



Department of Veterans Affairs (VA)

Board of Veterans' Appeals

**Annual Report
Fiscal Year (FY) 2021**

Table of Contents	4
Board Senior Leadership	4
Veterans Law Judges	4
Introduction	6
PART I Activities of the Board of Veterans’ Appeals in FY 2021	7
Mission	7
Board Structure in FY 2021	7
FY 2021 – Continued Modernization, Record Hearing Output and Virtual Support	9
<i>Veterans Appeals Improvement and Modernization Act of 2017 (AMA)</i>	<i>9</i>
AMA Process	9
AMA Lessons Learned from Stakeholders	10
<i>FY 2021 Modernization</i>	<i>11</i>
Legacy Appeals Resolution Plan	11
Technology	12
Interactive Decision Template (IDT), Reporting and Migrations	13
Virtual Tele-hearing Technology	14
Clerk of the Board	15
One Touch Program	15
<i>Action for Veterans in FY 2021</i>	<i>15</i>
Decisions	15
Hearings	16
Personnel	18
Military Spouse Employment	19
Veterans Law Judges (VLJs)	19
Space Reduction at 425 I Street	20
Employee Engagement	20
Veterans Service Forum (VSF)	21
Career Mentoring Program	21
Specialty Case Team	21
Quality Review	22
Training	22
Diversity and Inclusion at the Board	24
<i>VSOs and Cross-Office Coordination</i>	<i>24</i>
VSO Coordination and Legacy Appeals Inventory	24
Coordination with Administrations and Other Staff Offices	25
The Board’s Strategic Plan and Priorities for FYs 2022 and 2023	27
<i>Increase the Number of Veterans Served and Optimize Accuracy</i>	<i>27</i>
<i>Board Organizational Changes FY 2022</i>	<i>29</i>
<i>Veteran-Centric Service Strategy and Efficiencies</i>	<i>29</i>
<i>Coordinated Resolution of Legacy and AMA Inventory</i>	<i>29</i>
<i>Technology Enhancements FY 2022</i>	<i>30</i>
<i>Employee Engagement</i>	<i>30</i>
<i>Workforce Planning</i>	<i>30</i>
PART II Statistical Data	31

<i>FY 2021 Information</i>	31
<i>Legacy Appeals</i>	33
<i>Appeals Modernization Act Appeals</i>	34
<i>Projections for FY 2022 and FY 2023</i>	35
<i>VA Operations Board Measures</i>	37
<i>FY 2021 Appeals Modernization Act Statistics</i>	38
ADDITIONAL INFORMATION	39
Combined Degree of Disability for Existing Benefits*	42
STATUTORY REQUIREMENTS	44

Board Senior Leadership

(as of the end of FY 2021)

Chairman

Cheryl L. Mason

Vice Chairman

Kenneth A. Arnold

Deputy Vice Chairmen

Tamia Gordon Silas V. Darden III

Robert C. Scharnberger Christopher A. Santoro Thomas M. Rodrigues

Chief Counsel

Anthony C. Sciré, Jr

Executive Director

Nina Tann

Veterans Law Judges

Allen, Keith	Haddock, Kristin	Pappas, Michael
Ames, Dorilyn	Hager, Jonathan	Parakkal, Kalpana
Auer, Marjorie	Heneks, Stacey	Parker, Jeffrey
B. Thomas Knope	Herman, Michael	Picton, Cory
Banfield, Kathy	Hindin, Mark	Poulson, Rebecca N.
Barnard, Lisa	Howell, Linda Anne	Rein, Lesley
Blackwelder, Matthew	Hutcheson, John	Reiss, Steven
Brenningmeyer, David	Hwa, Jennifer	Reynolds, Tara
Bruce, Cynthia	Hyland, Marti	Roberts, Harvey
Buck, Bethany	Ishizawar, Amy	Schwartz, Howard
Bush, Sonnet	Jaeger, Anne	Seesel, Holly
Caracciolo, Angeline	Johnson, Dana	Senyk, George
Catino, Theresa	Jones, John	Seppanen, Christopher
Chiappetta, Vincent	Kane, Michelle	Simpson, Alexandra
Chu, Lana	Kennedy, Susan	Skaltsounis, Michael
Clementi, Vito	Kennerly, Karen	Skow, Cynthia
Collins, Laura	Kessel, Ryan	Slabbekorn, Ray
Conner, Kelly	Kilcoyne, Michael	Smith, Tanya
Crawford, Cherry	Kirby, Jennifer	Sorisio, Mary
Crowley, John	Kordich, Kelli	Sorisio, Paul
Cryan, Lauren	Kramer, Jonathan	Spector, Amanda
Dawson, Tiffany	Krembs, Simone	Speranza, Shaun
Deichert, Evan	Lane, Michael	Strommen, Gayle
DiLorenzo, Paula	Larkin, Mary Ellen	Tamlyn, Emily

Doan, Nathaniel	Leboff, Eric	Tenner, Matthew
Donnelly, William	Mackenzie, Andrew	Trueba, Claudia
Donohue, Michael	Mainelli, Anthony	Velez, Estela
Doolittle, John	Marcus, Shereen	Walker, Helena
Feinberg, Rebecca	Martin, Michael	Wasik, Glenn
Fleming, Caroline	Mays, Simone	White, Jennifer
Francis, John	Mincey, Danette	White, Yvette R.
Freeman, Joshua	Moshiashwili, Victoria	Whitehead, DeYvonne
Graham, Mary Caryn	Mullins, Bobby	Wight, David
Gratz, David	Neill, Steven	Zadora, Kristy
Gunn, Kristi	Nichols, Jane	Zissimos, Jessica
Hachey, Donnie	O'Shay, Thomas	

**Department of Veterans Affairs
Board of Veterans' Appeals
FY 2021 Veterans Law Judges**



Introduction

The Board of Veterans' Appeals (Board) is an agency within the Department of Veterans Affairs (VA). Its mission is to conduct hearings and issue timely decisions for Veterans and other appellants in compliance with the law, 38 U.S.C § 7101(a). The Board is responsible for making final decisions on behalf of the Secretary regarding appeals for Veterans' benefits and services from all three Administrations - Veterans Benefits Administration (VBA), Veterans Health Administration (VHA) and National Cemetery Administration (NCA) as well as the Office of General Counsel (OGC) that are presented to the Board for appellate review. The Board's jurisdiction extends to all questions of law or fact in a matter involving a decision by the Secretary under the 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 appeals are made by the Board based on the entire record in the proceeding and all applicable provisions of law and regulation. 38 U.S.C. § 7104(a).

The Board is committed to the Department's core values: Integrity, Commitment, Advocacy, Respect and Excellence (ICARE). These values are integral to fulfilling the Board's statutory mission to fully consider and resolve matters raised by Veterans, their dependents or their survivors.

The Board is also dedicated to fulfilling the Secretary's prime directive of providing excellent customer service to Veterans. This includes aligning strategic direction, improved business processes, technology, and data to form a Veteran-centric, results-driven and forward-thinking organization.

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 the following two parts:

- **Part I** provides a discussion of Board activities during FY 2021 and projected activities for FY 2022 and FY 2023; and
- **Part II** provides statistical information related to the Board's activities during FY 2021 and its projected activities for FY 2022 and 2023.

PART I

Activities of the Board of Veterans' Appeals in FY 2021

Mission

The Board was established in 1933 and operates by authority of, and functions pursuant to, chapter 71 of title 38, United States Code. The Board consists of a Chairman, a Vice Chairman and Members sufficient to conduct hearings and decide 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 (VLJ), are appointed by the Secretary with the approval of the President, based on the recommendation of the Chairman. 38 U.S.C. § 7101A(a)(1).

Board Structure in FY 2021

In FY 2021, the Board continued operations in a largely virtual environment, increased Veteran-facing full time equivalent (FTE) staff and continued to improve application of the Veterans Appeals Improvement and Modernization Act of 2017 (AMA), which was implemented in FY 2019. The Board expanded the existing leadership structure to enhance greater decision output and accountability within the organization during FY 2021. The Board's organizational structure consisted of four main components: the Office of the Chairman, the Office of Appellate Operations, the Office of the Chief Counsel and the Office of Appellate Support.

The Office of the Chairman is led by the Chairman with the support of the Vice Chairman. The Chairman is appointed by the President for a statutory term of six years and is confirmed by the Senate. The Chairman is directly accountable to the Secretary. 38 U.S.C. § 7101(a). The Vice Chairman is a member of the Senior Executive Service (SES) who is designated by the Secretary and serves as the Board's Chief Operating Officer. *Id.* Both the Chairman and the Vice Chairman are Board Members.

The Vice Chairman oversees the Office of Appellate Operations, the Office of Chief Counsel, the Office of Appellate Support, the Office of the Chief of Staff, the Clerk of the Board and the Office of Budget and Internal Controls. The Office of Appellate Operations is split into five sections, each headed by a Deputy Vice Chairman (DVC), a member of the SES. Each DVC oversaw the appeals adjudication work accomplished by 108 VLJs and over 770 attorneys supporting those judges at the end of FY 2021. See Figure 1 below.

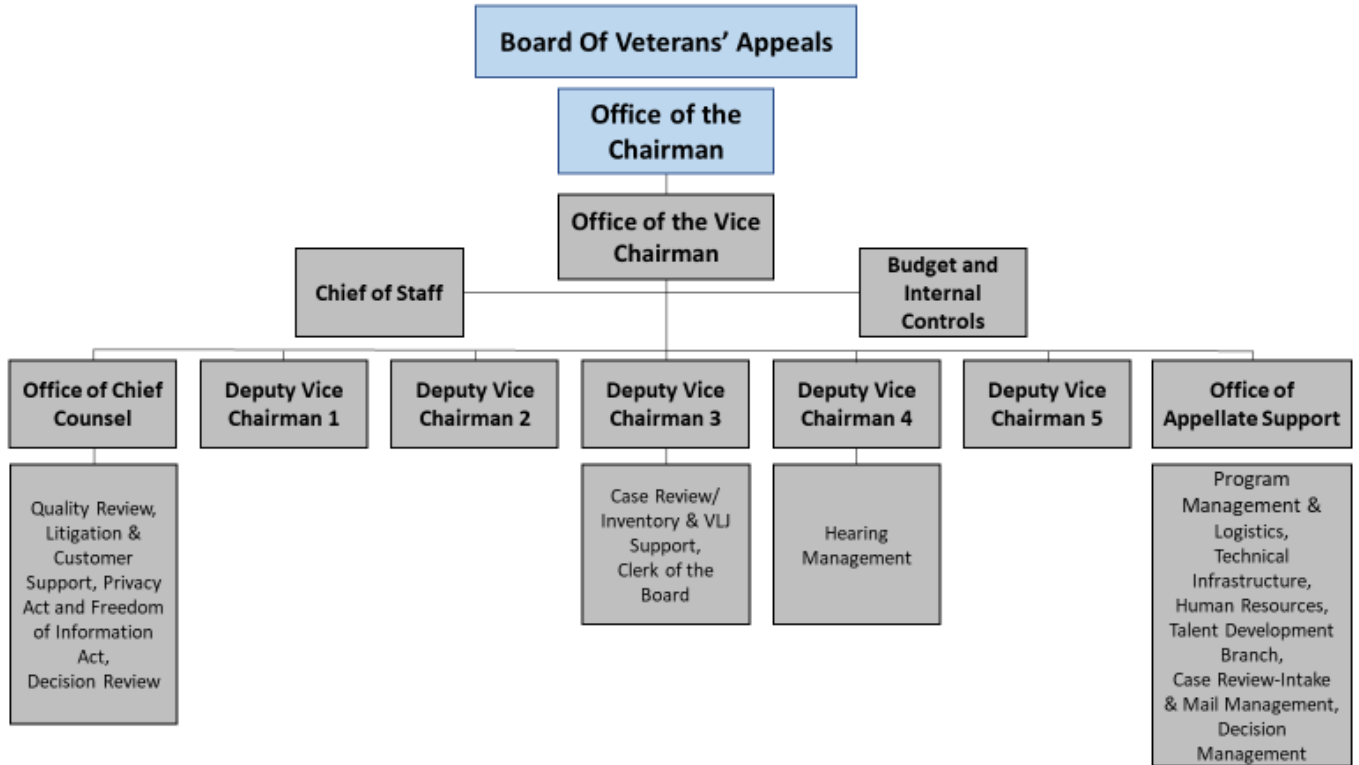


Figure 1. Board's Organizational Structure 2021

The Board's Chief Counsel, a member of the SES, oversees the offices of Quality Review (QR), Litigation Support and Customer Service, Freedom of Information Act and Privacy, as well as Records Management.

The Board's Office of Appellate Support is led by an SES Executive Director who oversees the offices of Talent Development, Program Management and Logistics, Technical Infrastructure, Human Resource liaisons, Case Review/Intake & Mail Management and Decision Management.

FY 2021 – Continued Modernization, Record Hearing Output and Virtual Support

Success at the Board is defined through service, modernization and action. In FY 2021, the Board had continued resolution of legacy appeals, application of the AMA, increases in the number of judges, and continued virtual operations that resulted in significant measurable results for Veterans and their families. The Board also focused efforts on holding a record number of hearings in a largely virtual environment.

In FY 2021, the Board led the Department's legacy resolution plan and reduced the number of legacy appeals in the Department by over 49,348.

Due to the pandemic, the Board started FY 2021 with approximately 98% of employees working virtually. The Board also continued hearing operations within a primarily virtual environment for the first three quarters of the FY to ensure the safety of the Veterans we serve as well as Board employees. Adaption of virtual tele-hearings began six months prior to the start of FY 2021, which allowed the Board time to improve internal processes and coordination with stakeholders. Including a limited number of Travel Boards, which resumed in Quarter 3 (Q3) of FY 2021, the Board offered 42,015 and held a record 23,777 hearings this FY. This represents an approximate 52% increase in hearings held from FY 2020.

