



March 2018

VA DISABILITY BENEFITS

Improved Planning Practices Would Better Ensure Successful Appeals Reform

Accessible Version

GAO Highlights

Highlights of [GAO-18-352](#), a report to congressional committees

Why GAO Did This Study

VA's disability compensation program pays cash benefits to veterans with disabilities connected to their military service. In recent years, the number of appeals of VA's benefit decisions has been rising. For decisions made on appeal in fiscal year 2017, veterans waited an average of 3 years for resolution by either VBA or the Board, and 7 years for resolution by the Board. The Veterans Appeals Improvement and Modernization Act of 2017 makes changes to VA's current (legacy) appeals process, giving veterans new options to have their claims further reviewed by VBA or appeal directly to the Board. The Act requires VA to submit to Congress and GAO a plan for implementing a new appeals process, and includes a provision for GAO to assess VA's plan.

This report examines the extent to which VA's plan (1) addresses the required elements in the Act, and (2) reflects sound planning practices identified in prior GAO work. GAO reviewed and assessed VA's appeals plan and related documents against sound planning practices, and solicited VA's views on its assessments.

What GAO Recommends

GAO recommends that VA (1) fully address all legally required elements in its appeals plan, (2) articulate how it will monitor and assess the new appeals process as compared to the legacy process, (3) augment its master schedule for implementation, and (4) address risk more fully. VA agreed with GAO's recommendations and outlined its planned actions to address them.

View [GAO-18-352](#). For more information, contact Elizabeth Curda at (202) 512-7215 or curdae@gao.gov.

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Improved Planning Practices Would Better Ensure Successful Appeals Reform

What GAO Found

The Department of Veterans Affairs' (VA) plan for implementing a new disability appeals process while attending to appeals in the current process addresses most, but not all, elements required by the Veterans Appeals Improvement and Modernization Act of 2017 (Act). VA's appeals plan addresses 17 of 22 required elements, partially addresses 4, and does not address 1. For example, not addressed is the required element to include the resources needed by the Veterans Benefits Administration (VBA) and the Board of Veterans' Appeals (Board) to implement the new appeals process and address legacy appeals under the current process. VA needs this information to certify, as specified under the Act, that it has sufficient resources to implement appeals reform and make timely appeals decisions under the new and legacy processes.

VA's appeals plan reflects certain sound planning practices, but it could benefit from including important details in several key planning areas:

Performance measurement: VA's plan reflects steps taken to track performance, but could articulate a more complete and balanced set of goals and measures for monitoring and assessing performance on a range of dimensions of success. Specifically, the plan reports that VA is developing a process to track timeliness of the new and legacy processes. However, contrary to sound planning practices, the plan does not include timeliness goals for all five appeals options available to veterans, does not include goals or measures for additional aspects of performance (such as accuracy or cost), and does not explain how VA will monitor or assess the new process compared to the legacy process. Unless VA clearly articulates a complete and balanced set of goals and measures, it could inadvertently incentivize staff to focus on certain aspects of appeals performance over others or fail to improve overall service to veterans.

Project management: VA's plan includes a master schedule for implementing the new appeals plan. However, this schedule falls short of other sound practices for guiding implementation and establishing accountability, such as articulating interim goals and needed resources for, and interdependencies among, activities. Unless VA augments its master schedule to include all key activities and reflect sound practices, VA may be unable to provide reasonable assurance that it has the essential program management information needed for this complex and important effort.

Risk assessment: VA has taken steps to assess and mitigate some risks related to appeals reform by, for example, pilot testing two of the five appeals options through its Rapid Appeals Modernization Program (RAMP). However, as designed, RAMP does not include key features of a well-developed and documented pilot test. For example, VA has not articulated how it will assess RAMP before proceeding with full implementation. In addition, RAMP is not pilot testing three options and, as a result, VA will not have data on the extent to which veterans will appeal directly to the Board when given the option. Unless VA identifies and mitigates key risks associated with implementing a new process, VA is taking a chance that untested aspects will not perform as desired.

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Abbreviations

Act	Veterans Appeals Improvement and Modernization Act of 2017
Board	Board of Veterans' Appeals
DRO	Decision Review Officer
IT	information technology
PMI	Project Management Institute
RAMP	Rapid Appeals Modernization Program

VA
VBA

Department of Veterans Affairs
Veterans Benefits Administration

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March 22, 2018

Congressional Committees

The Department of Veterans Affairs (VA) provides cash benefits to veterans for disabling conditions incurred in or aggravated by military service, paying an estimated \$67 billion to about 4.3 million veterans in fiscal year 2016.¹ If veterans are dissatisfied with VA's initial decision they can appeal—first to the Veterans Benefits Administration (VBA) and then, if not satisfied there, to the Board of Veterans' Appeals (Board), a separate agency within VA. In recent years, the number of appeals of VA's benefit decisions has been rising. For appeals resolved in fiscal year 2017, veterans waited an average of 3 years from the date they initiated their appeal to resolution by either VBA or the Board—and a cumulative average of 7 years for appeals resolved by the Board.² Due in part to the challenges VA faces managing large workloads and deciding disability claims and appeals in a timely manner, GAO in 2003 designated VA disability compensation and other federal disability programs as one of the government's highest management risks.³

In a March 2017 report, we examined VA's approaches to address challenges it identified as contributing to lengthy appeals processing times—including VA efforts to hire staff, propose reform legislation to Congress in April 2016, and upgrade its information technology (IT) systems—and the extent to which those approaches were consistent with sound planning practices.⁴ We made five recommendations to improve VA's ability to implement its proposed appeals process reform while addressing a growing appeals workload. VA agreed in principle with our five recommendations, which remain open as of March 2018. We recommended, in essence, that VA develop: (1) a detailed workforce plan, (2) a complete schedule of IT updates, (3) better estimates of future

¹VA Fiscal Year 2018 Congressional Budget Justification.

²VA, *Comprehensive Plan for Processing of Legacy Appeals and Implementing the Modernized Appeals System* (Washington, D.C.: Nov. 22, 2017).

³GAO, *High-Risk Series: Progress on Many High Risk Areas, While Substantial Efforts Needed on Others*, [GAO-17-317](#) (Washington, D.C.: Feb. 15, 2017).

⁴GAO, *VA Disability Benefits: Additional Planning Would Enhance Efforts to Improve the Timeliness of Appeals Decisions*, [GAO-17-234](#) (Washington, D.C.: March 23, 2017).

workloads and timeliness, (4) a robust plan for monitoring appeals reform, and (5) a strategy for assessing whether the new process improves veterans' experiences over the current process.⁵ We also suggested that Congress require VA to pilot test appeals reform.

Enacted on August 23, 2017, the Veterans Appeals Improvement and Modernization Act of 2017 (Act) will make changes to VA's appeals process.⁶ Specifically, the Act replaces the current appeals process with one that gives veterans various options to have their claim reviewed further by VBA or to bypass VBA and appeal directly to the Board. The Act also requires VA to submit a comprehensive plan for implementing the new appeals process and processing legacy appeals (appeals that remain pending in the current process prior to fully implementing appeals reform) to the appropriate committees of Congress and GAO.⁷ The Act delineates the required elements of this plan, and required VA to submit its plan within 90 days of enactment. VA submitted its plan on November 22, 2017. The Act also includes a provision for GAO to assess VA's appeals plan, including whether the plan comports with sound planning practices and/or contains gaps.

This report examines the extent to which VA's appeals plan (1) addresses the required elements in the Act; and (2) reflects sound planning practices identified in prior GAO work.⁸

To assess the extent to which VA's plan addresses the required elements in the Act, we identified the required elements under section 3(a) and (b) of the Act; compared VA's appeals plan and supplemental materials VA provided at our request to those elements; and made a preliminary determination as to whether VA's plan addressed, partially addressed, or

⁵While agreeing in principle, VA stated in its written comments that all five recommendations should be closed because its efforts to date already addressed the recommendations, or further progress was contingent upon passage of appeals reform legislation. We disagreed and maintained that VA needed to take further action on all recommendations.

