or OGC.

**38 U.S.C. § 7101(d)(2)(E)**

The number of members of the Board at the end of FY 2017:	<b>95</b>
The number of professional, administrative, clerical and other personnel employed by the Board in terms of full-time equivalents at the end of FY 2017:	<b>859</b> <i>(not including 95 members above)</i>

**38 U.S.C. § 7101(d)(2)(F)**

Number of acting members of the Board during FY 2017:	<b>41</b>
Number of cases in which acting members participated*:	<b>583</b>

**38 U.S.C. § 7101(c)(2)**

Number of acting members of the Board in terms of full-time equivalent employees:	<b>6.2</b>
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\* For this report, the number of cases in which acting members participated is defined as the number of dispositions issued by the designated acting members for FY 2017.

## Projections for FYs 2018 and 2019

The following information is required by 38 U.S.C. § 7101(d)(3):

### **38 U.S.C. § 7101(d)(3)(A)**

Estimated number of cases that will be appealed to the Board:

Fiscal Year 2018:	VA Form 9s Filed at the AOJ:	<b>65,774</b>
	Cases certified to the Board:	<b>93,180</b>
Fiscal Year 2019*:	VA Form 9s Filed at the AOJ:	<b>65,774</b>
	Cases certified to the Board:	<b>89,068</b>

**Note:** Appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board. Cases certified include new/original appeals and returned remands from VBA and all other AOJs, and remands from the CAVC.

### **38 U.S.C. § 7101(d)(3)(B)**

Evaluation of the ability of the Board (based on existing and projected personnel levels) to ensure timely disposition of such appeals as required by 38 U.S.C. § 7101(a):

The indicator used by the Board to forecast its future timeliness of service delivery is the Board's "response time" on appeals. By taking into account the Board's most recent appeals processing rate and the number of appeals that are currently pending before the Board, the Board response time projects the average time that will be required to render decisions on that group of pending appeals. For response time computation, the term "appeals pending before the Board" includes appeals at the Board and those that have been certified for Board review.

The following categories are calculated as follows:

$$\frac{\text{FY 2017 decisions (52,661) (divided by)}}{250 \text{ work days}} = 210.6 \text{ decisions per work day}$$

$$\frac{\text{Cases pending end of FY 2017 (153,513) + New cases expected in FY 2018 (93,180)}}{250 \text{ work days}} = 246,693 \text{ total workload in FY 2018}$$

$$\frac{\text{Total workload (246,693) (divided by)}}{\text{Decisions per work day (210.6)}} = 1,171.4 \text{ work days}$$

$$\frac{\text{Work days (1,171.4) (divided by)}}{250 \text{ work days}} = 4.7 \text{ years}$$

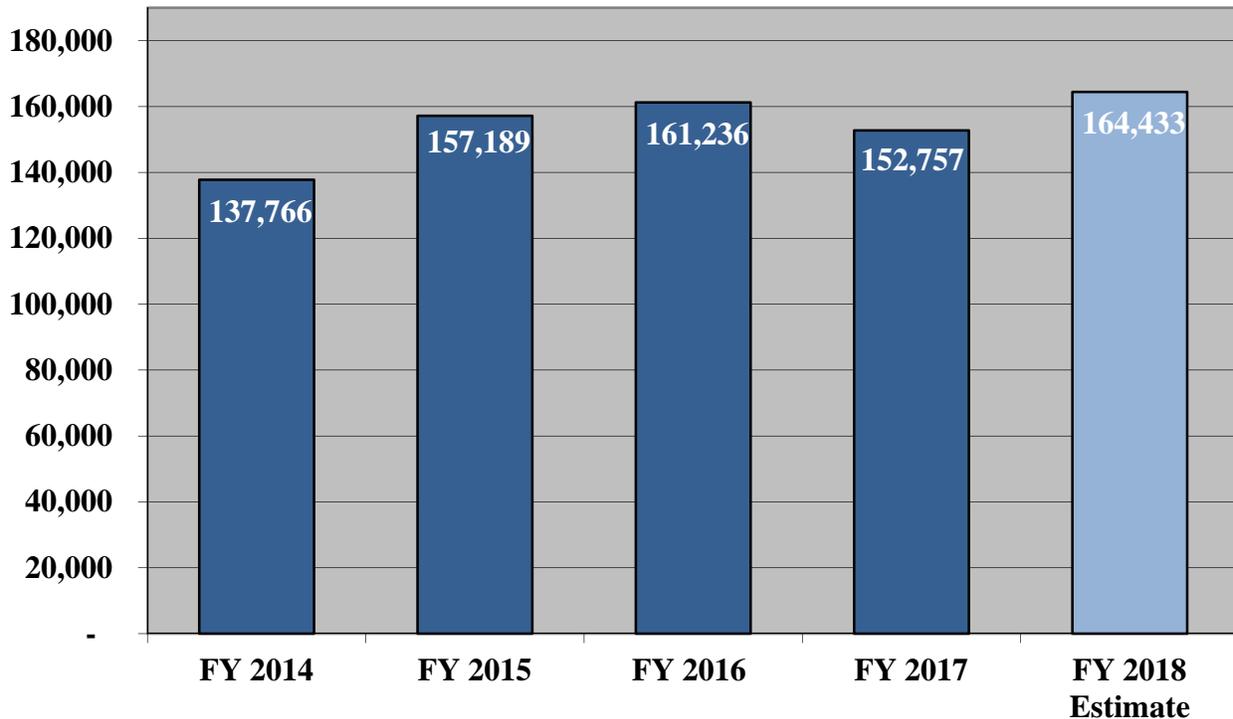
$$\text{Work years (4.7) x 12 (months)} = 56.4 \text{ months}$$