Veterans Appeals Improvement and Modernization Act of 2017 (AMA)

Through strong stakeholder collaboration, the Board achieved the successful and on-time implementation of baseline processes, information technology, supporting regulations, operational structure and training required to achieve initial operating capability under the AMA in February 2019. As detailed further below, further modernization efforts continue to improve Veteran-centric approaches as the Board resolves legacy appeals and transitions to AMA-only appeals over the next few years.

AMA Process

AMA created three options, referred to as lanes, for claimants dissatisfied with the initial decisions on their claim. Claimants 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.

Veterans appealing to the Board may elect one of three appeal options: 1) a direct review of the evidence that the Agency of Original Jurisdiction (AOJ) considered; 2) an opportunity to submit additional evidence without a hearing; or 3) an opportunity to have a hearing before a VLJ, which includes the opportunity to submit additional evidence.

Figure 2 below further describes the AMA process.

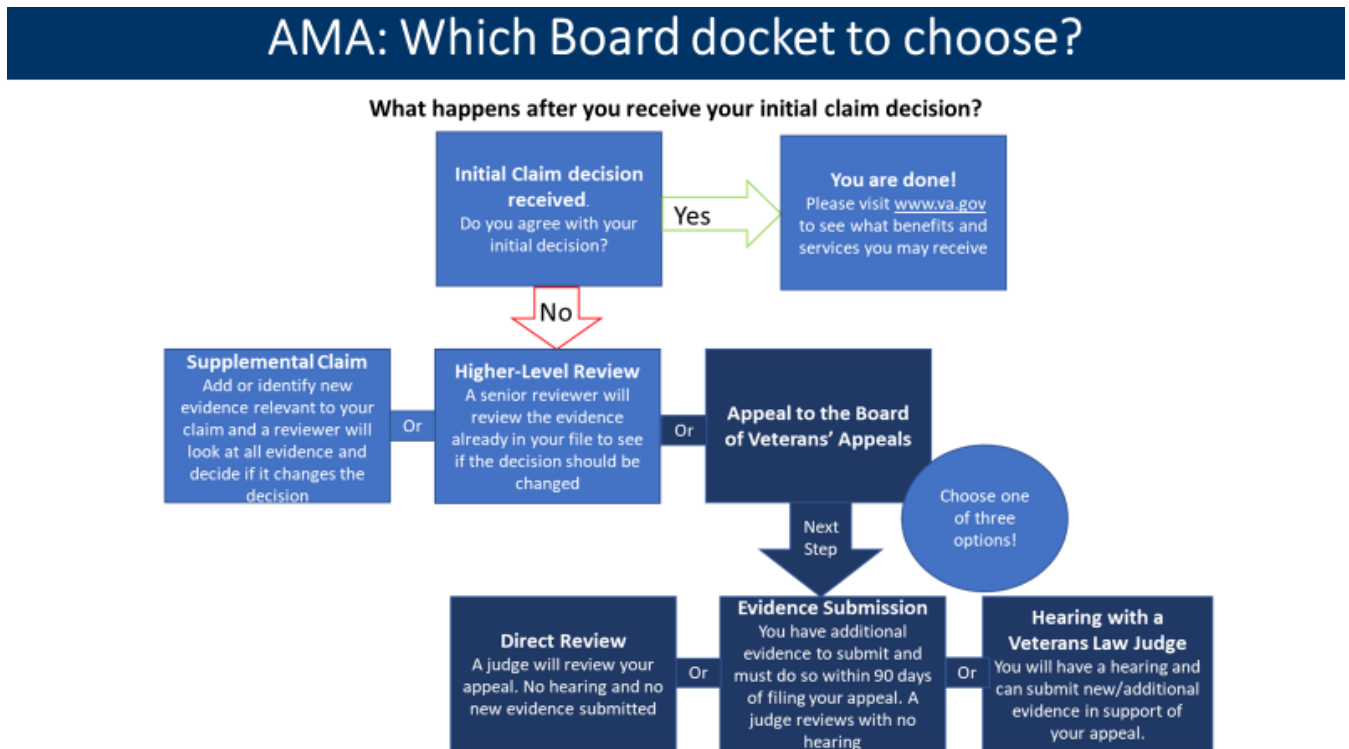


Figure 2. AMA: Which Board Docket to Choose?

AMA Lessons Learned from Stakeholders

The Board conducted significant outreach and coordination with Veterans, Veterans Service Organizations (VSO) and stakeholders to implement AMA and further modernize the appeals process. Significant input was received from VSOs, private representatives and Congressional stakeholders, and the Board incorporated recommendations to help modernize processes and technology. During and after initial implementation, the Board provided targeted AMA trainings, videos, fact sheets and briefings to Veterans and stakeholders. To help communicate both AMA activities and modernization progress, the Board provided regular press releases when significant milestones were met. The Board also sought and disseminated feedback to staff during numerous townhalls and communications over the course of the FY. Seeking and utilizing customer input helped the Board to modernize and make organizational changes in a way that increased choices for Veterans while also improving the quality of services provided.

Although the initial implementation of AMA is complete, significant modernization continued through FY 2021. The Board continues to seek input from stakeholders to help inform Veteran and customer-centric organizational and technological improvements.

FY 2021 Modernization

In FY 2021, the Board took several specific actions to improve customer experience and further modernize business processes, including the following: 1) improving processes, frequency and the customer experience for virtual tele-hearings; 2) providing a virtual environment for Board staff to continue work remotely during Coronavirus Disease 2019 (COVID-19); 3) increasing the overall staff size of attorneys and VLJs who provide Veteran-facing services; 4) increasing VSO and representative information sharing and accountability; 5) continuing the One Touch program; 6) focusing on the reduction of legacy inventory through the Legacy Appeals Resolution Plan; and 7) continuing to drive improved functionality in Caseload.

To support modernization, the Board led and participated in the following activities during FY 2021:

- Held trainings with internal and external stakeholders, including VSOs and representatives, to provide information and guidance on appeals modernization;
- Distributed email communications highlighting important AMA updates, trainings, tips and activities to Board personnel;
- Established a new Training and Development Branch (TDB) this year to ensure that Board employees receive the training needed to provide Veterans with legally accurate and timely decisions;
- Hosted numerous town halls to help communicate with employees regarding changes occurring during COVID-19 and how to best operate in a virtual environment;
- Continued to lead the Department's Legacy Appeals Resolution plan by significantly reducing legacy inventory (approximately 28% reduction VA-wide in FY 2021) and by providing progress updates with VA Administrations and staff offices to ensure appropriate alignment, synchronization and integration of efforts to resolve both legacy appeals and AMA appeals; and
- Continued to collaborate with SharePoint developers to improve the layout and framework of the Board's internal SharePoint site, which houses AMA materials in a central repository.

Legacy Appeals Resolution Plan

VA's Legacy Appeals Resolution Plan includes a prioritized reduction of legacy appeals, informed by continuous stakeholder engagement as well as sound project management practices. The plan has continued to result in a marked reduction in the number of legacy appeals pending in the Department before the Board and in all three Administrations: VBA, VHA and NCA. The plan demonstrated significant progress by reducing the number of pending legacy appeals by approximately 28%, from 174,688 pending at the start of FY 2020, to 125,340 pending at the end of FY 2021.

The Department's goal is to resolve legacy appeals by the end of calendar year (CY) 2022 with the exception of returned remands. However, this may be impacted by longer-lasting effects of COVID-19 such as the reduced ability to conduct in-person hearings at some regional offices (RO), as well as some continued reluctance to opt into virtual tele-hearings. See Figure 3 below.

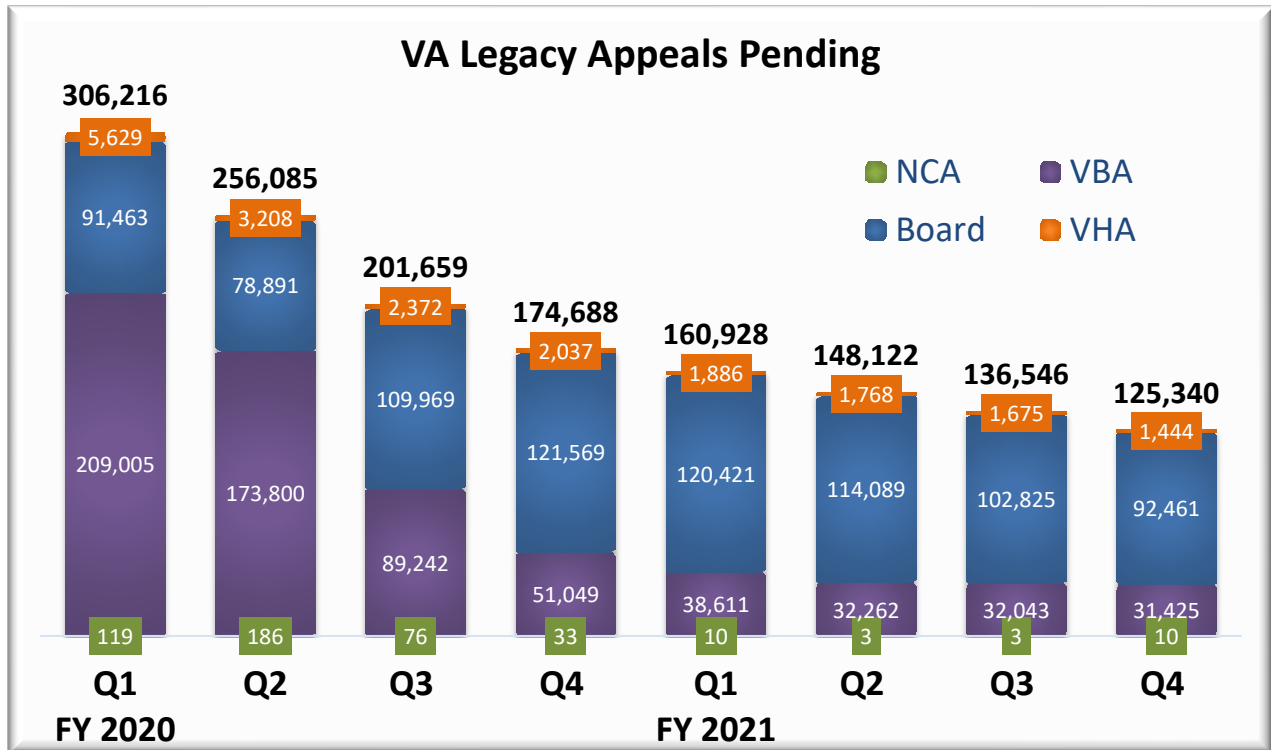


Figure 3. VA Legacy Appeals Pending

The Board continued to prioritize resources to address the pending legacy appeals inventory in FY 2021. The Board dispatched 99,721 decisions in FY 2021, with 79,227 (approximately 79%) of those decisions occurring in the legacy system.

As a result of efforts undertaken for the Legacy Appeals Resolution Plan, VA’s total legacy appeals inventory decreased more than 64% in the last two years. VA’s total legacy appeals inventory has decreased by approximately 73%, from a high of 472,066 in November 2017, to 125,340 at the end of FY 2021.

Technology

The Board has made significant investments in technology advancement over the last three years and continues to refine, upgrade and transform the business case management system to help deliver people-centric and proactive results for Veterans and staff. In FY 2021, the Board continued to collaborate with the Office of Information Technology (OIT) to implement new capabilities and functionality in Caseflow that directly support AMA, while allowing the Board to continue to focus on drawing down Legacy appeals inventory.

In FY 2021, important new AMA functionality was released. The ability to intake Court of Appeals for Veterans Claims (CAVC) remands, process death dismissals, intake appeals with unrecognized appellants and edit Notices of Disagreement (NOD) are vitally important to the Board’s mission and increasingly allow for Veterans’ appeals to be more quickly adjudicated.

During the past year, the Board's data analytics team continued using Tableau data visualization software to report on the Board's major business processes. The Board created a report that integrates AMA and Legacy hearing-related information within Tableau and made this hearing data available to all Board users from a single location. The Board's data analytic team has also developed and updated enterprise Tableau reports, such as the following: Hearing Events Report (lists all AMA and Legacy scheduled and postponed hearings along with hearing outcomes), Hearing Events Awaiting Schedule Report (lists all hearing cases that are ready for scheduling), Hearing Pending Cases Report (comprehensive listing of all pending hearings cases at the Board), Case Distribution Report (enables direct monitoring of Legacy and AMA case distributions to VLJs), Legacy Daily Intake Report (provides details on the number of Legacy cases in-taken each day) and the CAVC Remand Status Summary Report (displays relevant data on all CAVC cases remanded to the Board). The Board continues to work closely with OIT to refine and populate a new data repository that will be used to store extracted and transformed Board data. Further, the Board has also made steady progress in refining its data analytics in direct support of VA's goal to move toward a data-driven and evidence-based learning enterprise.

In FY 2021, the Board optimized its use of Microsoft Teams and SharePoint Online as collaboration tools. SharePoint ticketing systems were developed for several organizations at the Board to track and maintain accountability for mission-specific support, requests and issues. The Board also continued to collaborate regularly with OIT to manage and plan for platform and/or system upgrades to mission-critical systems to ensure the organization is continually aligned with the VA enterprise architecture. These upgrades best ensure that the Board's technical infrastructure fully supports a successful business environment while optimizing performance and utilizing the latest available technologies to support Veteran and staff needs.