⁶Pub. L. No. 115-55, § 2, 131 Stat. 1105, 1105.

⁷The Act defines "appropriate committees of Congress" to be the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate, and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

⁸We discussed our work and proposed recommendations in a January 2018 testimony. See GAO, *VA Disability Benefits: Opportunities Exist to Better Ensure Successful Appeals Reform*, [GAO-18-349T](#) (Washington, D.C.: Jan. 30, 2018).

did not address each element. We then shared the results of this review with VA officials, and considered their comments in arriving at our assessment.⁹

To address the extent to which VA's plan reflects sound planning practices, we compared the appeals plan and supplemental materials against relevant sound planning practices and other criteria identified in our prior work.¹⁰

For both assessments, our analyses focused on the information and elements VA presented in its appeals plan and in supplemental materials rather than auditing the underlying information. We shared our findings related to both assessments with VA. Specifically, in advance of a January 30, 2018 hearing based on our ongoing work, we provided VA a draft of our testimony statement for review and comment.¹¹ At a January 17, 2018 meeting, VA officials provided us with comments on our findings, including our findings of how VA's plan compared to sound practices, which we have incorporated in this report, as appropriate.

We conducted this performance audit from October 2017 to March 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁹We developed a checklist and decision rules to determine whether VA's appeals plan addressed, partially addressed, or did not address each required element, or all of the sub-parts of each required element, of the Act. Using these tools, an analyst reviewed VA's plan against each required element and documented a judgment about whether that element was addressed in VA's appeals plan. An attorney reviewed the analyst's assessment and documented agreement or disagreement with the initial assessment. Where the attorney and analyst did not agree, a second attorney reviewed and made a final decision. We sent our preliminary assessment to officials at VA for comment and verification, which we considered in arriving at the assessment in this report.

¹⁰See [GAO-17-234](#). Specifically, that report identified best practices and other criteria through a review of relevant literature, such as federal internal control standards and prior GAO reports in which we defined a number of desirable characteristics of an effective, results-oriented plan, or components of sound planning practices. For a list of the sources of sound practices and criteria used to evaluate VA's approaches, see the Related GAO and Other Products section of [GAO-17-234](#) (page 61).

¹¹For our published statement, see [GAO-18-349T](#).

Background

VA's Disability Compensation Claims Process

VA's process for deciding veterans' eligibility for disability compensation begins when a veteran submits a claim to VA. The veteran submits his or her claim to one of VBA's 56 regional offices, where staff members assist the veteran by gathering additional evidence, such as military and medical records, that is needed to evaluate the claim. Based on this evidence, VBA decides whether the veteran is entitled to compensation and, if so, how much.

A veteran dissatisfied with the initial claim decision can generally appeal within 1 year from the date of the notification letter sent by VBA. Under the current appeals process (now referred to by VA as the legacy process), an appeal begins with the veteran filing a Notice of Disagreement. VBA then re-examines the case and generally issues a Statement of the Case that represents its decision.¹²

A veteran dissatisfied with VBA's decision can file an appeal with the Board. In filing that appeal, the veteran can indicate whether a Board hearing is desired. Before the Board reviews the appeal, VBA prepares the file and certifies it as ready for Board review. If the veteran requests a hearing to present new evidence or arguments, the Board will hold a hearing by videoconference or at a local VBA regional office. The Board's members, also known as Veterans Law Judges, review the evidence and either issue a decision to grant or deny the veteran's appeal or refer (or remand) the appeal back to VBA for further work.

¹²According to VA officials, the veteran can elect either a traditional VBA review or a VBA review by a Decision Review Officer (DRO). Under the traditional review option, the veteran may present new evidence and receive a formal hearing. In general, the review can change VBA's original decision based only on new evidence, or a clear and unmistakable error in the original decision. Alternatively, the veteran may elect a review by a DRO, who reviews the record without deference to VBA's original decision, and can revise that decision based on a difference of opinion. If needed, the DRO may also pursue additional evidence or discuss the appeal informally with the veteran or the veteran's representative.

New Appeals Process

The 2017 Act made changes to VA's legacy appeals process that will generally take effect no earlier than February 2019, which is approximately 18 months from the date of enactment.¹³ According to its appeals plan, VA intends to implement the Act by replacing the current appeals process with a process offering veterans who are dissatisfied with VBA's decision on their claim one of five options: two of those options afford the veteran an opportunity for an additional review of VBA's decision within VBA, and the other three options afford them the opportunity to bypass additional VBA review and appeal directly to the Board.¹⁴

- Under the new appeals process, the two VBA options will be:
 1. **Request higher-level review:** The veteran asks VBA to review its initial decision based on the same evidence but with a higher-level official reviewing and issuing a new decision.
 2. **File supplemental claim:** The veteran provides additional evidence and files a supplemental claim with VBA for a new decision on the claim.
- The three Board options will be:
 3. **Request Board review of existing record:** The veteran appeals to the Board and asks it to review only the existing record without a hearing.
 4. **Request Board review of additional evidence, without a hearing.**
 5. **Request Board review of additional evidence, with a hearing.**

¹³Under the Act, the legal changes to VA's appeals process will generally take effect on or after the later of (1) 540 days (approximately 18 months) after enactment, and (2) 30 days after the Secretary of Veterans Affairs submits to the appropriate committees of Congress (i) a certification that VA has the resources, personnel, office space, procedures, and IT required to carry out the new appeals system and to timely address appeals under the new appeals system as well as pending legacy appeals, and (ii) a summary of the expected performance outcomes used in making the certification with respect to legacy claims and a comparison of these expected outcomes with actual program performance with respect to the appeals under the legacy system (before the new system is implemented). Pub. L. No. 115-55, § 2, 131 Stat. 1105, 1105.

¹⁴Veterans who are dissatisfied with VBA's decision on their appeal may file another appeal to the Board using one of these three options, according to VA officials.

VA's Appeals Plan

The Act also requires VA to submit to the appropriate committees of Congress and GAO, within 90 days of the date of enactment, a comprehensive plan for (1) processing appeals under the legacy process until there are no more to process, (2) implementing the new appeals process, (3) processing of claims under the new appeals process in a timely manner, and (4) monitoring implementation of the new appeals process. In addition to these four broad elements, the Act lists 18 elements required to be included in the plan that relate to, among other things:

- staffing, IT, and other resources required to implement the plan;
- estimated timelines for hiring and training VA employees; and
- a description of risks associated with each element of the plan.¹⁵

The Act also includes a provision for GAO to assess the plan within 90 days after VA submits it.¹⁶

The Act also requires VA to provide progress reports to the appropriate committees of Congress and GAO at least once every 90 days (starting after VA submits its plan), until the date the Act's legal changes to the appeals process generally go into effect and then at least once every 180 days after this date for 7 years.

Rapid Appeals Modernization Program (RAMP)

The Act also authorized VA to carry out a program to test any assumptions relied upon in developing its comprehensive plan and test the feasibility and advisability of any facet of the new appeals process. In its appeals plan, VA reported its decision to pilot test two of the five new options by allowing veterans with pending appeals in the legacy process (known as legacy appeals) to elect the VBA higher-level review or VBA supplemental claim options beginning in November 2017. This program, which VA refers to as RAMP, is intended to reduce legacy appeals by providing veterans with a chance for early resolution of their claims within VBA while the Board focuses on reducing its inventory of legacy appeals,

¹⁵Pub. L. No. 115-55, § 3(a) and (b), 131 Stat. 1105, 1116.