# ADDITIONAL INFORMATION

## Potential Board Workload in VBA

Number of Notices of Disagreement Received in the Field				
Month	FY 2014	FY 2015	FY 2016	FY 2017
October	12,756	13,023	14,729	13,551
November	10,782	10,182	12,670	11,734
December	10,058	10,763	12,523	11,073
January	11,295	10,939	12,955	11,732
February	10,574	11,122	14,027	11,839
March	12,336	13,709	15,038	13,672
April	12,346	14,064	13,885	11,798
May	12,783	13,872	13,631	13,639
June	13,303	15,318	13,172	12,830
July	12,375	15,328	12,143	12,376
August	10,828	15,023	13,888	15,161
September	8,323	13,837	12,575	13,352
<b>FY Total</b>	<b>137,766</b>	<b>157,189</b>	<b>161,236</b>	<b>152,757</b>

### NOTICES OF DISAGREEMENT RECEIVED FY 2014 - 2018



## Board of Veterans' Appeals Board Dispositions by VA Program FY 2017

APPEAL PROGRAM	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Burial Benefits	2	5.26%	10	26.32%	25	65.79%	1	2.63%	38	0.07%
Compensation	15,359	30.22%	22,257	43.80%	10,728	21.11%	2,472	4.86%	50,816	96.60%
Education	46	24.08%	49	25.65%	85	44.50%	11	5.76%	191	0.36%
Insurance	1	16.67%	2	33.33%	3	50.00%	0	0.00%	6	0.01%
Loan Guaranty	1	5.26%	9	47.37%	9	47.37%	0	0.00%	19	0.04%
Medical	70	27.78%	98	38.89%	62	24.60%	22	8.73%	252	0.48%
Pension	94	15.75%	164	27.47%	278	46.57%	61	10.22%	597	1.13%
VR&E	8	18.18%	16	36.36%	16	36.36%	4	9.09%	44	0.08%
Other Programs	9	17.31%	12	23.08%	25	48.08%	6	11.54%	52	0.10%
BVA Original Jurisdiction	6	7.79%	0	0.00%	45	58.44%	26	33.77%	77	0.15%
NCA Burial Benefits	0	0.00%	2	13.33%	10	66.67%	3	20.00%	15	0.03%
Fiduciary	0	0.00%	0	0.00%	0	0.00%	1	100.00%	1	0.00%
Multiple Program Areas	171	30.92%	282	50.99%	85	15.37%	15	2.71%	553	1.05%
<b>GRAND TOTAL</b>	<b>15,767</b>	<b>29.94%</b>	<b>22,901</b>	<b>43.49%</b>	<b>11,371</b>	<b>21.59%</b>	<b>2,622</b>	<b>4.98%</b>	<b>52,661</b>	<b>100%</b>