[Interactive Decision Template \(IDT\), Reporting and Migrations](#)

The Board continued improving its IDT capabilities and further integrated these capabilities into business processes in FY 2021. The IDT, initially launched in FY 2018, replaced the nearly 20-year-old template used to draft Board decisions. The IDT automatically retrieves data from case management software and populates important and relevant language into each appellate decision, allowing attorneys and VLJs to focus their attention on legal research and drafting. The IDT helps encourage consistency across Board decisions as well as the use of clear and concise language to ensure Board decisions are easy to read and understand. The IDT has increased efficiency by automating several steps: 1) creating the final electronically signed decision; 2) retrieving the most current Veteran and representative contact information; 3) generating cover letters and mailing labels; 4) uploading completed copies of the decision to the Veterans Appeals Control and Locator System (VACOLS) and the Veterans Benefits Management System (VBMS); and 5) printing copies for mailing. This automation has helped reduce human error in mailings and the time required to get a signed decision from a VLJ to a Veteran. These innovations significantly contributed to the Board's decision output in FY 2021.

The IDT added capabilities to create and send other written correspondence, such as letters, to Veterans and their representatives. The IDT automatically populates select data (e.g., addresses) to allow for faster and more accurate generation of correspondence. Letters include both individual letters, such as hearing notification letters, and large-target mailings such as mailing Travel Board hearing information to Veterans to notify them about the availability of virtual tele-hearings during COVID-19. In FY 2021, new IDT tools were created in the IDT for the decision management group. The IDT now can be used to perform random quality reviews of the decision dispatch process to ensure accuracy in the finalization and mailing of decisions after judge signature.

The IDT also added a new tool in FY 2021, called Project Stop Light. Project Stop Light uses natural language processing and artificial intelligence to automatically analyze draft decisions for potential problems during the drafting process. Project Stop Light does not replace the good decision-making of judges; rather, it highlights common complex areas for additional attention by a judge. Project Stop Light is designed to grow to allow for additional areas to be highlighted as additional challenges are recognized in the future.

Virtual Tele-hearing Technology

The Board began testing virtual tele-hearing technology in July 2019 to provide Veterans with additional options and access for holding hearings. On April 10, 2020, the President signed the VA Tele-Hearing Modernization Act, making virtual tele-hearings a permanent option for Veterans. Virtual tele-hearings allow Veterans and their representatives to participate in hearings before the Board by voice and video transmission over the Internet. Veterans can use a Wi-Fi-enabled personal cell phone, tablet or computer to participate in a hearing. This technology provides greater access and flexibility, especially for Veterans living in rural locations, because it allows Veterans and VSOs/representatives to participate in the same hearing despite being in different locations.

The Board continued to heavily utilize virtual hearing technology in FY 2021 to provide a safe hearing option for Veterans and staff during COVID-19. Although limited in-person hearings were offered and Travel Boards resumed in Q3 of FY 2021, virtual tele-hearings remained the primary method for Board hearings in FY 2021. See below chart.

Total FY 2021 Virtual Hearings Scheduled:	34,049
Total FY 2021 Virtual Hearings Held:	22,897

The Board currently has the capacity to hold over 1,000 virtual tele-hearings per week and, through improved technical integration and stakeholder support, anticipates significantly expanding this capacity in FY 2022 and beyond.

Clerk of the Board

The Board established the Clerk of the Board in January 2020, to function as an internal Board resource to ensure the proper docketing of AMA appeals and to help the Board staff transition to working only on AMA appeals. The Clerk's Office provides training and guidance for administrative staff charged with docketing AMA appeals, answers complex legal questions from VLJs and counsel related to AMA docketing and jurisdiction, creates AMA letter templates for Board staff and generally assists Board management with AMA execution. The Clerk's Office also works to identify and correct AMA docketing errors, improve Board training around AMA issues and assists VA IT professionals in refining the technological tools used by Board staff to process AMA appeals.

One Touch Program

The Board's One Touch Program improves the timeliness of appeals where a hearing was conducted by streamlining processes. Of the 1,191 appeals adjudicated under this program, approximately 70% resulted in a grant in FY 2021. See Figure 4 below.

Board of Veterans' Appeals One-Touch Appeals by Disposition 10/01/2021 to 09/30/2021	
Disposition	One-Touch Appeals
Pending Dispatch:	1
Allowed:	837
Remanded:	325
Denied:	1
Dismissed/Withdrawn:	26
Dismissed Death:	1
Total:	1,191

Figure 4. One Touch Program FY 2021

Action for Veterans in FY 2021

Decisions

In FY 2021, the Board dispatched 99,721 decisions for Veterans and their families, marking four consecutive years the Board significantly exceeded production goals. The Board not only surpassed its FY 2021 goal of 93,600 decisions by over 6,100 cases, but also reached these goals operating in a 98% virtual environment. Actions to mitigate COVID-19 impacts required budget flexibility to absorb increased costs for cleaning and sanitizing supplies, funding of special authority for a reemployed annuitant and shifting overtime allocation to appellate operations support activities, such as mail-related tasks and case reviews to activate incoming appeals. Despite the continuation of a complex

operating environment from FY 2020, total decisions at the Board continued to exceed yearly goals. See Figure 5 below.

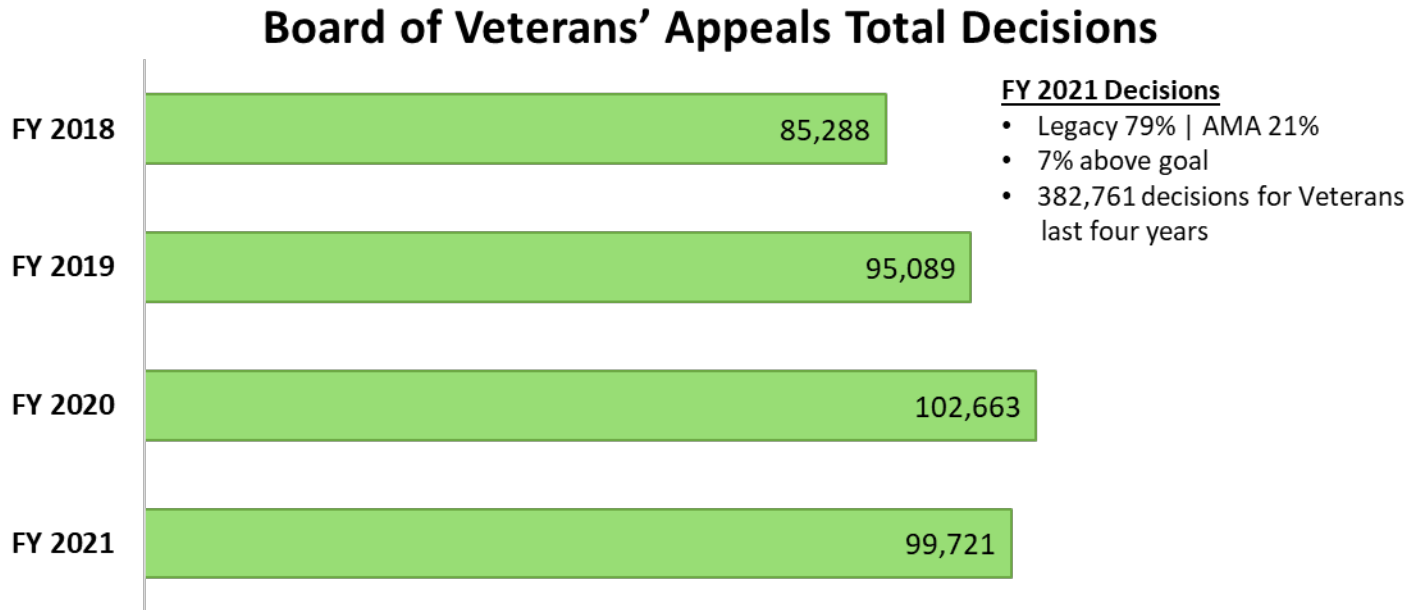


Figure 5. Board of Veterans' Appeals Total Decisions

Hearings

For the first three quarters of FY 2021, hearings were primarily held in a virtual environment, with limited face to face hearings (known as Central Office hearings) and video teleconference (known as Video Hearings) between a VLJ in Washington, DC, and the Veteran and his/her Representative sitting in-person with each other at a separate VA facility. Travel Board hearings, which had temporarily paused due to COVID-19, resumed in Q3 FY 2021. Despite limitations on all types of non-virtual hearings, the Board increased the total number of hearings held from 15,669 in FY 2020 to a total of 23,777 in FY 2021. This resulted in a year-over-year increase of almost 52% of hearings held.

In FY 2021, approximately 57% of all hearings scheduled were held. This figure is up approximately 15% from the FY 2020 rate of 42%. Approximately 30% of hearings were postponed, 10% were canceled and 3% of Board hearings experienced a no show from the appellant. See Figure 6 below.

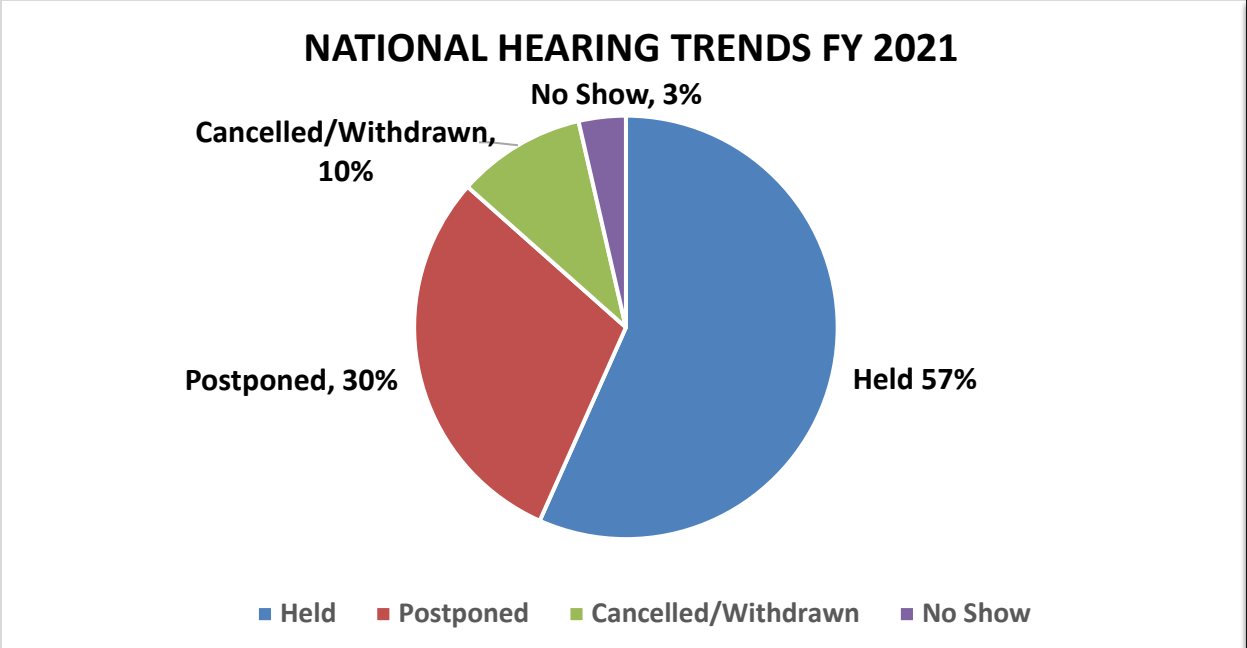


Figure 6. National Hearing Show Rates

The Board reduced the number of pending legacy hearing requests from 55,265 at the start of FY 2021, to 32,574 at the end of September 2021. At the end FY 2021, the Board had 54,750 AMA hearings pending, an increase of 23,166. The reduction in legacy hearings pending, and also the subsequent increase in AMA pending hearings, is the result of a commitment to draw down legacy appeals. As the Board continues resolution of legacy appeals and associated hearing requests, the proportion of AMA hearing requests pending will continue to increase.

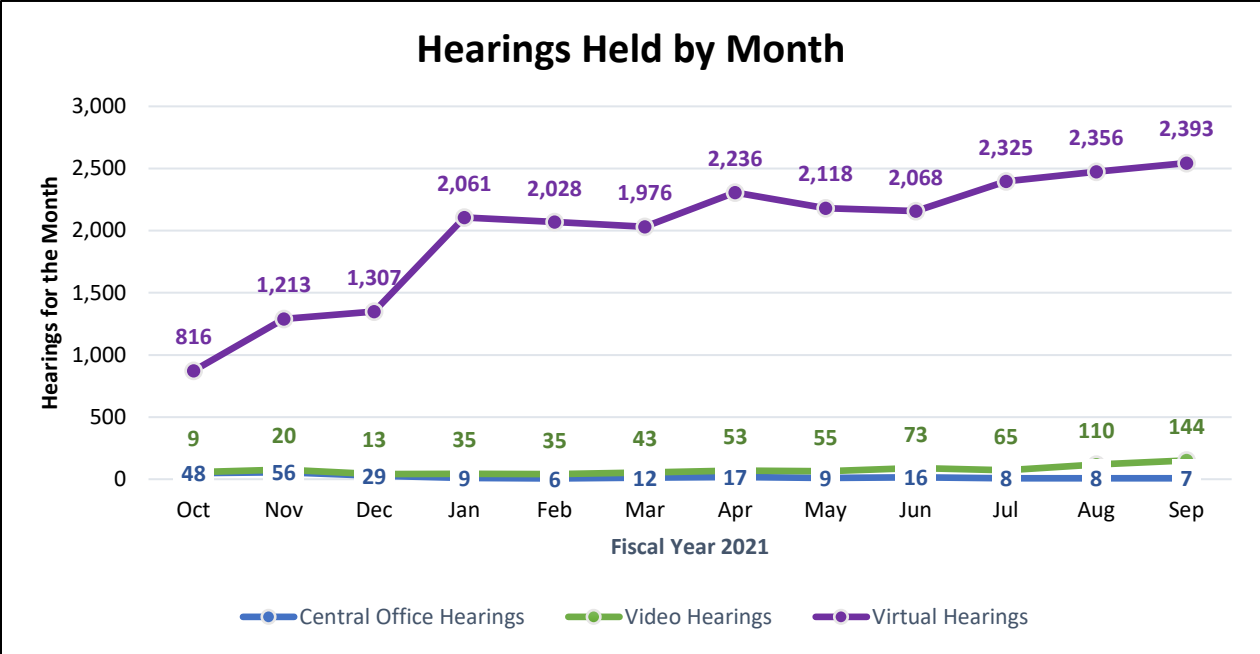


Figure 7. Hearings Held by Month

While the Board did not reach the robust goal to hold 50,000 hearings in FY 2021, it set an all-time record for hearings held and significantly reduced pending legacy hearings in line with legacy drawdown commitments. See Figure 7 above for hearings held per month by each hearing type.