¹⁶VA submitted its plan to GAO on November 22, 2017.

according to VA. Participation in RAMP is voluntary, but veterans must withdraw their pending legacy appeal to participate, according to VA. Veterans dissatisfied with their RAMP decisions must wait until VA fully implements the new appeals process (in February 2019 at the earliest) before pursuing an appeal with the Board under the new process, according to VA officials.

VA's Plan Addresses Most of the Act's Required Elements for the New and Legacy Disability Appeals Processes

VA's appeals plan addresses 17 of the Act's 22 required elements, partially addresses 4 related to monitoring implementation and workforce planning, and does not address 1 element related to identifying total resources. For example, VA's appeals plan addresses the required elements related to, among others, identifying legal authorities for hiring and removing employees, estimating timelines for hiring and training employees, and outlining the outreach VA expects to conduct. For the elements in the Act that VA's appeals plan partially addresses or does not address, see table 1. For a detailed list of the 22 required elements in the Act, see appendix I.

Table 1: The Department of Veterans Affairs’ (VA) Appeals Plan Partially Addresses or Does Not Address 5 of 22 Required Elements of the Veterans Appeals Improvement and Modernization Act of 2017

Required element in the Act	What VA provides	Our assessment	VA’s preliminary comments and our response ^a
<p>Section 3(a)(4)</p> <p>A comprehensive plan for monitoring the implementation of the new appeals system, including metrics and goals—</p> <p>(A) to track the progress of implementation;</p> <p>(B) to evaluate the efficiency and effectiveness of the implementation; and</p> <p>(C) to identify potential issues relating to the implementation.</p>	<p>VA’s plan states that the agency convened an enterprise-wide governance workgroup to oversee implementation and develop metrics and track timeliness of appeals in the legacy system and the new process.</p> <p>The plan also references VA’s intended use of certain metrics, such as average processing time for Veterans Benefits Administration (VBA) options.</p>	<p>Partially addressed: VA’s appeals plan does not contain sufficient details about metrics for tracking the progress of implementation (subparagraph (A)) or the metrics and goals for identifying potential issues related to implementation (subparagraph (C)).</p>	<p>VA officials stated that they disagree with our assessment and that their appeals plan addresses this required element. Their comments generally restated what is contained in VA’s plan, except they added that the agency is developing more detailed project plans and schedules.</p> <p>We continue to believe VA’s plan partially addresses this required element.</p>
<p>Section 3(b)(1)</p> <p>Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans’ Appeals, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.</p>	<p>VA’s plan states that the agency will use existing resources devoted to its workforce, information technology (IT) systems, and performance tracking, among other areas, to implement parts of the new appeals process. VA’s plan indicates it will collect and use data from its Rapid Appeals Modernization Program (RAMP)—for example, on the (1) percentage of veterans who opt-in to this program, (2) veterans’ choices within the new VBA options, and (3) VA employees’ productivity—to inform future funding requests through the annual appropriations process. In its plan, VA states that it will efficiently allocate resources to the new appeals process and allocate all remaining resources to address legacy appeals.</p>	<p>Not addressed: VA’s appeals plan does not include a delineation of the total resources required by VBA and the Board of Veterans’ Appeals (Board) to implement the new system while addressing pending legacy appeals.</p>	<p>VA officials stated that they disagree with our assessment and that this element is addressed in their plan. Their comments generally restated what is contained in VA’s plan.</p> <p>We continue to believe VA’s plan does not address this required element.</p>

Required element in the Act	What VA provides	Our assessment	VA's preliminary comments and our response ^a
<p>Section 3(b)(2)</p> <p>Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—</p> <p>(A) period in which the Administration and the Board are concurrently processing—</p> <p>(i) appeals of decisions on legacy claims; and</p> <p>(ii) appeals of decisions on non-legacy claims under the new appeals system; and</p> <p>(B) the period during which the Administration and the Board are no longer processing any appeals of decisions on legacy claims.</p>	<p>VA's plan states the number of personnel required by VBA and the Board for concurrently processing legacy and new appeals in fiscal year 2018 (1,495 and 1,050 full-time equivalents, respectively).</p> <p>The plan also references using data from RAMP and the new system—once fully implemented—to inform its personnel needs for when VA is no longer processing legacy appeals.^b Further, VA's statements suggest the agency will wait for RAMP results and budget outcomes to estimate future personnel requirements, rather than develop estimates based on a range of assumptions.</p>	<p>Partially addressed: VA's appeals plan does not provide an estimate of personnel required for either VBA or the Board for the period when the agency would no longer be processing legacy appeals (subparagraph (B)).</p>	<p>VA officials stated that they disagree with our assessment and that their appeals plan addresses this required element.</p> <p>Their comments generally restated what is contained in VA's plan.</p> <p>We continue to believe VA's plan partially addresses this required element.</p>
<p>Section 3(b)(12)</p> <p>Projections for the productivity of individual employees at the Administration and the Board in carrying out tasks relating to the processing of appeals of decisions on legacy claims and appeals under the new appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).</p>	<p>For VBA, VA provided information on productivity projections for processing legacy appeals in fiscal year 2018 that are not in the plan. Also, VA's plan states VA would use data from RAMP and the new process—once fully implemented—to develop productivity information for the new process.</p> <p>For the Board, VA's plan provides productivity projections for processing legacy appeals in fiscal year 2018 and projects that productivity will be higher under the new process.</p>	<p>Partially addressed: VA's appeals plan does not contain projected productivity information for VBA processing of appeals under the new process.</p>	<p>VA officials stated that they disagree with our assessment and that their appeals plan addresses this required element. In their comments, VA officials provided additional information on productivity projections that are not in the plan. For VBA, VA provided projections for the legacy process for fiscal year 2018. For the Board, VA restated that productivity will be 79 appeals per full-time equivalent for fiscal year 2018 and projects that productivity will be higher than 79 in the new appeals process.</p> <p>We continue to believe VA's plan partially addresses this required element due to the absence of projected productivity information for VBA processing appeals under the new process, which VA anticipates will be implemented in fiscal year 2019.</p>

Required element in the Act	What VA provides	Our assessment	VA's preliminary comments and our response ^a
<p>Section 3(b)(17)</p> <p>Delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.</p>	<p>VA's plan states that the rate at which the legacy appeals inventory can be resolved depends on numerous factors, such as future funding and the rate that veterans opt into RAMP. VA's plan indicates that the agency would collect information from RAMP and as the Board begins deciding appeals in the new process to develop accurate goals and milestones for reducing the number of pending legacy appeals at VBA and the Board. For the Board, VA provided aggregated information on appeals and remands that were not in the plan.</p>	<p>Partially addressed: VA's appeals plan does not contain milestones for reducing legacy appeals. The plan also does not describe the expected number of appeals, remands, and hearing requests at VBA, or the expected number of hearing requests at the Board each year. Further, the follow-up information VA provided for VBA and the Board does not extend beyond fiscal year 2019, yet VA indicates that the Board will be processing legacy appeals for several years.</p>	<p>VA officials stated that they disagree with our assessment and that this element is addressed in their plan. For the Board, VA also provided updated information that contained aggregated appeals and remands expected in fiscal years 2018 and 2019.</p> <p>We continue to believe VA's plan partially addresses this required element due to the absence of (1) milestones for reducing legacy appeals; (2) expected number of appeals, remands, and hearing requests at VBA, or the expected number of hearing requests at the Board each year; and (3) key goals and milestones beyond fiscal year 2019.</p>

Source: GAO analysis of VA's November 2017 appeals plan and supporting documents VA provided on or before January 18, 2018, the Veterans Appeals Improvement and Modernization Act of 2017, and VA input. | GAO-18-352

Note: We identified 22 required elements for VA's comprehensive plan under section 3(a) and (b) of the Act. Specifically, subsection (a) contains 4 elements, and subsection (b) requires the appeals plan to address 18 elements. Although this table shows the required elements that VA's plan partially addresses or does not address, VA's appeals plan addressed most (17 of 22) of the required elements in the Act. In determining that VA's plan addresses these requirements, we assessed the plan and its elements as presented, rather than auditing the underlying information.