## Board of Veterans' Appeals Board Dispositions by Representation FY 2017

REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
American Legion	2,810	29.37%	4,233	44.25%	2,103	21.98%	421	4.40%	9,567	18.17%
AMVETS	71	26.10%	112	41.18%	72	26.47%	17	6.25%	272	0.52%
Disabled American Veterans	4,71	27.26%	7,33	44.73%	3,838	23.40%	755	4.60%	16,400	31.14%
Military Order of the Purple Heart	88	27.50%	134	41.88%	65	20.31%	33	10.31%	320	0.61%
Paralyzed Veterans of America	57	30.32%	79	42.02%	29	15.43%	23	12.23%	188	0.36%
Veterans of Foreign Wars	945	27.89%	1,493	44.07%	747	22.05	203	5.99%	3,388	6.43%
Vietnam Veterans of America	32	28.45%	200	43.10%	87	18.75%	45	9.70%	464	0.88%
State Service Organizations	2,313	29.87%	3,259	42.08%	1,795	23.18%	377	4.87%	7,744	14.71%
Attorney	3,181	39.49%	3,354	41.63%	1,111	13.79%	410	5.09%	8,056	15.30%
Agent	325	33.68%	427	44.25%	174	18.03%	39	4.04%	965	1.83%
Other	270	32.26%	368	43.97%	150	17.92%	49	5.85%	837	1.59%
Wounded Warrior Project	46	36.22%	48	37.80%	28	22.05%	5	3.94%	127	0.24%
No Representation	1,058	24.42%	1,858	42.88%	1,172	27.05%	245	5.65%	4,333	8.23%
<b>GRAND TOTAL</b>	<b>15,767</b>	<b>29.94%</b>	<b>22,901</b>	<b>43.49%</b>	<b>11,371</b>	<b>21.59%</b>	<b>2,622</b>	<b>4.98%</b>	<b>52,661</b>	<b>100.0%</b>

Board Decisions*					
Fiscal Year	Decisions	Allowed	Remanded	Denied	Other
2014	55,532	29.2%	45.5%	21.5%	3.8%
2015	55,713	31.0%	46.4%	19.1%	3.5%
2016	52,011	31.8%	46.0%	18.0%	4.2%
2017	52,661	29.9%	43.5%	21.6%	5.0%

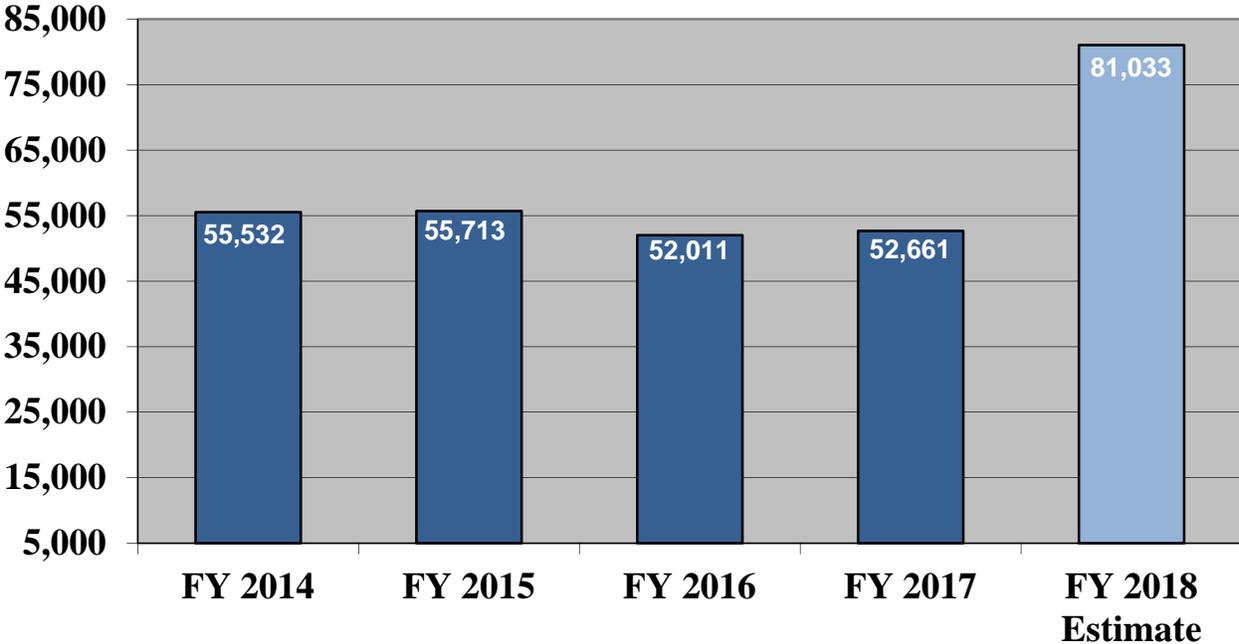
\*The historical reporting system for Board decisions with multiple issues identifies the disposition of an appeal based on the following hierarchy: allowance, remand, denial, or other (i.e., dismissals). When there is more than one disposition involved in a multiple issue appeal the “reported disposition”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