The Board currently receives approximately 2,100 AMA hearing docket appeals per month and the number of AMA Hearing Docket appeals that still require a hearing to be held represents approximately 63% of the total (Legacy and AMA) hearing requests pending. See Figure 8 below.

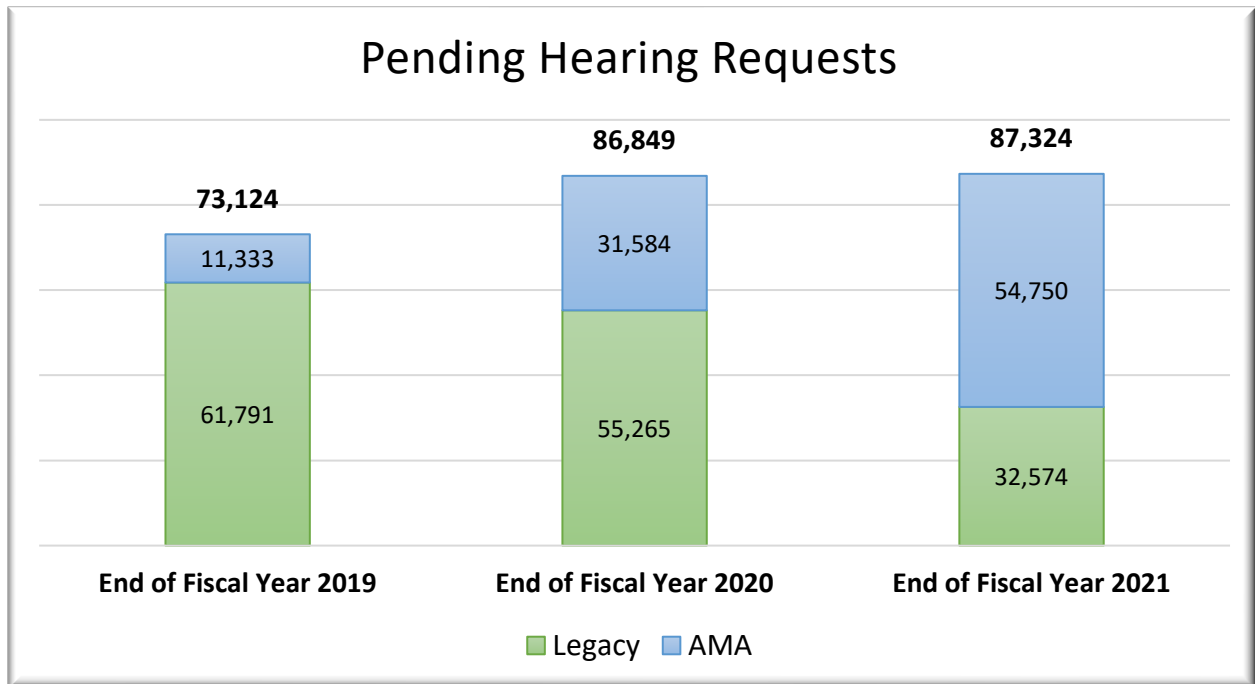


Figure 8. Pending Hearing Requests

Personnel

In response to the Department’s commitment to resolve legacy appeals and to maintain timely processing under AMA, including the reduction of legacy hearing inventory, the Board significantly expanded staffing levels during the past few years. The Board attracted and hired talented employees to perform its unique and critically important mission of serving Veterans and pursued innovative hiring practices, such as recruiting on Indeed, using the military spouse hiring authority and hiring recent law school graduates and training them in the specialized field of Veterans’ law. These activities resulted in the onboarding of over 103 new personnel to fill mission critical positions, including the hiring of four senior executives. Also, the Board has seen two consecutive years of declining attrition rates, with a 13.4% rate in FY 2019, 10.6% in FY 2020 and 10.1% in FY 2021.

The Board also undertook a significant recruiting and hiring initiative to increase the number of VLJs from 93 to 106 by the end of FY 2021. These efforts allowed the Board

to maintain a high level of production and perform a record number of hearings throughout the year.

In FY 2021, the Board allowed the vast majority of its employees to work remotely or telework. This decision was based on lessons learned during the pandemic and was responsive to employees' requests for improved work/life balance, while ensuring ongoing operational success.

The Board's robust remote/telework policies resulted in stronger recruitment actions and enabled the Board to reduce its workspace. The Board's telework and remote programs improved the recruitment and retention of VLJs, encouraged more competitive and diverse applicants to apply for attorney and administrative positions (including Veterans and military spouses), and helped the Board deliver exceptional service to Veterans and other stakeholders. This also facilitated an approximate 25% reduction in the Board's physical footprint and promoted more agile space management. The Board will continue to offer extensive remote and telework options to support its staff, aid recruitment and retention and reduce costs associated with space. This strategy aims to expand potential recruitment areas, while reducing the Board's leased office space.

[Military Spouse Employment](#)

The Board is committed to hiring military spouses. According to the Department of Defense (DoD), military spouses experience a 24% unemployment rate, which is due in part to frequent moves. The Board's military spouse employment initiative and robust telework and remote plans offer military spouses engaging legal employment. The Board is an active member of the DoD Military Spouse Employment Partnership (MSEP). MSEP is a career program that connects military spouses with affiliated employers who have committed to recruit, hire, promote and retain military spouses in fulfilling careers. The Board actively promotes hiring military spouses within VA and across the Federal Government.

The Chairman, as VA's military spouse employment champion, routinely meets with Federal agencies and private sector organizations to discuss the value military spouses bring to the workforce and how organizations can utilize their unique talents and perspectives. As part of this conversation, the Chairman discusses best practices for recruiting, hiring and retaining military spouses. This includes encouraging the use of social media to inform and recruit military spouses using direct hire authority. The Chairman routinely participates in military spouse events, speaks on panels and participates in podcasts, describing her experience as a military spouse and the challenges some spouses may experience finding employment. In May 2021, the Chairman also participated in the Hiring Our Heroes Military Spouse Employment Summit.

[Veterans Law Judges \(VLJ\)](#)

In FY 2021, the Board appointed twenty new VLJs from the most diverse applicant pool in recent memory. Many had proven judicial experience, often as judges with more than one agency, and a diversity of background, culture, experiences and perspectives. More

than half of them are Veterans themselves and virtually all had significant deployment experience. Fifteen of the new VLJs onboarded and began training by the end of FY 2021, the remaining five plan to report in the second quarter of FY 2022.

VLJs have long served as leaders and mentors at the Board. In FY 2021, the Board took the additional step of formalizing the judges' role as supervisors. Each VLJ now performs supervisory duties for non-probationary attorneys on their team, including performing mid-cycle and end-of-year evaluations and making recommendations for promotions.

In FY 2021, the Board also modified the performance standards by which VLJs are rated to align more closely with the Board and judges' principal missions and duties. Judges are now rated annually on legal acumen, docket and case management, hearing management, organizational teamwork and customer satisfaction, and leadership and supervision. These new standards tie directly to the Board's statutory missions of holding hearings and deciding appeals, and emphasize the judges' positions as both leaders and members of the overall Board team.

Space Reduction at 425 I Street

During FY 2021, the Board reduced its leased space by approximately 48,000 rentable square feet. This reduction constitutes a 25% reduction in the physical footprint for the organization. The Board's Program Management and Logistics Branch assessed the amount of space needed to accommodate the Board's post-pandemic workforce, identified space that could quickly and easily be returned to the landlord in accordance with its existing lease, and then worked with Board personnel and third-party contractors to vacate the space—in a record six weeks—by June 6, 2021. Additionally, three co-located VSOs also chose to vacate their office space in FY 2021 in an effort to further modernize their tele-work and remote business practices.

Employee Engagement

The Board is committed to continuously improving its organizational culture and work climate. This past year, the Board strengthened employee engagement through weekly informational emails, mentor/mentee programs, monthly newsletters, virtual and in-person suggestion boxes, implementation of employee-driven suggestions, virtual roundtables, town halls with Board and VA leadership, and weekly small-group discussions that function like open office hours that are hosted individually by the Vice Chairman using virtual technologies. Additionally, the Chairman held award ceremonies to recognize employees for their dedicated service to Veterans, celebrated individuals who went above and beyond their normal duties in service of Veterans and acknowledged attorneys' achievements in decision drafting through writing awards.

Board leadership and employees are actively engaged in improving employee engagement. This year, approximately 74.3% of Board employees completed the All Employee Survey (AES). The Board will utilize the results of the FY 2021 AES survey to improve employee engagement and identify ways to improve personal connections with people, both while they work at home and in the office. Importantly, the Board has been

diligently working to create and improve programs designed to enhance the personal and professional growth of the employees. Specifically, the Board is enhancing and creating robust training programs, exploring the creation of advancement and experiential opportunities, and finding ways to amplify the beneficial effects and messaging of existing Board-sponsored and employee-driven programs with the objective of improving cohesion, mission identification, morale and professional satisfaction.

During the COVID-19 pandemic, Board employees have participated in and connected with one another through virtual events and initiatives, including a wellness challenge, coffee breaks, webinars and leadership discussions. New employees were onboarded and introduced to the Board and its community through virtual orientation, trainings, graduations and team-building activities.

Veterans Service Forum (VSF)

Another example of the Board's engagement is an active partnership with one of the Board's affinity groups, the Veterans Service Forum (VSF). VSF provides information to Board staff about the military experience and helps Board employees keep a "focus on the Veteran." In FY 2021, the VSF hosted a panel of Veterans and Veteran caregivers who discussed their experience accessing VA benefits, and it partnered with Operation Gratitude in a letter-writing campaign for deployed troops. In addition, the VSF designed a 3-part educational series for new attorneys intended to enhance their file review and analytical skills. Topics covered included: a close look at military documents in the claims file, understanding Active Duty for Training and Inactive Duty for Training, and the adjudication of claims related to Military Sexual Trauma. The VSF underwent a complete overhaul of its leadership structure in order to provide Board staff with more opportunities for leadership, public speaking and networking. The VSF remains committed to raising awareness about the mental health challenges faced by Veterans and their families, specifically posttraumatic stress disorder (PTSD) and suicide.

Career Mentoring Program

Board staff are active in the CAVC Bar Association, including drafting case summaries on precedential opinions in Veterans law for the Veterans Law Journal and participating as members of the Board of Governors. In addition, the Board's Career Mentoring Program was used as a framework for the CAVC Bar Association's Board of Governors' mentorship program.

Specialty Case Team

The Specialty Case Team (SCT) is a Board-wide program in which attorneys, who are competitively selected for the position, serve as subject matter experts in one or more rare or complex legal areas within Veterans law. Specially-trained attorneys are critical to ensuring complex cases are handled by experts in the legal nuances of rare or difficult types of cases so that the Board produces the highest quality decisions in the most efficient manner. In FY 2021, SCT attorneys completed approximately 9,600 cases and produced on average nearly 0.5 signed cases more per pay period than a non-SCT attorney. Most significantly, the SCT experts develop procedures and model

language to guide decision drafting so the next generation of attorneys can more easily adapt when reviewing these more complex cases in the future. Capitalizing on their specialized knowledge of claims originating from VHA, the SCT was well positioned to train its attorneys to adjudicate appeals involving benefits under the Program of Comprehensive Assistance for Family Caregivers. The SCT has also brought greater consistency to the adjudication of procedurally challenging cases, such as those involving contested claims. Finally, SCT has assisted other offices within the Board in developing internal appellate procedures that ensure timely and accurate adjudication of specialized appeals that often present unique administrative challenges.

Quality Review

The Board's Office of Quality Review (QR) has a case review system that aims to identify objective errors that fall outside the bounds of judicial discretion in a uniform and consistent manner. Judicial discretion applies to numerous aspects of the decision process. Legitimate differences of opinion as to the outcome of an appeal, the interpretation of the law, the application of the law to the facts, or the assessment of the weight and credibility of the evidence are matters subject to the exercise of judicial discretion and generally do not fall within the definition of "error." To maintain the statistical validity of the case review system, QR is focused on a uniform and consistent approach to identifying potential errors, regardless of the types of cases involved or which VLJs decided the cases. For each error discovered in any Board decision, QR prepares an error memorandum addressed to the signing VLJ and their supervising Deputy Vice Chairman. This memorandum identifies the error type, a detailed explanation to support the identified error and a recommended course of action to remedy the identified error. A VLJ then can agree with the findings of QR and take appropriate action to remedy any identified error or, alternatively, request reconsideration of the error by the Board's Office of Chief Counsel.

QR also reviews outcomes from cases from CAVC and the United States Court of Appeals for the Federal Circuit (Federal Circuit). In FY 2021, the Board issued 99,721 decisions. Generally, approximately 8% to 9% of the Board's decisions are appealed to the CAVC. Of that percentage, many appeals are returned to the Board under Joint Motion for Remand (JMR) orders. A JMR remands the appeal from CAVC back to the Board and includes instructions for VA to follow. QR monitors these JMRs, as well as other CAVC trends. In FY 2021, the Board received approximately 6,300 JMRs from the CAVC.