^aVA provided its preliminary comments to us on January 11, 2018. Subsequently, in discussing our assessment at a January 2018 House Committee on Veterans' Affairs hearing, the Deputy Secretary of Veterans Affairs stated that the agency agreed with our assessment and will work with us to address the requirements.

^bRAMP involves VA inviting certain veterans with pending appeals—starting with those appeals pending the longest—among other eligibility criteria to participate in the higher-level review or supplemental claims options with VBA, which are two of the five options that will be available under the new appeals process to all veterans.

When we provided VA with our preliminary assessment, VA officials said they disagreed and that their appeals plan addresses all 22 of the required elements. In general, they said that data are not available, and VA cannot yet forecast the information required by the Act until aspects of the new appeals process are tested or implemented. However, in discussing our assessment at a January 2018 House Committee on Veterans' Affairs hearing, the Deputy Secretary of Veterans Affairs stated

that the agency agreed with our assessment and will work with us to address these gaps in VA's appeals plan.¹⁷

Until VA's appeals plan has complete information on all 22 of the required elements, Congress does not have the information it needs to fully conduct oversight of the plan and the agency's efforts to implement and administer the new process while addressing legacy appeals. VA also needs information on resources, among other areas, to certify that the agency is prepared to carry out timely processing of appeals under the new and legacy appeals process.¹⁸ Further, as discussed below, addressing required elements through a more comprehensive plan and underlying analysis is consistent with sound planning practices and would better position VA to implement the new appeals process while attending to legacy appeals. For example, such an appeals plan would provide for carefully monitoring the new and legacy appeals processes against balanced goals and metrics, and clearly articulates resources, milestones and other information needed for effective program management.

VA's Appeals Plan Reflects Certain Sound Planning Practices, but Could Improve on Others

VA's appeals plan reflects certain sound planning practices, such as convening a working group on performance tracking; however, the plan could benefit from including important details related to three key planning areas:

1. articulating a balanced set of goals and related measures to monitor and assess the performance of the new appeals process, in conjunction with the legacy process;
2. developing a high-quality and reliable implementation schedule to manage key steps and activities of the project; and

¹⁷*Appeals Reform: Will VA's Implementation Effectively Serve Veterans?*, hearing before the Veterans' Affairs Committee, House of Representatives, 115th Congress, January 30, 2018.

¹⁸VA's plan states that the agency intends to begin full implementation in February 2019.

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3. assessing key risks in a comprehensive manner, including respective mitigation strategies, articulating clear criteria and an assessment plan for RAMP, and more fully testing or analyzing all appeals options.

VA's Appeals Plan Indicates Steps to Assess Process Changes, but Should Also Include Goals and Measures to Provide Full Picture of Success

VA's appeals plan reflects steps taken to track performance, but it could improve its planning practices related to monitoring and assessing performance on a range of key dimensions of success. Sound planning practices suggest that agencies develop overall goals tied to meaningful and balanced performance measures. These measures include a mix of outcome, output, and efficiency measures to ensure that an organization's priorities—as well as government-wide priorities such as quality, timeliness, and cost of service—are addressed.¹⁹

VA's appeals plan reports that the agency convened a working group to design a process for tracking timeliness of both the legacy appeals and appeals within the new process. In supporting documentation that we requested, VA officials stated they are also determining the best way to measure veterans' satisfaction with the new appeals process. VA's appeals plan and supporting documentation also identify timeliness goals for the two VBA-only options and one of the three Board options. Nevertheless, its appeals plan does not articulate a set of goals and measures that cover all aspects of its new appeals process, such as accuracy of decisions and cost. The plan also does not provide details on the metrics the agency will develop, how it will assess if the new appeals process is an improvement over the legacy appeals process, and how it will monitor the allocation of resources between legacy and new appeals claims. More specifically:

- **VA's reported timeliness measures are incomplete:** VA's appeals plan outlines timeliness goals for the two VBA options (average processing time of 125 days) and for the Board option that does not include new evidence or a hearing (average processing time of 365

¹⁹See GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002). In addition, the Act requires VA's plan to contain goals and related measures that can be used to manage and assess implementation of VA's new appeals process, and key goals and milestones for reducing the number of pending appeals under the legacy process.

days).²⁰ However, VA's plan does not establish timeliness goals for the other two Board options: Board review of additional evidence without a hearing and Board review of additional evidence with a hearing. In commenting on our findings, while VA officials indicated they expect the new process to be more efficient than the legacy process (and, therefore, more timely), they also said data to inform goal setting for all Board options will not be available until VA fully implements these options. Establishing timeliness goals for all options would provide a more complete picture of VA's vision for the new appeals process, and help VA to develop concrete, objective, and observable performance measures to show progress in achieving that vision, as well as inform resource estimates.

- **VA's reported measures lack adequate balance:** Other than including certain timeliness goals, VA's appeals plan does not articulate additional aspects of performance important for managing appeals, such as accuracy of decisions, veteran satisfaction with the process, or cost. We previously reported that VA officials said they wanted to also use veteran survey results, wait times, and inventories as sources of information to measure progress under the new appeals process.²¹ Further, VA's fiscal year 2018 annual performance plan includes an overall customer satisfaction score for veterans' benefits.²² However, these and other potential measures of success are not specified in VA's appeals plan for monitoring the new appeals process as compared with legacy appeals. By not articulating a set of comprehensive and balanced goals and measures in its appeals plan, VA could be inadvertently creating skewed incentives by focusing on one area of program performance to the detriment of other areas (e.g., processing claims quickly but inaccurately).

In commenting on our findings, VA officials recognized the need to develop additional goals and measures. They indicated, for example, that they are developing and testing whether the existing quality assurance goal—92 percent accuracy—is appropriate for the new

²⁰In supporting documentation, VA indicated that it will measure average veteran wait times in the new appeals system as one indicator of success. For example, an average processing time of 365 days will be the timeliness goal for the option in which the Board reviews the existing record without a hearing. VA indicated it would develop measures and determine appropriate resource allocation for the other options in the future.

²¹[GAO-17-234](#).

²²Specifically, VA's Voice of the Veteran Customer Satisfaction Survey tracks veterans' and their beneficiaries' overall satisfaction on a 1,000-point scale.

process. According to VA officials, once they have developed these other goals and measures, VA will communicate this information as part of the required progress reports to the appropriate committees of Congress and GAO. Moreover, at a January 2018 House Committee on Veterans' Affairs hearing, the Deputy Secretary of Veterans Affairs acknowledged that their performance goals and measures are not yet complete and indicated that the agency will address these gaps in measuring performance.

- **VA's plan does not reflect how it will establish baseline data:** VA's approach for evaluating the efficiency and effectiveness of the implementation of the new appeals process falls short of sound practices for using baseline data to assess performance. Our prior work has demonstrated that by developing and tracking a performance baseline for all measures, including those that demonstrate the effectiveness of a program, agencies can better evaluate progress made and whether or not goals are being achieved.²³ However, VA's appeals plan did not provide important details about what aspects of the new appeals process' performance will be compared to what aspects of the legacy process' performance.

In particular, section 5 of the Act lists a number of metrics VA is required to report periodically, including some that could be used as baseline measures.²⁴ For example, VA is required to periodically publish on its website the average time that elapsed between the filing of an initial claim and the final resolution of the claim, for legacy appeals as well as appeals under the new system, which is consistent with our prior recommendation.²⁵ However, VA's appeals plan does not explain how or when the agency would collect and use these or other data about the legacy and new processes' performance—such

²³Baseline and trend data can also be used to inform and refine performance goals, according to our prior work. See GAO, *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/GGD/AIMD-99-69](#) (Washington, D.C.: Feb. 26, 1999).

