***Appeals Briefing***

***Question 1****: When attempting to manage a legacy appeal along with an AMA Appeal (or RAMP opt in), what kind of communication can we expect throughout the process? Who do we reach out to if we have received no communication as to the status of the appeal?*

***Answer 1: Regarding the legacy appeals process, upon receipt of the notice of disagreement an appeals election letter is sent to the Veteran and/or POA. The Veteran has 60 days to elect a DRO or traditional review. If no election is made, a tradition review will automatically be completed. Rating decisions dated February 19, 2019 and later include all review options (HLR, supplemental, and NOD to BVA). HLR’s are completed by DROC’s only; supplementals are completed at Regional Offices; NOD’s are accepted by BVA only.***

***The RAMP program has now concluded; there is no RAMP opt in.***

***Any appeals related questions may be sent to Lisa McGinnis at*** ***lisa.a.mcginnis@va.gov*** ***regardless if they are legacy or AMA related.***

***Question 2****: What is needed to grant access to VBMS as a CVSO?* ***KYLE WILL ASSIST WITH THIS ONE.***

***Answer 2: A CVSO must have a PIV Card, be accredited and complete required training before access to VA systems can be granted. Without any of those items, VA cannot grant access to a VA system based on our information security protocols. Our local VSO liaison that can assist with PIV Cards and access is Kyle Schmidt.***

***Question 3:*** *How come RAMP still takes so long and that it doesn’t appear to be streamlined?*

***Answer 3: RAMP concluded on February 19, 2019. RAMP was a pilot program which allowed most Veterans who had a pending legacy appeal to opt into VBA’s supplemental claim or higher-level review lanes in the new AMA process. RAMP was noted to improve timeliness to an average of 125 days.***

***Question 4****: Does it make sense to appeal to the BVA for your final course of action?*

***Answer 4****:* ***You may file a supplemental claim on a BVA decision; therefore, there is no finality. Thus, AMA is such a great benefit for Veterans.***

***Question 5****: It is noticed that when Veterans file an appeal for diabetes with neuropathy, those appeals typically get granted; whereas, when appeal is filed for neuropathy secondary to Agent Orange alone, these appeals get denied. Why is that?*

***Answer 5****:* ***IAW 38 CFR 3.309 (e) early-onset peripheral neuropathy must manifest to a compensable degree of 10 percent or more within one year of the date of last herbicide exposure during active military, naval, or air service. National Academy of Science (NAS) has determined that evidence does not support an association between herbicide exposure and delayed-onset peripheral neuropathy, which NAS defined as having its onset more than one year after exposure.***

***Question 6****: What all can count as additional evidence?*

***Answer 6****:* ***As defined in*** [***38 CFR 3.2501***](https://www.ecfr.gov/cgi-bin/text-idx?SID=c08a3c62e4c2007c26da4379059b6e93&mc=true&node=se38.1.3_12501&rgn=div8)***, new evidence is evidence not previously part of the actual record before agency adjudicators.  Relevant evidence is information that tends to prove or disprove a matter at issue in a claim.  Relevant evidence includes evidence that raises a theory of entitlement that was not previously addressed.***

***Supplemental claims require new and relevant evidence in order to be readjudicated.***

***Question 7****: What is the next step if the Supplemental Claim is denied or how to determine that is the most appropriate route?*

***Answer 7****:* ***If a claimant disagrees with a decision, they will be provided rights for further review with their decision notice and, in most situations, will have a full year to select another review lane. There are increased effective date protections over the legacy appeals process. This means, regardless of the review lane chosen there is no “wrong choice.” If a claimant requests a higher-level review, files a supplemental claim, or appeals to the Board of Veterans’ Appeals within one year after a decision is received, the potential effective date for the benefits will be protected.***

***Question 8****: There appears to be a lack of information once NOD is submitted. Veteran contacts CVSO versus POA but the notifications are hard to come by. What is the notification process once a NOD is received by VA?* ***(very similar to question 1)***

***Answer 8: Regarding legacy appeals, other than the appeals election letter, there is no notification until the rating decision or SOC is issued.***