In FY 2021, the Board continued to challenge employees to maintain high quality levels and achieved an accuracy rating of approximately 92.06% for legacy decisions and approximately 87.48% for AMA decisions.

Training

The Training and Development Branch (TDB) was established in FY 2021 to ensure that Board employees receive professional development and leadership training needed to provide Veterans with legally accurate and timely decisions.

During the first quarter of FY 2021, the TDB completed the last two New Attorney Bootcamp Cohorts and transitioned attorney and judge training to the Office of Appellate Operations. TDB's focus for the remainder of the year was on Professional Development, Supervisory Training, and the Board's new non-supervisory leader development program, Emerging Leaders. In addition, TDB provided training to the Mail Management and Intake Branch to improve the efficiency and accuracy of appeals docketing and mail processing.

During transition of the TDB to the Office of Appellate Operations, the Board began to develop the foundation for a Professional Development Division (PDD). The PDD's mission is to provide initial and ongoing legal training, supervisory training, and leadership and career skill-building training for the Board's attorneys, judges and administrative support staff.

The PDD included the creation and implementation of a New Veterans Law Judge Professional Development program. New VLJs participate in an intensive three-week program that covers substantive law, judicial procedure, and supervisory and leadership topics. In addition, experienced VLJs provided individual mentoring to each new VLJ for six months. The Board successfully executed two separate new VLJ professional development programs last FY for 15 newly appointed VLJs. In addition, the PDD developed a new attorney training program that was used to successfully train 33 new attorneys. New attorneys received intensive one-on-one mentoring and training from experienced attorneys on the basics of Veterans law, drafting appellate decisions and legal research for three months. After this intensive mentoring period, new attorneys met in weekly group training sessions that covered procedure and substantive law, efficiency and career development topics.

To support the Board's mission and employee engagement efforts, the PDD created an Open Door Hours program, which provides a network of over 70 seasoned attorney volunteers who are available to field substantive and procedural questions in support of VLJs and the Board's attorneys. The Open Door Hours program ensures that Board attorneys have an experienced colleague to contact for guidance and support. Question topics presented during Open Door Hours are analyzed and used to inform attorney training topics. In addition, the PDD created a SharePoint site that organized and consolidated Board training and professional development resources to allow attorneys and VLJs to locate key resources more efficiently.

The PDD also provided Board-wide trainings on emerging areas of Veterans law, including changes to the rating criteria for musculoskeletal disabilities, increased ratings for knees, special monthly compensation and efficiency topics. To support experienced attorneys in their career development efforts, the PDD provided Acting VLJ training and mentor training and coaching. In addition, the PDD held multiple supervisory training sessions for new supervisors in both large and small group settings that covered key supervisory topics.

Diversity and Inclusion at the Board

The Board actively supports a number of operational activities to promote diversity and inclusion in the workplace. These activities help build a diverse, high-performing staff who reflect all segments of society. The Board utilizes existing recruitment tools to prioritize the hiring of Veterans and military spouses, establishes diverse selection and interview panels, provides training related to diversity and inclusion, regularly communicates updates to VA policies on diversity and inclusion to all employees, and supports a number of social organizations focused on workplace improvement.

In FY 2021, the Board held trainings on Reasonable Accommodations and Supervisory Labor/Employee Relations, hosted a Senior Leadership Roundtable and a series of listening sessions that addressed issues related to diversity and inclusion, and provided communication initiatives to promote inclusivity and respond to employee concerns. Additionally, the Board highlighted the importance of an inclusive and collaborative work environment in its new, online New Employee Orientation and through the Board's Fall Employee Engagement Fair, which included presentations from a wide variety of Board employee associations on their roles, initiatives and upcoming events. These associations, including the Career Mentoring Program, Team Building Individual Skills Training (TBIST), Diversity and Inclusion (D&I) Committee, BVA LGBTQIA (lesbian, gay, bisexual, transgender, queer, intersex and asexual) and Friends, and Social Networking Group help promote an inclusive workplace that is responsive to diverse perspectives and ideas. Collectively, these initiatives and efforts helped to increase the Board's AES score for workplace diversity acceptance by approximately 0.7 over previously years to reach 4.12 in FY 2021.

VSOs and Cross-Office Coordination

VSO Coordination and Legacy Appeals Inventory

In FY 2021, the Board continued its significant outreach, training and coordination with VSO partners and also increased activities to encourage accountability.

In FY 2021, the Board:

- Held regular virtual tele-hearing update discussions with all VSOs and representatives and worked in close collaboration with the VSO staff co-located at 425 I Street NW, Washington, DC;
- Performed weekly appeal inventory tracking and review of inventory age information and reported back to each VSO;
- Offered virtual training activities to familiarize VSOs and stakeholders on new hearing technology; and
- Engaged VSOs and stakeholders to improve utilization of existing technology to increase efficiency in business processes.

Legacy appeals inventory with VSOs decreased from the beginning of FY 2021 until March 2021. Inventory increased in March and April, but subsequently decreased each month after, ending the FY at 7,475 legacy appeals pending. The Board's VSO Stakeholder Liaison's appeal inventory tracking report and working relationships with

Board co-located VSOs resulted in the overall decrease of IHP inventory during the FY. See Figure 9 below.

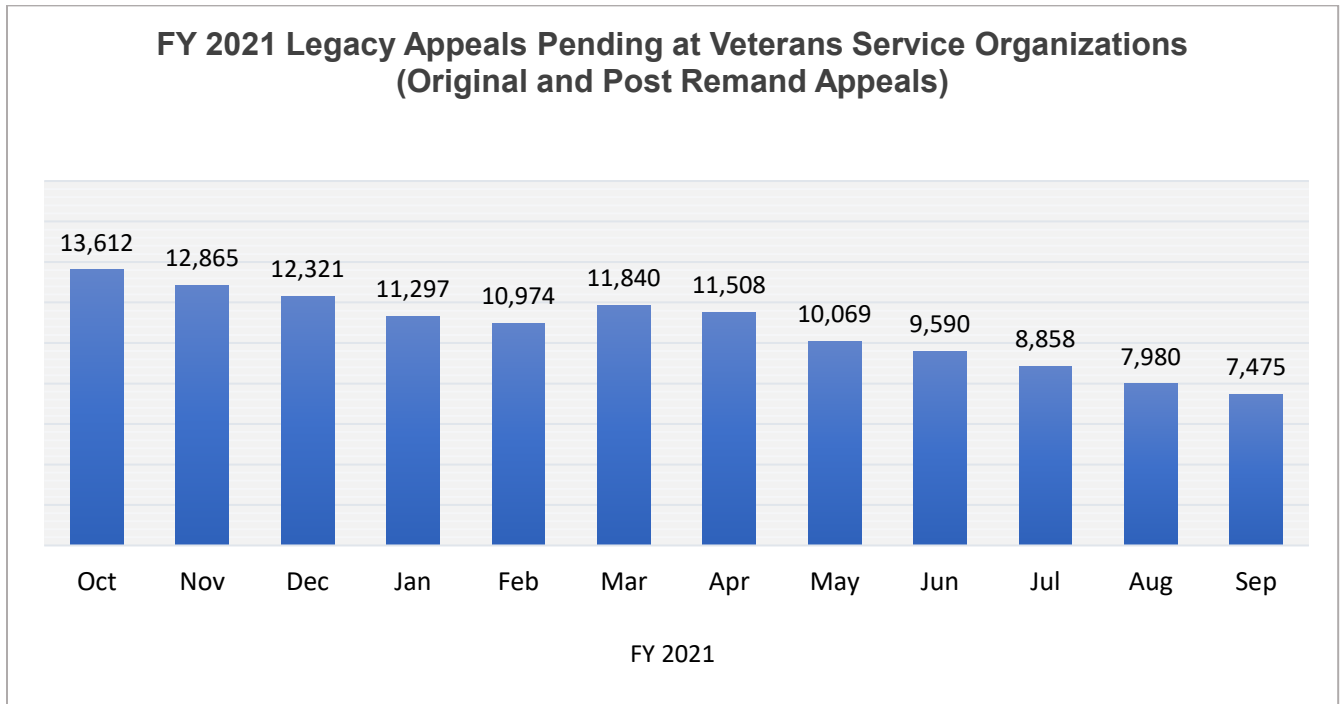


Figure 9. FY 2021 Legacy Appeals Pending at Veterans Service Organizations

Coordination with Administrations and Other Staff Offices

The Board leads VA's appeals modernization process and actively collaborates across the enterprise to better serve Veterans and their families. Partners include, but are not limited to, the following: VBA, VHA, NCA, OGC, OIT, Office of Enterprise Integration (OEI) and Veterans Experience Office (VEO). This active coordination is essential to support efficient VA processes and helps to make the Veteran experience seamless across VA. All VA offices closely collaborated to ensure that legacy and AMA inventory was appropriately tracked and that Veterans continued to have options to safely hold hearings in a virtual environment.

The Board's collaboration with VBA and VHA directly contributed to the reduction of pending appeals inventory throughout the Department by more than 49,348 appeals in FY 2021. The Board championed and now maintains a work group with VA's Office of the Secretary, OEI, VBA, VHA, NCA and OGC to execute the Department's Legacy Appeals Resolution Plan to resolve pending legacy appeals by December 2022, with the exception of a small number of returned remands.

The Board and VHA engaged in a significant effort during FY 2021 to offer early COVID-19 vaccinations to Board frontline workers and judges. This effort resulted in the ability of Board employees who interact with Veterans and participate in stakeholder activities to continue face-to-face operations in a safe work environment. The effort also helped to enable the limited return of Travel Boards in Q4 of FY 2021.

The Board also selected high-performing attorneys, VLJs, and administrative professionals for leadership seminars and programs, such as Leadership VA, the Presidential Management Fellows, VA Congressional Fellows, detail opportunities, and programs offered through the Federal Executive Institute. These robust training programs and courses are an integral part of the Board's commitment to the development of future leaders.

The Board's Strategic Plan and Priorities for FYs 2022 and 2023

FY 2021 was a year of continued innovation at the Board, as COVID-19 necessitated changes for how the Board and other VA offices conduct business. Approximately 98% of Board employees remained in a virtual work environment during the FY, and the hearing process continued to be primarily performed through virtual tele-hearing technology.

Despite ongoing operational changes, the Board continued modernization efforts under AMA, performed a record number of hearings, delivered near-record appeals decision output, refined organizational structures, increased VSO coordination and participation, increased legacy inventory coordination, and improved employee engagement and workforce planning. The impacts of COVID-19, as well as other factors, will continue to shape priorities and the future operating environment in FY 2022 and 2023, as described below.

Increase the Number of Veterans Served and Optimize Accuracy

The Board's goals for FY 2022 are to adjudicate 111,500 appeals for Veterans and hold 50,000 hearings. The Board intends to meet these goals through continued innovations, increased resources and improving our processes and technology.

In FY 2022, the Board will focus on the following: (1) the continued resolution of legacy appeals; (2) holding a higher percentage of scheduled hearings, including virtual tele-hearings; (3) maintaining or improving the quality of both legacy and AMA decisions; (4) establishing the right balance of virtual, traditional office and hybrid work environments that best meets operational goals and supports employees; (5) working all three dockets of AMA cases in a timely manner; and (6) adjudication and tracking of caregiver appeals.

The Board will reach these goals by using a multi-pronged strategic approach and leveraging existing resources by concentrating on the following activities:

- ▶ **Timeliness goals for remaining AMA dockets:** The Board released timeliness goals for its two remaining AMA dockets (Evidence Submission and Hearing) in FY 2021. With long-term targets of 365 average days to complete (ADC) for Direct, 550 ADC for Evidence and 730 ADC for Hearing docket appeals, the Board now has timeliness goals for all AMA dockets. Establishing these goals satisfied an open U.S. Government Accountability Office (GAO) High Risk List recommendation (GAO-18-352) and will begin to be monitored and reported monthly as well as through the FY 2022 VA Annual Performance Plan and Review.

- ▶ **Internal training:** Actively train staff and VSO partners on AMA and update training activities as new technologies and processes are implemented. Training materials are regularly updated by a core group of subject matter experts on appeals modernization and adapted for how AMA will impact each respective group within the Board. Trainings are provided to all legal and administrative

professionals at the Board.

▶ **Strengthen partnerships across the VA enterprise:** Continue collaboration with VBA, VHA, OGC, NCA, OIT, OEI, VEO and other internal stakeholders on a formal and frequent basis to collect Veteran feedback and discuss ways to improve the quality of services provided to Veterans.

▶ **Future of work:** Work with VA stakeholders to identify the best balance of virtual, traditional office and hybrid work environments to meet the mission needs of the Board. The Board will continue to seek employee and stakeholder input to improve working environments for employees and services offered to Veterans. Additionally, the Board will continue re-assessment of the office space footprint for Board employees and co-located VSOs. This assessment will be mission-driven and informed through both needs and stakeholder input.

▶ **Increase transparency and collaboration with external stakeholders:** During FY 2022, the Board will continue to engage external stakeholders (VSOs and private bar) to help define operational processes to improve efficiency within the appeals process. The Board is actively scheduling a Hearing Summit for FY 2022 Q2 to identify inefficiencies in the hearing process and define joint best practices to ensure representatives and the Board are prepared to hold hearings on the date initially scheduled.