²⁴Pub. L. No. 115-55, § 5, 131 Stat. 1105, 1123.

²⁵We previously recommended that VA develop a strategy for assessing process reform—relative to the current process—that ensures transparency on the extent to which VA is improving veterans' experiences with its disability appeals process. This includes measuring the average time to reach final resolution of veterans' appeals and reflects the fact that veterans may file multiple appeals under the new appeals process before achieving resolution of their claims. [GAO-17-234](#).

as accuracy, veteran satisfaction, and cost—to assess their relative performance.

As we had previously reported, VA’s business case for reform in some instances relied on unproven assumptions and limited analyses of its legacy process to identify root causes of performance problems.²⁶ Specifically, VA determined that the open-ended nature of its legacy appeals process, whereby a veteran can submit additional evidence numerous times at any point, can cause additional cycles of re-adjudication, a process VA refers to as “churning.” According to VA, this re-adjudication can occur multiple times and can add years to the time needed to reach a final decision on an appeal. Without fully articulating a plan for collecting and using baseline and trend data, VA cannot determine the extent to which the new appeals process, which also allows for multiple appeal opportunities, will achieve final resolution of veterans’ appeals sooner, on average, than the legacy process.

In commenting on our assessment, VA indicated that it is working toward capturing the metrics listed in section 5 of the Act. VA officials also noted that reporting on the new appeals process will require IT system functionality that currently does not exist, but stated that efforts are underway to add this functionality.

- **VA’s plan does not explain how the agency will monitor processing of legacy versus new appeals:** In addition, VA’s appeals plan does not fully articulate how the agency will monitor whether resources are being appropriately devoted to both the new and legacy appeals process and how it will track both sets of workloads.²⁷ An appeals plan that does not specifically articulate how VA will manage the two processes in parallel exposes the agency to risk that veterans with appeals in the legacy process may experience significant delays or otherwise poor results relative to those in the new appeals process or vice versa. In commenting on our findings, VA officials noted that VA was not required under section 3 of the Act to provide a description of its plans to capture metrics listed in section 5.

²⁶See [GAO-17-234](#).

²⁷As noted earlier, we also determined that VA’s appeals plan does not contain sufficient details about metrics and goals to identify potential issues related to implementing the new appeals system, and therefore only partially addresses the required element at section 3(a)(4) of the Act.

Even if not required by the Act, developing an approach for carefully monitoring the management of new and legacy appeals would help VA track progress being made and achievement of goals.

Until VA establishes complete and balanced goals and measures, identifies baseline data, and develops a plan for monitoring and assessing both the new and legacy processes, VA runs the risk of promoting skewed behaviors, or not fully understanding whether the new process is an improvement or whether veterans with appeals in the legacy process are experiencing poor results.

VA's Appeals Plan Needs a Reliable Implementation Schedule to Manage the Project

VA's appeals plan reflects certain aspects of sound planning practices related to managing the implementation of process change; however, other key components are not addressed. Sound planning practices for implementing process change suggest establishing a transition team.²⁸ Consistent with such practices, VA's appeals plan states that the agency convened an agency-wide governance structure to coordinate implementation of its new appeals process; it is comprised of senior-level employees with authority to make necessary decisions to keep the project on track. VA's appeals plan also includes a copy of a master schedule. In its plan, VA asserts that the master schedule reflects timelines, interim goals and milestones, reporting requirements, and established deadlines, and that it will be used to guide implementation. VA's appeals plan also reports that VA is consulting with project management professionals, who are using the master schedule, among other tools, to monitor implementation. In addition, VA made progress addressing some of the issues we previously identified by developing steps and timetables for updating training in anticipation of implementing the new appeals process.²⁹

However, VA's master schedule for implementing reform is missing elements of a high-quality and reliable implementation schedule for key activities. We have previously reported that having a well-planned

²⁸GAO, *Business Process Reengineering Assessment Guide—Version 3*, [GAO/AIMD-10.1.15](#) (Washington, D.C.: May 1997). In this report, we refer to reengineering as appeals process “redesign.”

²⁹See [GAO-17-234](#).

schedule is a fundamental management tool. Generally recognized sound practices from the Project Management Institute (PMI) and GAO call for organizations to employ an integrated and reliable master schedule that defines when work activities will occur, who will complete the work, how long they will take, how they are related to one another, and the constraints affecting the start and completion of work elements, as well as whether resources will be available when they are needed.³⁰ Such a project management schedule not only provides a road map for systematic project execution, but also provides the means by which to gauge progress, identify and address potential problems, and promote accountability.

The master schedule VA provided in its appeals plan should have included other sound practices for project management related to a reliable schedule. Specifically:

- **Key activities and their duration are not included:** VA's master schedule does not capture specific Board-related activities, such as efforts to develop metrics, and the schedule and other project plans we reviewed do not go beyond February 2019. For example, the schedule does not indicate the period of time when VA expects to no longer be processing legacy appeals.³¹ Also, VA's master schedule submitted with its November 2017 appeals plan did not include the Rapid Appeals Modernization Program (RAMP) activities, even though this pilot test is occurring at the same time VA is preparing for full implementation of appeals options at VBA and the Board. However, VA's updated schedule that accompanied its comments on our draft report was updated to include RAMP.

When all key and necessary activities are not included, it raises questions about whether all activities are scheduled in the correct order, resources are properly allocated, or the estimated completion

³⁰Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK Guide)*; GAO, *GAO Schedule Assessment Guide: Best Practices for Project Schedules*, [GAO-16-89G](#) (Washington, D.C.: December 2015); and, *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*, [GAO-09-3SP](#) (Washington, D.C.: March 2009).

³¹Sound practices suggest that the schedule should reflect the duration of each activity and have specific start and end dates.

dates are reliable.³² In addition, if the schedule does not fully and accurately reflect VA's efforts, it will not serve as an appropriate basis for analysis and may result in unreliable completion dates and delays.

- **Sequencing and linkages among activities are not identified:** For the high-level activities VA's appeals plan identifies, VA's master schedule does not indicate whether there were sequencing or linkages among them, which is not consistent with sound scheduling practices. Sequencing and linkages would show, for example, if any of these activities or sub-activities must finish prior to the start of other activities, or the amount of time an activity could be delayed before the delay affects VA's estimated implementation date.³³ For example, VA cannot train new employees until after it hires them.

The activities VA identifies also do not appear supported by lower-level project schedules. Specifically, when we requested documentation to support VA's high-level summary of activities and milestones, VA officials did not provide intermediate or more detailed schedules that reflected these practices. In particular, VA's appeals plan lacks a complete schedule for IT modifications that clearly defines what is to be achieved and the time frames for achievement.³⁴

We previously recommended that VA develop a schedule for IT updates that explicitly addresses when and how process reform will be integrated into new systems and when these systems will be ready

³²In addition, if some necessary activities are missing from an agency's implementation schedule, it is much more difficult for the agency to adhere to other best practices. Our prior work has identified 10 practices associated with developing and maintaining a reliable schedule. These practices are (1) capturing all activities, (2) sequencing all activities, (3) assigning resources to all activities, (4) establishing the duration of all activities, (5) integrating schedule activities horizontally and vertically, (6) establishing the critical path for activities, (7) identifying float between activities, (8) conducting a schedule risk analysis, and (9) updating the schedule using actual progress and logic, and (10) maintaining a baseline schedule. Float is the amount of time an activity can slip before affecting the critical path. The critical path is the longest path through the schedule. If an activity on the critical path slips, the entire project will be delayed. See [GAO-16-89G](#).

³³[GAO-16-89G](#).