The revised hierarchy method shown below attempts to be more precise. As discussed above, the Board has historically used a hierarchy to report appeals decided which identified the disposition of an appeal as either an allowance, remand, denial, or “other” (i.e., a dismissal), based on that hierarchy. This historical method of reporting did not capture every appeal containing a remanded issue, because those appeals with one or more allowed issue and one or more remanded issue would be counted as an allowance, rather than a remand. One of the reasons legislative reform of the current VA appeals process was necessary was the appeals churn in the system. The open record and ongoing duty to assist means that numerous appeals are remanded from the Board to the AOJ, typically VBA. In FY 2017, the Board dispatched 52,611 appeals. Of those appeals, 8,836 were allowances with no remanded issues, 11,371 were denials, and 2,622 were “other” dispositions, such as dismissals, for a total of 22,829 appeals decided with no remanded issues. There were 29,832 appeals decided with at least one remanded issue (6,931 allowances with at least one remanded issue + 22,901 remands). This number of appeals with at least one remanded issue, divided by the total number of appeals decided, equals a 57 percent remand rate (29,832/52,661).

Decisions - Revised Hierarchy							
Fiscal Year	Decisions	Allowed	Allowed (no remanded issue)	Allowed (with at least one remanded issue)	Remanded	Denied	Other
2017	52,661	15,767	8,836	6,931	22,901	11,371	2,622
		29.9%	16.8%	13.2%	43.5%	21.6%	5.0%