▶ **Virtual tele-hearings:** The Board fully implemented virtual tele-hearings in FY 2020 and utilized the technology to provide a historic number of hearings in FY 2021. Through increased Veteran awareness, collaboration with VSO partners and refinement of technical solutions with OIT and virtual processes, the Board plans to significantly increase hearing capacity and capability in FY 2022 and FY 2023. The Board has the capacity to hold 50,000 hearings annually to reduce its inventory of nearly 87,324 hearing requests of legacy and AMA appeals. To achieve its hearing scheduling goals, the Board is offering an average of 1,000 hearings per week in FY 2022 through virtual tele-hearings, Central Office hearings, Travel Board hearings and video hearings at ROs.

▶ **VEText:** The Board will expand the use of existing technology to notify Veterans by text of their upcoming hearings. This technology has the potential to increase show rates for hearings and help provide Veterans with scheduling information in a timely manner.

▶ **CAVC training initiative to impact trends for court:** The Board is monitoring the outcomes in cases appealed to CAVC and the United States Court of Appeals for the Federal Circuit to improve the quality of its decisions. The Board will continue its collaboration with VA's OGC to provide targeted trainings to VLJs based on trends seen in these court cases.

All these measures help increase the Board's decision output, improve accuracy, foster an environment for collaborative change management on modernization activities and

sustain accountable partnerships across the VA enterprise to better serve Veterans and their families.

Board Organizational Changes FY 2022

In order to provide greater value for Veterans, their families and employees, the Board plans to transition leadership structure in early FY 2022 to better reflect workforce needs. In comparison to the organizational structure in FY 2021 (see Figure 1), two DVCs will report directly to the Senior Deputy Vice Chairman. Additionally, VLJs will return to supervisor status. The Chief Counsel, Chief of Staff, Chief of Budget and Internal Controls, a Deputy Vice Chairman, and an Executive Director will continue to report to the Vice Chairman. See Figure 10 below.

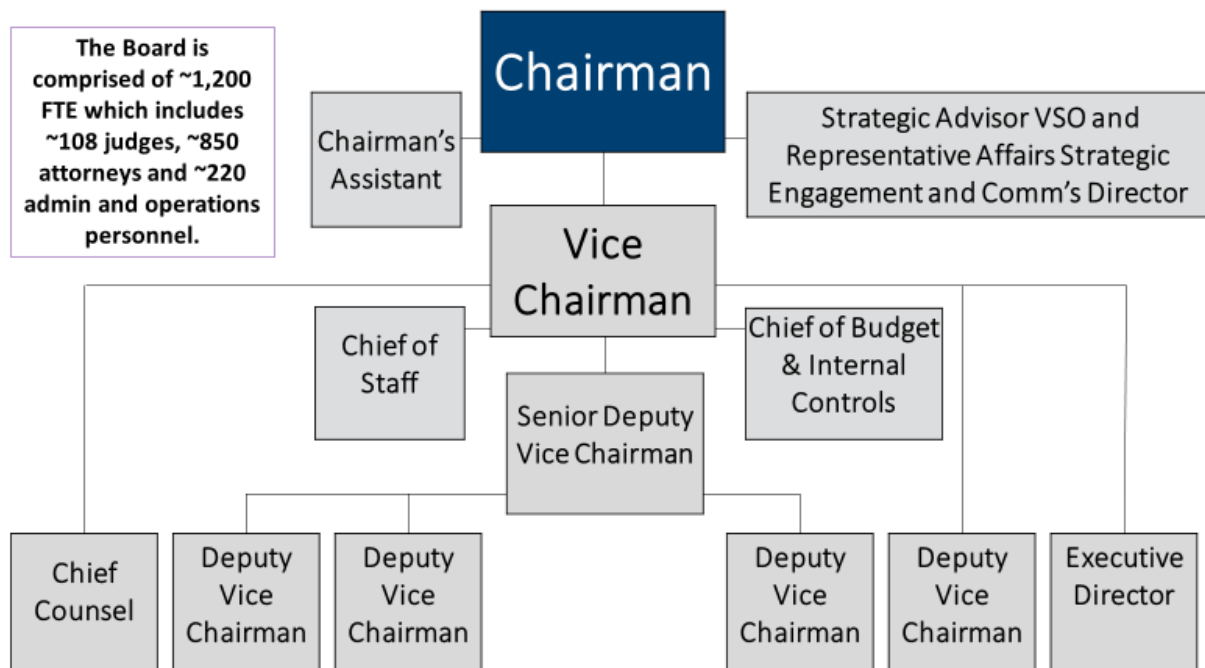


Figure 10. FY 2022 Board Organizational Structure

Veteran-Centric Service Strategy and Efficiencies

In FY 2022, the Board, in alignment with the Secretary's priorities, will continue a proactive and Veteran-centric strategy to increase the number of Veterans served, increase efficiency in the appeals system, improve technology, and leverage intra-Departmental partnerships to improve the Veteran and the employee experience. The Board will continue to reassess its needs to strengthen AMA processes and continue the resolution of legacy appeals inventory.

The Board will also continue to measure Veterans' satisfaction with legacy appeals and AMA appeals by leveraging a robust partnership with the VEO.

Coordinated Resolution of Legacy and AMA Inventory

The Board made considerable progress in FY 2021 to reduce legacy case inventory

both internally and across stakeholders. The Board ended FY 2021 with 197,555 cases pending, 92,530 (47%) of which are legacy appeals and 105,025 (53%) of which are AMA. The total number of AMA appeals pending surpassed Legacy appeals in August 2021, and data trends will likely continue as the closeout of legacy appeals is prioritized. Coordinated resolution of legacy and AMA appeals inventory will continue in FY 2022, and the Board remains on target to complete the majority of legacy appeals by the end of CY 2022.

Technology Enhancements FY 2022

The Board will work with OIT and partners from other Administrations on multiple enterprise wide-enhancements starting in FY 2022, including integrating Caseflow with a future NCA system for processing Higher-Level Reviews (HLR) and Supplemental Claims (SC), as a result of NCA's migration to Memorial Benefits Management System (MBMS); discontinuing use of SSN in accordance with the Consolidated Appropriations Act of 2018; improving e-notifications on appeals status through increased use of VEText, VANotify and VA.gov applications; launching the online Notice of Disagreement form on VA.gov; developing Caseflow enhancements to allow for the auto-establishment of an appeal in Caseflow from Centralized Mail or the VA.gov online NOD submission portal; and integrating Caseflow with future VHA systems used for processing claims and decision reviews.

Employee Engagement

The Board will improve morale by creating an environment that encourages pride in one's work and improve trust by fostering an open and communicative relationship with staff and labor representatives. The Board will continue to evaluate attorney performance standards and work with bargaining unit representatives to ensure work-life balance while serving as many Veterans as possible. The Board will continue to engage employees and monitor improvements in engagement with informal surveys and AES results.

Workforce Planning

The Board continues to attract high-caliber attorneys and administrative professionals to serve VA's mission. It has developed an active workforce plan to facilitate the recruiting, hiring and retaining of new employees. The Board increased its cumulative FTE by approximately 2%, from 1,157 FTE in FY 2020 to 1,182 FTE in FY 2021. FTE increases included the hiring of over 100 new personnel (new hires and backfills due to attrition) to fill mission-critical positions and the hiring of 20 new VLJs during FY 2021.

In FY 2021, the Board fully transitioned to a more balanced and accountable organizational structure, adding 4 additional SES, modernizing the Office of Appellate Support and establishing a new training branch. These changes have positioned the Board to improve resource management, internal coordination and support for staff needs. In FY 2022 and FY 2023, the Board will continue to assess its current organizational structure to maximize employee engagement, accountability, output, flexibility and work-life balance.

PART II

Statistical Data

Beginning with the FY 2019 Annual Report, the Board’s statistical data includes appeals from AMA, enacted on August 23, 2017, and effective on February 19, 2019. With AMA implementation, the Board receives legacy and AMA appeals simultaneously and also manages four dockets: 1) legacy appeals; 2) AMA direct review; 3) AMA evidence submission; and 4) AMA appeals with a hearing request.

Unless otherwise notated, all data reported is inclusive of all dockets.

FY 2021 Information

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

38 U.S.C. § 7101(d)(2)(A)

Number of legacy cases formally appealed to the Board (Substantive Appeal (VA Form 9) filed):	1,450
Number of AMA cases formally docketed by the Board (VA Form 10182):	74,834*
Number of legacy appeals certified to the Board:	47,853

*Formally docketed AMA cases (VA Form 10182) do not include approximately 15,000 pieces of mail pending that is categorized as a potentially completed VA Form 10182, approximately 60% of which that will likely result in a docketed case.

38 U.S.C. § 7101(d)(2)(B)

Cases pending (certified) before the Board at the start of FY 2021:	174,733
Cases pending (certified) before the Board at the end of FY 2021:	197,555

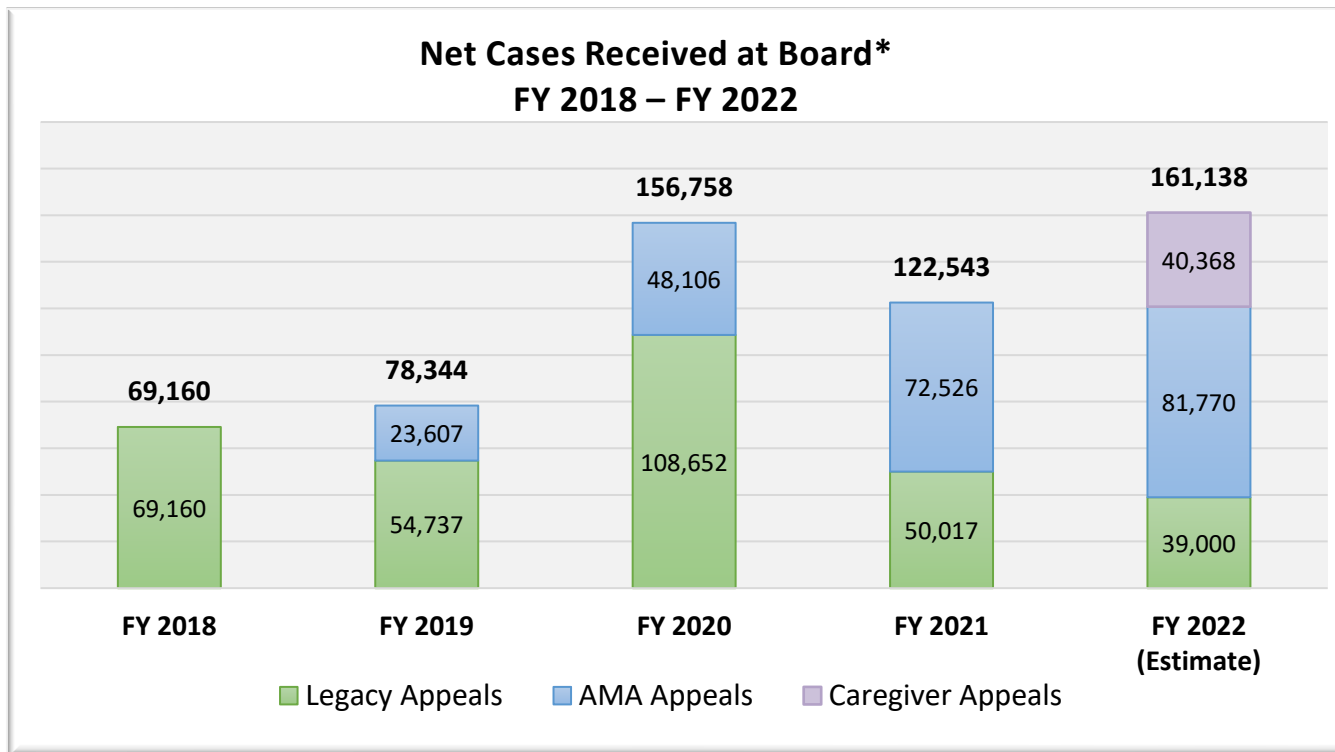
8 U.S.C. § 7101(d)(2)(C)

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 2020 as depicted in the chart below as follows:

Substantive Legacy Appeals (VA Form 9) Filed*					Cases Received at Board**			
Month	FY 2018	FY 2019	FY 2020	FY 2021	FY 2018	FY 2019	FY 2020	FY 2021
October	6,339	3,602	3,575	325	7,856	4,896	10,762	10,446
November	6,118	3,408	3,314	239	6,975	3,704	8,407	9,124
December	5,669	3,057	3,710	175	6,137	4,178	8,327	10,474
January	5,870	3,339	4,520	143	7,144	1,751	7,439	12,022
February	5,196	2,669	4,499	117	6,516	1,581	4,819	13,143
March	6,139	2,693	5,837	121	6,254	5,510	8,316	14,778
April	5,368	2,665	5,294	99	6,837	7,762	13,075	9,562
May	5,202	2,748	4,049	38	5,720	7,557	31,956	7,288
June	5,637	2,888	1,988	43	3,069	6,804	22,224	9,727
July	4,387	3,413	547	63	5,048	9,247	12,770	8,624
August	3,973	3,440	439	53	3,824	12,313	13,093	8,305
September	2,934	2,140	309	34	3,780	13,041	15,570	9,050
FY Total	62,832	36,062	38,081	1,450	69,160	78,344	156,758	122,543

* The data is based on when the Form 9 was filed.

** Case receipts include original appeals, remands, non-VBA receipts and cases returned by the CAVC. Starting in FY 2019, AMA cases were included in the number of case receipts.



* Net case receipts include original appeals, remands, non-VBA receipts, cases returned by the CAVC and AMA appeals.

38 U.S.C. § 7101(d)(2)(D)

Legacy Appeals

For legacy appeals decided in FY 2021, 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 approximately 2,015 days. This total includes all decision types (original, supplemental, post remand, reconsideration, vacates, de novo, court remand, etc.). This average accounts for the original VA Form 9 date for all decisions regardless of the number of times the appeal was remanded to the AOJ for additional evidentiary requirements. Due to this, it is projected the average processing time will continue to increase as the completion of all legacy appeals continues combined with increasing proportion of returned remands that are decided.