³⁴Federal internal control standards state that program managers should define objectives clearly to enable the identification of risks that may impede the achievement of program objectives. This includes clearly defining what is to be achieved and the time frames for achievement. See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). Additionally, IT investment best practices stress the need for oversight regarding a project's progress toward predefined schedule expectations. See [GAO-04-394G](#).

to support the new appeals process at its onset.³⁵ For example, VA's appeals plan references several required IT modifications that do not appear in its master schedule.³⁶ Schedules that are defined at too high a level may disguise risk that is inherent in lower-level activities.³⁷

- **Interim goals are not reflected:** VA officials stated that they have interim goals and milestones, though VA's appeals plan and supporting documentation generally do not include this information. Sound planning and redesign practices suggest closely monitoring implementation and developing project goals that include a mix of intermediate goals to be met at various stages. We previously made a recommendation that VA develop a more robust plan for closely monitoring implementation of process reform, including metrics and interim goals to help track progress, evaluate efficiency and effectiveness, and identify trouble spots—all of which are consistent with sound planning practices.³⁸ Without interim goals and milestones, VA lacks information to support sequencing of activities and to track and ensure accountability for steady progress.
- **Resources are not assigned to all identified activities:** The high-level summary schedule that VA provided us also lacks details regarding the assignment of resources for all activities. Specifically, while the plan identifies workgroups responsible for coordinating elements in the plan, such as regulations, training, and outreach, the schedule does not assign resources to the 40 listed activities. As discussed previously, VA's appeals plan also does not provide information on the total resources required for this reform effort. Assigning resources to the listed activities, as well as providing other information, could provide a better indication of the estimated total resources required to implement the new appeals process and address legacy appeals.

³⁵[GAO-17-234](#).

³⁶VA's master schedule lists three IT requirements; however, VA's appeals plan references several other requirements not included in the master schedule: eFolder; Caseflow Work Queue, Caseflow Hearings Scheduling, and Reporting Functionality. In supplemental materials, VA provided an IT "road map" that lists nine IT requirements; however, several of these requirements (e.g., Caseflow Dispatch) do not appear in either VA's appeals plan or master schedule. In addition the "road map" reflects 6 months of planning and does not extend to or beyond the end dates reflected in VA's master schedule.

³⁷[GAO-16-89G](#).

³⁸[GAO-17-234](#).

In commenting on our findings, VA officials stated that the agency is developing lower-level project schedules for key activities—such as RAMP and IT requirements—and will provide these schedules as part of the required progress reports to the appropriate committees of Congress and GAO. VA officials also noted that future updates will include additional dependencies and risks, which VBA and the Board are still developing. Further, in discussing our findings at a January 2018 House Committee on Veterans' Affairs hearing, the Deputy Secretary of Veterans Affairs reiterated VA's commitment to developing more robust project plans, particularly for IT. Until VA has a robust integrated master schedule, supported by detailed project plans that adhere to sound practices, VA's appeals plan does not provide reasonable assurance that decision makers have the essential program management information needed for this complex and important effort.

VA's Plan Addresses Some but Not All Key Risks Related to the New Appeals Process

VA's appeals plan includes an assessment of risks involved in implementing the new appeals system, but could more comprehensively reflect key risks posed by such a significant reform effort.³⁹ VA's appeals plan and supplemental materials include a "risk register" that describes risks associated with many elements of its plan, and the remaining level of risk after its planned response to these risks. VA's appeals plan also states that senior leaders will receive regular updates of risks and mitigation strategies. However, because VA has not yet articulated a balanced set of performance goals and measures in its appeals plan, it is hindered in its ability to identify and assess risks.

Federal internal control standards state, and our previous work at VA and other agencies demonstrates, that establishing clear performance goals and objectives is a necessary pre-condition to effectively assessing risk.⁴⁰ Having, for example, more complete timeliness goals, and goals and measures reflecting other areas of performance, would allow VA to better identify and target risks associated with managing two processes in parallel, including the potential that veterans with appeals in the legacy process may experience significant delays relative to those in the new appeals process.

Importantly, VA is missing an opportunity to fully benefit from RAMP by not testing and assessing other aspects of the new appeals process. The Act authorizes VA to test the feasibility and advisability of any facet of the new appeals process, and VA is taking a positive step to mitigate some risks by testing the two review options available within VBA (review of a claim by a higher-level official based on the same evidence and review of a supplemental claim with additional evidence) through RAMP. In

³⁹A risk assessment is the identification and analysis of risks related to achieving the defined objectives. This assessment provides the basis for developing appropriate risk responses. See [GAO-14-704G](#).

⁴⁰[GAO-14-704G](#). See the following reports for examples of agencies that did not have measureable performance goals to assess and mitigate risks: GAO, *Veterans Justice Outreach Program: VA Could Improve Management by Establishing Performance Measures and Fully Assessing Risks*, [GAO-16-393](#) (Washington, D.C.: April 28, 2016); and GAO, *Telecommunications Relay Service: FCC Should Strengthen Its Management of Program to Assist Persons with Hearing or Speech Disabilities*, [GAO-15-409](#) (Washington, D.C.: April 29, 2015).

November 2017, VA began RAMP by inviting 500 veterans whose appeals have been pending the longest to participate. According to VA officials, VA plans to continue offering RAMP to additional eligible veterans with pending legacy appeals each month until January 2019—a month before VA anticipates fully implementing the new appeals system. However, as designed, RAMP does not include features—consistent with a well-developed and documented pilot test program—that would provide VA with an opportunity to evaluate fully the soundness of new processes and practices on a smaller scale.⁴¹ Specifically:

- **VA’s plan does not clearly define success criteria for RAMP:** VA’s appeals plan states that the agency will collect certain data from RAMP, such as the rate at which eligible veterans opt into the process, timeliness of claims processing, and individual employee productivity. VA also established an overall average processing time goal of 125 days for the two VBA options; however, the plan and supporting documentation did not clearly articulate whether RAMP reviews are expected to meet this timeliness goal. The plan also did not identify other success criteria for RAMP or the types of results expected before fully implementing the new appeals process. For example, VA’s plan does not articulate the expected number and type of subsequent appeals to the Board that result from RAMP.

In commenting on our findings, VA noted that its intent in implementing RAMP was to collect data and test aspects of the new process, and that RAMP was not an initiative in and of itself. However, developing performance measures and data gathering procedures and defining success criteria for a pilot test before proceeding to full implementation are sound practices for process redesign and pilot testing. In addition, because RAMP was not included in VA’s risk assessment, we asked VA if it had identified any risks or mitigation strategies specific to RAMP. In its supplemental materials, VA stated that the greatest risk to RAMP is a low participation rate among eligible veterans with legacy claims. VA also indicated that it would need 10 percent of eligible veterans to opt into RAMP to yield meaningful results. However, this threshold is not articulated in VA’s appeals plan as an explicit success criterion or objective. According to

⁴¹GAO/AIMD-10.1.15, and GAO, *Data Act: Section 5 Pilot Design Issues Need to Be Addressed to Meet Goal of Reducing Recipient Reporting Burden*, GAO-16-438 (Washington, D.C.: April 19, 2016).

data provided by VA, as of January 22, 2018, 238 veterans opted in.⁴² Of veterans with pending claims in RAMP, two-thirds chose the higher-level review option. VA also reported that 47 RAMP decisions have been made so far. As of yet, no appeals of RAMP decisions have been filed.