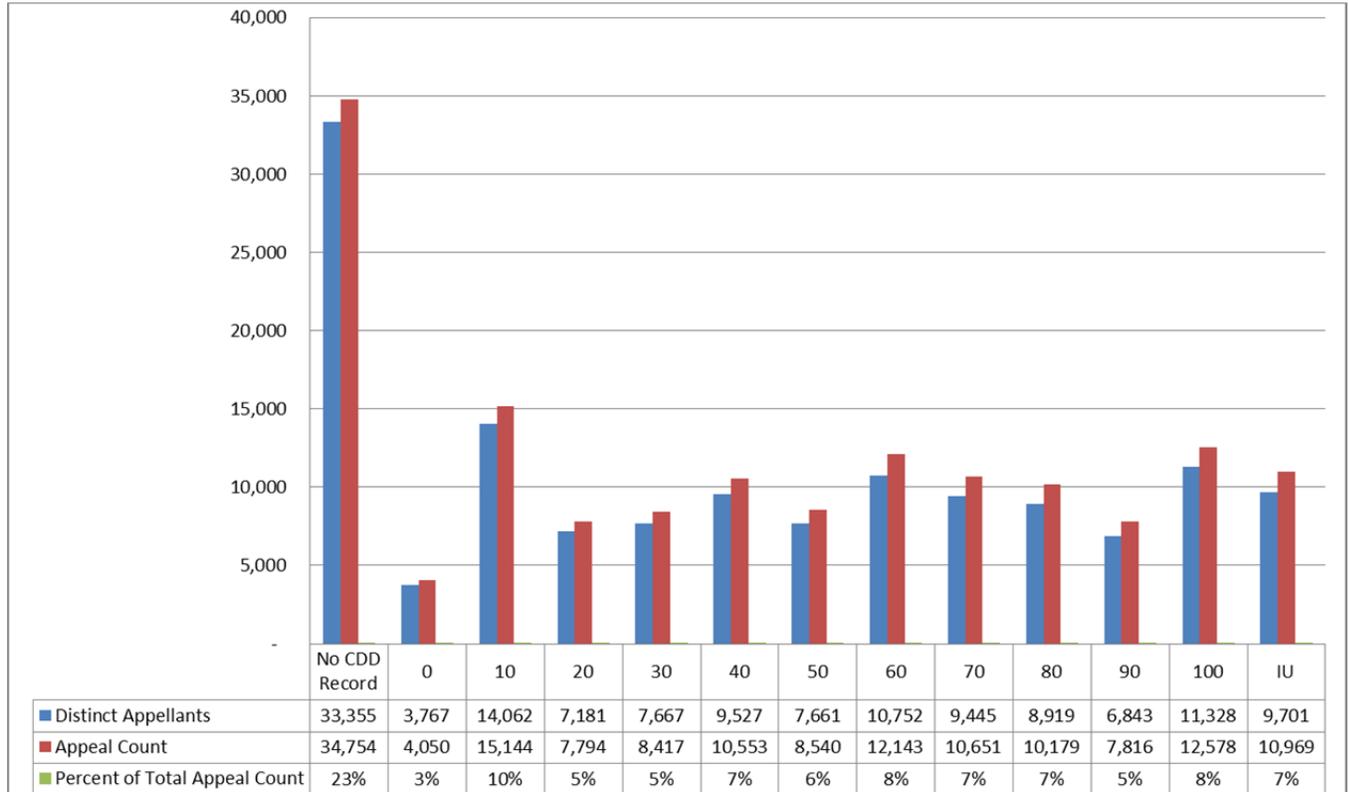
Issues Decided						
Fiscal Year	Issues Decided	Allowed (not new & material)	Allowed (new & material)	Denied	Remanded	Other
2017	143,157	19,931	3,762	37,902	71,929	9,633
		14%	3%	23%	50%	7%

# BOARD DECISIONS FY 2014- FY 2018



## Combined Degree of Disability for Existing Benefits\*

Veterans/appellants may receive disability compensation ratings ranging from noncompensable (0 percent) to 100 percent. This information reflects, at the end of FY 2017, the combined disability rating for the appellants with appeals pending. As of September 30, 2017, the Board's inventory contained 140,208 total distinct Appellants and 153,588 appeals. Note: This inventory of appeals only counts certified appeals in advanced status, Board active appeals, and remands returned not activated and does not include action types such as motions for reconsideration, vacates, or Board CUE motions. Below is a breakdown of these two figures by combined degree of disability.



\*Board of Veterans' Appeals pending inventory as of September 30, 2017. Inventory includes appeals that are: certified in advance status; activated at the Board; remands returned to the Board.

## Board Operating Statistics

	FY 2014	FY 2015	FY 2016	FY 2017
Decisions	55,532	55,713	52,011	52,661
Appealed but not yet certified or docketed	47,065	52,509	64,501	69,820
Received at Board/Certified to the Board*	47,048	69,957	86,836	90,327
Cases Pending**	66,778	81,022	115,847	153,513
Hearings				
VACO	529	563	753	866
Video	5,881	7,609	8,236	10,673
Field	4,469	4,566	4,546	5,087
TOTAL	10,879	12,738	13,535	16,626
Decisions per FTE	88.1	86.3	78.80	62.69
Board FTE	631	645	660	840
Board Cycle Time***	202	295	253	263
Cost per Case	\$1,607	\$1,851	\$2,117	\$2,484

\* Case receipts include original appeals, remands, CAVC, and non-VBA receipts. Beginning in FY 2015, the Board reported case receipts beginning with certification (Form 8) in the field. In prior years, case receipts only included physical receipt of cases at the Board.

\*\* Pending figures include certified appeals pending in the field awaiting Board hearings, as well as cases pending before the Board.

\*\*\* Beginning in FY 2015, the Board reported Board Cycle Time beginning with certification (Form 8) in the field, excluding VSO time. In prior years, Cycle Time only included time beginning with physical case receipt.