The chart below provides a snapshot of the average processing time within the multi-step legacy appeals process. For example, the average time between when legacy certified appeal was docketed at the Board to disposition was approximately 260 days in FY 2021. Note that the figures below cannot be aggregated, as some of the steps include only the time associated with original appeals.

Legacy Appeals Time Interval	Responsible Party	Average Elapsed Processing Time	
Notice of Disagreement Receipt to Statement of the Case*	VBA**	501 days	AOJ
Statement of the Case Issuance to Substantive Appeal (VA Form 9) Receipt*	Appellant	39 days	
Substantive Appeal (VA Form 9) Receipt to Certification of Appeal*	VBA**	228 days	
From Board Receipt of Certified Appeal to Board Docketing of Appeal*	Board	358 days	Board
Docketing of Certified Appeal to Issuance of Board Decision	Board	260 days	
Average Remand Time Factor	VBA**	429 days	AOJ

* These figures include original appeals only.

** The clear 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.

Appeals Modernization Act Appeals

For AMA, the Board now maintains three separate dockets. The average days to complete those appeals from Notice of Disagreement are included in the table 4 below.

	Direct Review	Evidence	Hearing	Responsible Party
Average Days to Complete AMA Decision from Notice of Disagreement	300	338	547	Board

38 U.S.C. § 7101(d)(2)(E)

The number of members of the Board at the end of FY 2021*: **110**

The number of professional, administrative, clerical and other personnel employed by the Board in terms of FTE at the end of FY 2021: **1,072**
(not including 110 members above)

*Numbers include VLJs on-board, DVCs, Chairman, Vice Chairman and Chief Counsel

38 U.S.C. § 7101(d)(2)(F)

Number of acting members of the Board during FY 2021: **189**

Number of cases in which acting members participated*: **12,246**

38 U.S.C. § 7101(d)(2)(G)

Number of hearings scheduled under such section 7107 (c)(2)(C): **34,049**

Number of hearings canceled under such section 7107 (c)(2)(C): **2,757**

Statistical difference in outcomes between cases heard under section 7107(c)(2)(C) (virtual tele-hearings) and those held at the principal location of the Board (central office) or by picture and voice transmission at a facility of the Department (video tele-conference):

Difference in Case Disposition Outcomes for Cases Upon Which a Hearing Had Been Held*					
Hearing Venue	Allowed	Denied	Remand	Other	Total Cases
Central Office	32%	22%	42%	4%	1,742
Video Tele-Conference	30%	25%	41%	4%	17,771
Virtual	52%	10%	35%	2%	13,215
* 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.					

38 U.S.C. § 7101(c)(2)

The Number of acting members of the Board in terms of FTE employees: **22.3***

* 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 2021. Derived from the number of days worked by acting members throughout the year (5,399 days) divided by the number of working days in the year (249).

According to 38 U.S.C. § 7101(c)(1), the Chairman of the Board of Veterans’ Appeals has the authority to designate employees of the Department as acting members of the Board. This includes attorneys who may be designated as Acting Veterans Law Judges (AVLJ) to sign decisions when needed. It is in the discretion of the Chairman to designate such employees, based on the needs of the organization. Acting members of the Board may serve no more than 270 days per year (no more than 90 days at a time) and may not exceed 20% of the total number of Board members and acting Board members combined. Additionally, as the Board continues to implement AMA, the Chairman will assess the Board’s needs and adjust the number of AVLJs accordingly.

Projections for FY 2022 and FY 2023

The Board continued to prioritize resources to address pending legacy appeals and AMA inventories in FY 2021 and issued 99,721 decisions for Veterans, exceeding the goal of 93,600 by approximately 7%. For the fourth consecutive year, the Board has surpassed its annual goal and continues to serve Veterans with their appeal decisions.

The Board completed FY 2021 with 197,555 appeals pending adjudication, of which 92,530 are legacy and 105,025 are AMA appeals. The Board has collaborated with VBA and VHA to determine projected claims and subsequent appeals rates in FY 2022 and FY 2023. Based on increased rating claims decisions at VBA, coupled with the establishment of three new presumptive conditions (asthma, rhinitis, and sinusitis) in FY 2021 and the inclusion of preliminary estimates of Caregiver Program appeals impacts, the Board could receive as many as 161,000 appeals in FY 2022 and 192,000 in FY 2023.

The Board anticipates continued receipt of legacy cases going into FY 2022 and FY 2023, as remanded cases that required additional development (by the area of original jurisdiction (AOJ)) are returned to the Board for decision. Historically, approximately 50 to 55% of all Board decisions require a remand to the AOJ for additional development. Estimates from VBA show the Board could receive approximately 39,000 legacy cases in each of FY 2022 and FY 2023.

The Board also projects receipt of approximately 81,770 AMA cases in FY 2022 and another 101,104 in FY 2023. With the option for Veterans to file an appeal directly to the Board still relatively new (implementation effective in FY 2019), the Board continues to monitor Veteran choice and Board resourcing in order to process appeals in a timely manner.

A U.S. Court of Appeals for Veterans Claims decision (*Beaudette v. McDonough*, No. 20-4961) ordered the Secretary of VA to notify claimants of their right to appeal adverse VHA Caregiver Program determinations to the Board. As a result, the Board anticipates receiving as many as 40,368 caregiver appeals in FY 2022 and another 52,043 in FY 2023.

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:

FY 2022: Cases appealed to the Board: **39,000 - Legacy**
81,770 - AMA
40,368 - Caregiver

FY 2023: Cases appealed to the Board: **39,000 - Legacy**
101,104 - AMA
52,043 - Caregiver

Note: Legacy appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board, as well as Veteran preference for AMA appeals.

Projections include a variety of factors and assumptions that could affect forecasts. The variable assumptions involved in forecasting include refile rate, Board remand rate and production. Any trends identified in these assumptions that lead to changes in the model can affect what is currently being forecasted.

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" for appeals. By considering 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 (Legacy and AMA) and those that have been certified for Board review.

The following categories are calculated as follows:

$$\frac{\text{FY 2021 decisions (99,721) (divided by)}}{249 \text{ work days}} = \mathbf{400.5 \text{ decisions per work day}}$$

$$\frac{\text{Cases pending end of FY 2021 (197,555) + New cases expected in FY 2022 (161,138)}}{249 \text{ work days}} = \mathbf{358,693 \text{ total workload in FY 2022}}$$

$$\frac{\text{Total workload (358,693) (divided by)}}{\text{Decisions per work day (400.5)}} = \mathbf{895.6 \text{ work days}}$$

$$\frac{\text{Workload days (895.6) (divided by)}}{249 \text{ work days per year}} = \mathbf{3.6 \text{ years}}$$

$$\text{Workload years (3.6) x 12 (months)} = \mathbf{43 \text{ months}^*}$$

* 43 months represents the amount of time it would take the Board to decide all appeals (Legacy and AMA) in its projected FY 2021 working inventory (current inventory plus projected receipts in FY 2022).

VA Operations Board Measures

VA implemented the VA Operations Board (VAOB) measures in FY 2019. The VAOB is VA's executive level governance group responsible for tracking performance measures at the operational level and to discuss high-visibility issues, assess program progress, resolve performance problems, and assist leadership in focusing on top priorities and problems within the context of performance, budget and workload results. The following chart represents the Board's performance for VAOB measures in FY 2021, with the exception of its accuracy rate discussed in Section 1.

Board of Veterans' Appeals Veterans Affairs Operations Board Productivity Measure – FY 2021						
Month	Hearings Held	Appeals Decided	Issues Decided	AMA Direct Docket – Average Days to Complete from Notice of Disagreement*	Appeals Decided Per FTE	Legacy Appeals Accuracy Rate
Oct	869	8,051	21,438	307	79	93%
Nov	1,288	6,764	18,787	308	75	91%
Dec	1,349	7,751	20,842	316	74	89%
Jan	2,077	7,537	20,535	317	75	93%
Feb	2,074	8,048	21,718	305	78	82%
Mar	2,033	10,522	28,237	287	82	93%
Apr	2,297	8,851	23,547	287	83	95%
May	2,176	7,846	20,866	276	83	94%
Jun	2,132	8,135	22,401	284	83	94%
Jul	2,372	8,951	24,765	283	84	82%
Aug	2,524	8,532	23,685	307	84	90%
Sep	2,586	8,733	23,864	305	84	98%
Total	23,777	99,721	270,685	300	84	92%

* The Board completed FY 2021 with a cumulative average of 1,182 FTE for the year and 1,185 FTE onboard for the month of September 2021.

FY 2021 Appeals Modernization Act Statistics

	Direct Review	Evidence Submission	Hearing	Total
AMA Net Case Receipts	27,815	14,970	29,741	72,526
Pending Inventory of AMA Cases (at end of FY 2021)	26,849	19,818	58,358	105,025
AMA Decisions Dispatched	13,282	3,158	4,054	20,494
Average Days to Complete AMA Decision (from Notice of Disagreement)	300	338	547	355
Number of AMA Issues Decided				
Allowed	6,889	2,164	3,229	12,352
Denied	11,452	2,647	2,358	16,457
Remanded	9,964	2,430	3,621	16,015
Other	2,291	681	1,754	4,726

ADDITIONAL INFORMATION

Number of Legacy Notices of Disagreement Received in the Field				
Month	FY 2018	FY 2019	FY 2020	FY 2021
October	14,431	18,781	2,613	25
November	14,814	16,778	1,989	21
December	13,174	13,533	1,387	13
January	12,773	13,067	1,183	4
February	13,741	12,884	392	4
March	15,177	14,414	58	3
April	13,094	13,378	49	5
May	13,542	10,473	54	3
June	14,041	6,065	33	3
July	34,868	6,729	54	3
August	17,041	6,218	25	2
September	15,512	4,323	17	1
FY Total	192,208	136,643	7,854	87

Legacy Dispositions by Representation FY 2021										
REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent of Total
Agent	627	31.7%	781	39.5%	424	21.4%	146	7.4%	1,978	2.5%
American Legion	3,448	28.4%	5,514	45.5%	2,551	21.0%	608	5.0%	12,121	15.3%
AMVETS	56	34.1%	55	33.5%	37	22.6%	16	9.8%	164	0.2%
Attorney	7,317	39.9%	6,823	37.2%	2,724	14.9%	1,478	8.1%	18,342	23.2%
Disabled American Veterans	4,988	29.7%	6,987	41.5%	4,048	24.1%	799	4.7%	16,822	21.2%
Military Order of the Purple Heart	107	32.7%	108	33.0%	90	27.5%	22	6.7%	327	0.4%
No Representation	1,778	27.3%	2,568	39.4%	1,771	27.2%	406	6.2%	6,523	8.2%
Other	379	31.8%	512	42.9%	233	19.5%	69	5.8%	1,193	1.5%
Paralyzed Veterans of America	61	29.8%	89	43.4%	30	14.6%	25	12.2%	205	0.3%
State Service Organizations	4,266	30.8%	5,413	39.0%	3,369	24.3%	821	5.9%	13,869	17.5%
Veterans of Foreign Wars	1,922	29.7%	2,670	41.3%	1,570	24.3%	303	4.7%	6,465	8.2%
Vietnam Veterans of America	326	34.0%	390	40.6%	144	15.0%	100	10.4%	960	1.2%
Wounded Warrior Project	72	27.9%	110	42.6%	68	26.4%	8	3.1%	258	0.3%
GRAND TOTAL	25,347	32.0%	32,020	40.4%	17,059	21.5%	4,801	6.1%	79,227	100.0%

Legacy Dispositions by VA Program FY 2021

REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent of Total
BVA Original Jurisdiction	20	23.0%	1	1.1%	29	33.3%	37	42.5%	87	0.1%
Compensation	24,889	32.2%	31,387	40.6%	16,498	21.3%	4,586	5.9%	77,360	97.6%
Education	38	20.3%	55	29.4%	82	43.9%	12	6.4%	187	0.2%
Fiduciary	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	0.0%
Insurance	1	9.1%	5	45.5%	4	36.4%	1	9.1%	11	0.0%
Loan Guaranty	2	10.0%	8	40.0%	8	40.0%	2	10.0%	20	0.0%
Medical	91	24.7%	154	41.8%	79	21.5%	44	12.0%	368	0.5%
Multiple Program Areas	197	36.4%	209	38.6%	97	17.9%	38	7.0%	541	0.7%
NCA Burial Benefits	2	20.0%	2	20.0%	5	50.0%	1	10.0%	10	0.0%
Other Program	25	33.3%	23	30.7%	18	24.0%	9	12.0%	75	0.1%
Pension	56	14.0%	113	28.3%	177	44.3%	54	13.5%	400	0.5%
Unspecified Program Area	13	28.9%	5	11.1%	21	46.7%	6	13.3%	45	0.1%
VBA Burial Benefits	5	11.6%	14	32.6%	21	48.8%	3	7.0%	43	0.1%
VR&E	8	10.1%	44	55.7%	20	25.3%	7	8.9%	79	0.1%
GRAND TOTAL	25,347	32.0%	32,020	40.4%	17,059	21.5%	4,801	6.1%	79,227	100.0%

AMA Dispositions by VA Program FY 2021

REPRESENTATION	ALLOWED		REMANDED		DENIED		OTHER		TOTAL	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent of Total
Compensation	7,531	39.0%	5,431	28.1%	4,531	23.5%	1,819	9.4%	19,312	94.2%
Education	8	11.6%	15	21.7%	39	56.5%	7	10.1%	69	0.3%
Fiduciary	2	12.5%	4	25.0%	3	18.8%	7	43.8%	16	0.1%
Insurance	0	0.0%	1	33.3%	2	66.7%	0	0.0%	3	0.0%
Loan Guaranty	1	33.3%	2	66.7%	0	0.0%	0	0.0%	3	0.0%
Medical	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Multiple Program Areas	29	38.7%	24	32.0%	19	25.3%	3	4.0%	75	0.4%
NCA Burial Benefits	3	21.4%	2	14.3%	8	57.1%	1	7.1%	14	0.1%
Pension	200	25.9%	185	24.0%	322	41.8%	64	8.3%	771	3.8%
VR&E	4	15.4%	11	42.3%	9	34.6%	2	7.7%	26	0.1%
VHA	32	15.6%	53	25.9%	32	15.6%	88	42.9%	205	1.0%
GRAND TOTAL	7,810	38.1%	5,728	27.9%	4,965	24.2%	1,991	9.7%	20,494	100%

Legacy Decisions*					
Fiscal Year	Decisions	Allowed	Remanded	Denied	Other
2018	85,288	35.8%	38.8%	20.9%	4.6%
2019	93,571	35.8%	39.0%	20.8%	4.5%
2020	85,461	33.8%	40.6%	20.3%	5.3%
2021	79,227	32.0%	40.4%	21.5%	6.1%
AMA Decisions*					
Fiscal Year	Decisions	Allowed	Remanded	Denied	Other
2019	1,518	40.2%	26.1%	31.3%	2.4%
2020	17,202	37.0%	28.2%	27.6%	7.2%
2021	20,494	38.1%	27.9%	24.2%	9.7%

* 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.