- **VA’s plan does not articulate how it will assess RAMP before proceeding with full implementation:** Although VA’s appeals plan describes a “close-out” phase in which VA intends to assess the results of RAMP, it does not detail the conditions that would have to be met (or not met) to trigger changes. For example, VA’s plan does not explain when or how it might respond to low opt-in rates for RAMP—other than stating it will increase outreach to eligible veterans—or to unexpectedly high appeal rates to the Board resulting from RAMP decisions. Sound redesign and change management practices both suggest that pilot tests be rigorously monitored and evaluated, and that further roll-out occur only after an agency’s transition team takes any needed corrective action and determines that the new process is achieving previously identified success criteria. Without fully articulating its plan for deciding how and when to roll out changes more broadly, it is not clear whether VA would be prepared to fully implement a new appeals process that achieves its aim of better serving veterans.
- **RAMP does not test all aspects of the new appeals process:** RAMP provides an opportunity to learn about experiences at VBA under the new system, such as the rate at which eligible veterans choose those options and the resources that will be required to process their appeals. However, RAMP was not designed to test how many veterans would choose to appeal directly to the Board and, therefore, it will not provide comparable information on the Board appeals options. Sound workforce planning practices suggest that agencies identify the total resources needed to manage the risk of implementing new processes and conduct scenario planning to determine those needs.⁴³

⁴²According to VA, as of January 22, 2018, RAMP invitations were sent to 15,500 veterans via three separate mailings—500 in November 2017, 5,000 in December 2017, and 10,000 in January 2018. As of January 22, 2018, VA reported that the opt-in rate was about 3 percent for the November and December mailings, and 1 percent for January.

⁴³[GAO-09-3SP](#).

In addition, although we previously recommended VA conduct additional sensitivity analyses to inform projections of future appeals inventories,⁴⁴ VA's appeals plan does not reflect VA's use or intended use of sensitivity analyses when projecting staffing needs for new appeals options at the Board.⁴⁵ In commenting on our findings, VA officials said they do not plan to conduct additional sensitivity analyses to project future workloads until they have more information from RAMP to inform their assumptions. As a result, VA will lack data on scenarios in which veterans may overwhelmingly choose options available at the Board over those at VBA when the appeals plan is fully implemented. This presents a risk that VA's early production projections and initial resource allocations may not be properly balanced between the Board and VBA. This, in turn, may result in an unexpectedly large number of appeals pending with the Board, and corresponding lengthy average wait and decision times for some, if not all, Board options.

Having information on the number of veterans who are likely to appeal to the Board is particularly critical, given that similar efforts to create additional review options at VBA did not achieve their goals of reducing the percentage of appeals that continue on to the Board. In 2001, VA established the Decision Review Officer (DRO) process—in which senior staff have the authority to overturn an initial disability claim decision without any new evidence—to resolve more appeals at the regional level and avoid long waits at the Board. However, we reported in 2011 that, although the DRO process helped some veterans get additional benefits at the regional office level, it did not accomplish the program's primary goal of reducing the percentage of appeals continuing on to the Board.⁴⁶

⁴⁴GAO-17-234. Sensitivity analysis—used in scenario planning to, for example, determine the resources needed for implementing a new process—is an analysis to determine how sensitive outcomes are to changes in assumptions, such as those used to determine resource needs. The assumptions that deserve the most attention should depend on the dominant benefit and cost elements and the areas of greatest uncertainty of the program or process being analyzed. See [GAO-09-3SP](#).

⁴⁵As noted previously, we determined that VA's plan does not estimate personnel required by either VBA or the Board for the period when they are not processing legacy appeals. Sensitivity analyses could aid VA in forecasting such resources.

⁴⁶GAO, *Veterans Disability Benefits: Clearer Information for Veterans and Additional Performance Measures Could Improve Appeal Process*, [GAO-11-812](#) (Washington, D.C.: Sept. 29, 2011).

In responding to our findings, VA officials reiterated their plans to increase outreach in the event of low opt-in rates for RAMP and indicated they recently began to send follow-up RAMP invitation letters. With respect to assessing all appeals options, VA officials stated that, while no legal bar prevents testing of the Board options, the Board is focused on reducing its inventory of pending appeals while RAMP provides early resolution of appeals within the new VBA-only options. Officials conceded that this approach means they cannot collect data on the rate at which veterans opt to appeal directly to the Board (e.g., bypassing additional VBA review) until the new process is fully implemented. However, they noted that they can collect some data on the rate at which veterans whose appeals go through RAMP file subsequent appeals to the Board, even though the Board will not begin processing those appeals until full implementation. At a January 2018 House Committee on Veterans' Affairs hearing, the Deputy Secretary of Veterans Affairs stated that given our assessment, VA will adjust its approach to identify and mitigate risks associated with implementing all of the appeals options, including those at the Board.

Until VA pursues an approach that identifies and mitigates significant risks associated with implementing a new process, VA is taking a chance that untested aspects will not perform as desired. The Act provides VA authority to pilot aspects of the process and flexibility on the timing of implementing the new process, which could allow some additional time for VA to carefully measure performance under RAMP and determine whether any corrective actions are necessary. If VA does not take full advantage of this authority, it risks moving forward without knowing whether the new appeals process improves experiences for veterans, and potentially implementing a process that is more expensive or results in longer wait times than originally anticipated.

Conclusions

In implementing appeals reform after the enactment of the Veterans Appeals Improvement and Modernization Act of 2017, VA is undertaking a complex endeavor that has the potential to affect the lives of hundreds of thousands of veterans with service-connected disabilities. Such an endeavor demands a commensurate level of planning to be successful. While the Act required VA to submit its plan within 90 days of enactment, VA had proposed and began to plan for appeals reform much earlier, and had our March 2017 recommendations to guide its planning efforts from a foundation of sound practices.

VA's November 2017 appeals plan is a positive step forward. Certain elements of the plan—such as establishing an agency-wide governance structure to oversee implementation and testing aspects of reform prior to full implementation—are notable gains since our March 2017 report. At the same time, the plan partially addresses or does not address five of the required elements called for by the Act, such as delineating the total resources required by VBA and the Board to implement and administer the new appeals process and address legacy appeals. The plan also is not fully responsive to our past recommendations and does not reflect a number of sound planning practices that are essential for gauging progress, establishing accountability, and linking resources to results.

One such key practice is articulating a desired “end state”—a vision for what successful implementation would look like for the new appeals process as well as the wind-down of the legacy process, such as accurate and timely processing of appeals while ensuring veteran satisfaction. Without establishing a complete and balanced set of goals and related performance measures to achieve this end state, and monitoring and assessing progress along the way, VA risks falling short of its overarching objective—to improve timeliness of appeals decisions for veterans overall. By not fully articulating how it plans to monitor workloads and devote resources to both the new and legacy processes, VA runs the risk of disadvantaging veterans with legacy appeals relative to those in the new process, or vice versa.

Just as important is establishing a robust integrated master schedule—rather than a high-level timeline—that is built upon and clearly reflects extensive detailed planning and includes all activities necessary to execute the program and interdependencies between these activities. Without such a road map, VA's appeals plan does not provide reasonable assurance that decision makers have the essential information needed to manage this complex and important program.

We are encouraged that VA has taken some steps toward assessing risks, including establishing a risk register and implementing RAMP to collect information on the two VBA appeals options. However, unless VA assesses risks against a balanced set of goals and measures, VA may not be fully aware of risks that may impede successful implementation of appeals reform. Further, although VA will undoubtedly learn from the RAMP experience, it may not learn all that it should from its efforts without (1) establishing clear criteria for what success looks like (or the circumstances that would cause VA to consider making course

corrections), and (2) building in time to take stock of the lessons learned before moving to full implementation.

VA's plan places a lot of weight on RAMP to, among other efforts, mitigate risk and generate estimates of the resources needed for successful implementation after fiscal year 2018, even though RAMP does not fully test options for appealing to the Board that will be available to veterans after full implementation. Unless VA addresses key risks associated with fully implementing appeals reform—by either testing or conducting sensitivity analyses for all five appeals options, to better understand potential workloads at the Board—VA runs the risk of fully implementing the process without knowing if it is improving the process for veterans.