Legacy Decisions: Revised Decision Hierarchy

The Board has historically used a hierarchy to report legacy appeals decided that identified the disposition of an appeal as either an allowance, remand, denial, or “other” (i.e., a dismissal), based on that hierarchy. This method of reporting did not capture every appeal containing a remanded issue, because those legacy appeals with one or more allowed issue and one or more remanded issue would be counted as an allowance, rather than a remand. The revised method shown below is more precise. One of the reasons statutory reform of the VA appeals process was necessary was due to the continuation of appeals in the system. The open record, ongoing duty to assist, and governing case law often results in appeals being remanded from the Board to the AOJ several times and over the course of many years.

Legacy Decisions - Revised Hierarchy							
Fiscal Year	Decisions	Allowed	Allowed (no remanded issue)	Allowed (with at least one remanded issue)	Remanded	Denied	Other
2021	79,227	25,347	15,346	10,001	32,020	17,059	4,801
Percent	100%	32.0%	19.4%	12.6%	40.4%	21.5%	6.1%

Legacy Issues – Decided						
Fiscal Year	Legacy Issues Decided	Allowed (not new & material)	Allowed (new & material)	Remanded	Denied	Other
2021	221,135	36,381	5,731	95,270	66,211	17,542
Percent	100%	16.5%	2.6%	43.1%	29.9%	7.9%

In FY 2021, the Board dispatched 79,227 legacy appeals. Of those legacy appeals, 15,346 were allowances with no remanded issues, 17,059 were denials and 4,801 were “other” dispositions, such as dismissals, for a total of 37,206 legacy appeals decided with no remanded issues. There were 42,021 legacy appeals decided with at least one

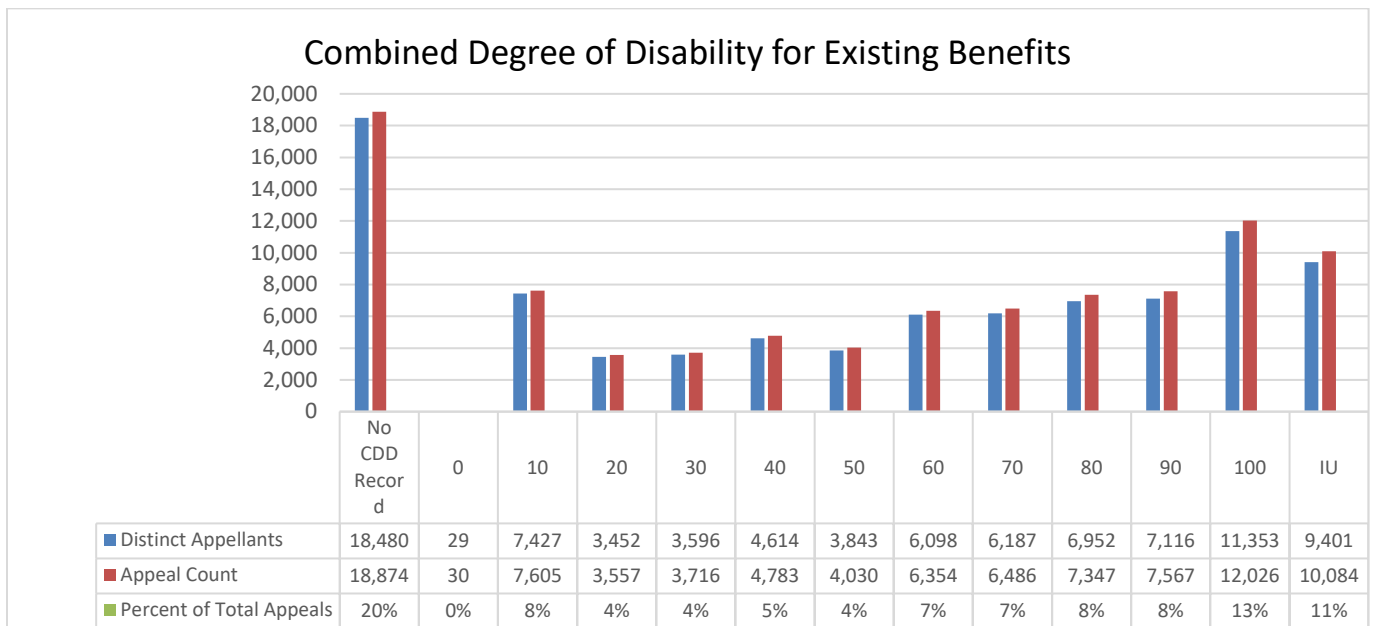
remanded issue (10,001 allowances with at least one remanded issue + 32,020 remands). The number of legacy appeals with at least one remanded issue (42,021), divided by the total number of appeals decided (79,227), results in approximately 53% of cases being remanded to the agency of original jurisdiction.

Combined Degree of Disability for Existing Benefits*

Veterans may receive disability compensation ratings ranging from non-compensable (0%) to 100%. This information in the graph below reflects, at the end of FY 2021, the combined disability rating for Veterans with appeals pending. As of September 30, 2021, the Board’s inventory of legacy appeals contained 88,548 total distinct appellants and 92,459 appeals.

This inventory of appeals only counts certified appeals in advanced status, Board active appeals, and remands returned not activated. It does not include action types such as motions for reconsideration, vacates, or Board clear and unmistakable error motions.

Below is a breakdown of these two figures by combined degree of disability.



* Board of Veterans’ Appeals pending inventory as of September 30, 2021. Inventory includes appeals that are: certified in advance status; activated at the Board; and remands returned to the Board.

Board Operating Statistics

	FY 2018	FY 2019	FY 2020	FY 2021
Decisions*	85,288	95,089	102,663	99,721
Legacy cases formally appealed to the Board (Substantive Appeal (VA Form 9 filed))	62,832	36,062	38,081	1,450
Net Cases Received at Board/Certified to the Board**	69,160	78,344	156,758	122,543
Cases Pending***	137,383	120,638	174,733	197,555
Legacy Hearings Held	16,423	22,495	13,686	18,354
AMA Hearings Held	NA	248	1,983	5,423
Total Hearings Held	16,423	22,743	15,669	23,777
Decisions per FTE	92.67	88.26	88.75	84.37
Board FTE	920	1,077	1,157	1,182
Board Cycle Time (Legacy decisions)****	455	440	333	297
Cost per Case	\$1,782	\$1,747	\$1,817	\$2,025

* Decisions includes Legacy and AMA cases starting in FY 2019.

** Case receipts include original appeals, remands, CAVC, non-VBA receipts and AMA appeals.

*** Pending figures include legacy appeals certified to the Board and docketed AMA appeals.

**** The Board's cycle time measures the average time from the date an appeal is certified (VA Form 8) to the Board until a decision is dispatched and excludes the time the case is with a VSO representative for the review and preparation of a written argument.

STATUTORY REQUIREMENTS

38 U.S.C. § 7101(d)(2)(A): the number of cases appealed to the Board during that year
1,450 - Number of cases formally appealed to the Board (substantive Appeal (VA Form 9) filed)
74,834 - Number of AMA cases formally docketed by the Board (VA Form 10182)
47,853 - Number of legacy appeals certified to the Board
38 U.S.C. § 7101(d)(2)(B): the number of cases pending before the Board at the beginning and at the end of that year
174,733* - Cases pending (certified) before the Board at the start of FY 2021
197,555* - Cases pending (certified) before the Board at the end of FY 2021
38 U.S.C. § 7101(d)(2)(C): the number of such cases which were filed during each of the 36 months preceding the current fiscal year
Substantive Appeals (VA Form 9) Filed in FY 2018 through FY 2020: FY 2018: 62,832 FY 2019: 36,062 FY 2020: 38,081
Cases Received at the Board during FY 2018 through FY 2020* FY 2018: 69,160 FY 2019: 78,344 FY 2020: 156,758
*Case receipts include original appeals, remands, non-VBA receipts and cases returned by the CAVC. Starting in FY 2019, AMA cases were included in the number of case receipts.
38 U.S.C. § 7101(d)(2)(D): the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the preceding fiscal year
<u>Legacy Appeals:</u> 2,015 days
<u>AMA Appeals:</u>
Direct Docket: 300 days
Evidence Docket: 338 days
Hearing Docket: 547 days
38 U.S.C. § 7101(d)(2)(E): the number of members of the Board at the end of the year and the number of professional, administrative, clerical, stenographic and other personnel employed by the Board at the end of the preceding fiscal year
Members of the Board at the end of FY 2021: 110

The number of professional, administrative, clerical and other personnel employed by the Board in terms of FTEs at the end of FY 2021: 1,072

38 U.S.C. § 7101(d)(2)(F): the number of employees of the Department designated under subsection (c)(1) to serve as acting members of the Board during that year and the number of cases in which each such member participated during that year

Number of acting members of the Board during FY 2021: 189

Number of cases in which acting member participated: 12,246

38 U.S.C. § 7101(d)(2)(G): with respect to hearing scheduled under section 7107(c)(2)(C) of this title (i) the number of hearings scheduled under such section; (ii) the number of hearings under such section that were cancelled; and (iii) any statistical difference in outcomes between cases heard under such section and those held at the principal location of the Board or by picture and voice transmission at a facility of the Department

Number of hearings scheduled: 34,049

Number of hearings that were cancelled: 2,757

Statistical difference in outcomes between cases heard under this section vs other methods:

Case Disposition Outcomes for Cases Upon Which a Hearing Had Been Held*					
Hearing Venue	Allowed	Denied	Remand	Other	Total Cases
Central Office	32%	22%	42%	4%	1,742
Video Tele-Conference	30%	25%	41%	4%	17,771
Virtual	52%	10%	35%	2%	13,215

* 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.

38 U.S.C. § 7101(d)(3)(A): an estimate of the number of cases to be appealed to the Board

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

	FY 2022	FY 2023
Legacy:	39,000	39,000
AMA:	81,770	101,104
Caregiver:	40,368	52,043

38 U.S.C. § 7101(c)(2): In terms of full-time employee equivalents, the number of acting members of the Board

Number of acting members of the Board in terms of FTE employees: 22.3 FTE

* According to 38 U.S.C. Section 7101(c)(1), the Chairman of the Board of Veterans' Appeals has the authority to designate employees of the Department as acting members of the Board. This includes attorneys who may be designated as AVLJ to

sign decisions when needed. It is in the discretion of the Chairman to designate such employees, based on the needs of the organization. Acting members of the Board may serve no more than 270 days per year (no more than 90 days at a time) and may not exceed 20% of the total number of Board members and acting Board members combined. Additionally, as the Board continues to implement AMA, the Chairman will assess the Board's needs and adjust the number of AVLJs accordingly.

** 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 2021.

*** Derived from the number of days worked by acting members throughout the year (5,399 days) divided by the number of working days in the year (242).

38 U.S.C. § 7101(d)(3)(B): an evaluation of the ability of the Board (based on existing and projected personnel levels) to ensure timely disposition of such appeals as required by section 7101(a) of this title [38 USCS § 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 considering 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:

FY 2021 decisions (99,721) (divided by)
249 work days = **400.5 decisions per work day**

Cases pending end of FY 2021 (197,555)
+ New cases expected in FY 2022 (161,138) = **358,693 total workload in FY 2022**

Total workload (358,693) (divided by)
Decisions per work day (400.5) = **895.6 work days**

Workload days (895.6) (divided by)
249 work days = **3.6 years**

Workload years (3.6) x 12 (months) = **43 months******

* Includes certified appeals pending in the field awaiting hearings, as well as cases docketed and pending at Board.

** 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 2021.

*** Appeal receipts are contingent upon the rate of certification and transfer of cases by VBA and other AOJs to the Board, as well as Veteran preference for AMA appeals. With AMA implementation effective February 14, 2019, appeals case receipts projections include both legacy and AMA appeals. Projections include variety of factors and assumptions that could affect forecasts. Variable assumptions involved in forecasting include the refile rate, Board remand rate and production. Any trends identified in these assumptions that lead to changes in the model can affect what is currently being forecasted.

**** 43 months represents the amount of time it would take the Board to decide all appeals (Legacy and AMA) in its projected FY 2022 working inventory (current inventory plus projected receipts in FY 2022).

Department of Veterans Affairs
December 2021