Recommendations for Executive Action

We are making the following four recommendations to VA:

The Secretary of Veterans Affairs should address all of the required elements in the Act in VA's appeals plan to Congress—including delineating resources required for all VBA and Board appeals options—using sensitivity analyses and RAMP results, where appropriate and needed. (Recommendation 1)

The Secretary of Veterans Affairs should clearly articulate in VA's appeals plan how VA will monitor and assess the new appeals process compared to the legacy process, including specifying a balanced set of goals and measures—such as timeliness goals for all VBA appeals options and Board dockets, and measures of accuracy, veteran satisfaction, and cost—and related baseline data. (Recommendation 2)

The Secretary of Veterans Affairs should augment the master schedule for VA's appeals plan to reflect all activities—such as modifications to IT systems—as well as assigned responsibilities, interdependencies, start and end dates for key activities for each workgroup, and resources, to establish accountability and reduce overall risk of implementation failures. (Recommendation 3)

The Secretary of Veterans Affairs should ensure that the appeals plan more fully addresses risk associated with appeals reform—for example, by assessing risks against a balanced set of goals and measures, articulating success criteria and an assessment plan for RAMP, and testing or conducting sensitivity analyses of all appeals options—prior to fully implementing the new appeals process. (Recommendation 4)

Agency Comments and Our Evaluation

We provided a draft of this report to the Department of Veterans Affairs (VA) for comment. In its comments, reproduced in appendix II, VA outlined its planned actions to address the recommendations. VA clarified in a subsequent communication that the agency agreed with all our recommendations. VA did not provide technical comments.

With respect to our first recommendation that VA address all the required elements in the Act in VA's appeals plan (including delineating total resources), VA stated that both VBA and the Board will use existing resources to implement the new appeals process. VA also stated it plans to take additional steps to determine resource requirements for addressing workloads under both the legacy and new appeals process. For VBA, VA stated that it will continue to rely on RAMP to project resource requirements, while acknowledging the need to augment its analysis of RAMP data by adopting additional strategies to project resource requirements. VA did not describe these strategies, but stated that it will share them with Congress and GAO in the near future. Meanwhile, VA noted that its 2019 budget request includes 605 additional FTEs for VBA to process appeals, but did not indicate how it developed this budget request. For the Board, VA stated that it plans to develop better predictions regarding resource allocations among dockets by leveraging project management and other support within the agency. We will continue to monitor VA's efforts to delineate needed resources, including how it uses the results of pilot tests and prediction analysis.

With respect to our second recommendation to articulate how it will monitor and assess the new appeals process compared to the legacy process, VA stated that it is working to develop a complete and balanced set of measures for the new appeals process, and timeliness goals for all appeals options. Further, VA indicated it will track performance for Board appeal options using an existing process. We are encouraged by VA's proposed actions, which will provide a more complete picture of VA's vision for the new appeals process. However, VA does not detail whether or how the agency will develop a baseline or compare performance of the new appeals process to the legacy process. Until VA develops a baseline and a plan for monitoring and assessing both the new and legacy processes—using a complete and balanced set of goals and measures—VA risks not fully understanding whether the new process is an improvement.

With respect to our third recommendation to augment its master implementation schedule to manage the project, VA provided an updated schedule with additional key activities and responsibilities, such as RAMP. Moreover, VA restated its plans to use an agency-wide governance structure to coordinate and track implementation of its new appeals process. We are encouraged by VA's efforts to develop a more detailed implementation schedule. However, the updated schedule VA provided does not include major activities, such as integrated IT system testing, and completion dates for major activities, for example, adding functionality to VA's primary claims processing system. In addition, VA provided an updated calendar for six major IT activities through the end of calendar year 2018. However, we continue to believe that VA will need to develop a longer term schedule that projects when processes will be integrated into new systems and when new systems will be ready to support the new appeals process. The schedule also does not indicate whether activities are interrelated, such that a delay in one activity could affect other activities and thereby affect VA's estimated implementation date. This sound planning practice is especially important because VA stated the agency is concurrently executing many of the activities.

With respect of our fourth recommendation to more fully assess risks associated with appeals reform prior to its full implementation, VA stated that it will assess risks against a balanced set of goals it plans to select. Moreover, using its existing risk management process, VA stated it has identified additional risks and mitigation strategies after submitting its November 2017 plan. For example, VA states that it is addressing the continued low opt-in rate for RAMP, which is testing the new VBA-only options. VA is also acknowledging that delays in the development of IT required to implement the appeals process may prevent the agency from certifying readiness in January 2019. Importantly, VA states that the Board is exploring the development of a pilot program to identify needs and concerns related to full implementation—including all Board appeals options—and to make predictions about timeliness and productivity under the new appeals process. However, VA did not define success criteria for its current pilot test, RAMP, or clearly articulate how the agency will assess results of either RAMP or a new test of Board appeals options before proceeding to full implementation. Implementing our recommendation in a complete and timely manner is important because it would improve VA's ability to identify and mitigate significant risks associated with implementing a new process.

We will continue to monitor the status of VA's actions to address our recommendations and how they are implemented, to help ensure that VA

is undertaking a level of planning appropriate to implementing a complex endeavor, and thereby improving VA's chance of success.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Veterans Affairs, and other interested parties. In addition, the report is available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact Elizabeth Curda at (202) 512-7215 or curdae@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who contributed to this report are listed in appendix III.



Elizabeth H. Curda
Director
Education, Workforce, and Income Security

List of Committees

The Honorable Johnny Isakson
Chairman
The Honorable John Tester
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Phil Roe
Chairman
The Honorable Tim Walz
Ranking Member
Committee on Veterans' Affairs
House of Representatives

The Honorable Jerry Moran
Chairman
The Honorable Brian Schatz
Ranking Member
Subcommittee on Military Construction, Veterans Affairs,
and Related Agencies
Committee on Appropriations
United States Senate

The Honorable Charlie Dent
Chairman
The Honorable Debbie Wasserman Schultz
Ranking Member
Subcommittee on Military Construction, Veterans Affairs,
and Related Agencies
Committee on Appropriations
House of Representatives

Appendix I: Our Assessment of VA's Appeals Plan Against Required Elements in the Act

To assess the extent to which VA's appeals plan addresses the required elements in the Veterans Appeals Improvement and Modernization Act of 2017 (Act), we first identified and developed a checklist reflecting each required element for VA's appeals plan (including sub-parts) under section 3(a) and (b) of the Act. To compare the required elements and their sub-parts against VA's appeals plan and supplemental materials provided by VA, we developed decision rules for determining whether VA's appeals plan addressed, partially addressed, or did not address each required element (see table 2). Specifically, we concluded that VA's plan addressed (or partially addressed) a required element if the plan included information related to all (or some) subparts of the requirement. We focused on the plan as presented, rather than auditing the information VA relied on in developing the plan. For example, the Act's section 3(b)(10) required VA's plan to include a description of the modifications to the information technology (IT) systems required to carry out the new appeals system, including cost estimates and a timeline. We concluded that VA's plan addressed all sub-parts of this element because it provided a description of required IT modifications, a reference to costs included in the Appeals Modernization IT budget, and a timeline. However, our determination that VA addressed this element should not be construed to necessarily mean that VA fully identified or described all IT requirements, or provided complete estimated costs and timelines associated with those requirements, or that the information in VA's appeals plan comported with sound planning practices. This type of assessment was outside the scope of this objective.

Table 2: Summary of GAO's Assessment of VA's Appeals Plan Against the Required Elements in the Veterans Appeals Improvement and Modernization Act of 2017 (Act)

Required elements of plan (from sec. 3(a) and (b) of the Act)	Summary of GAO's assessment
Section 3(a)(1) [A comprehensive plan for] the processing of appeals of decisions on legacy claims that the Secretary considers pending.	Addressed
Section 3(a)(2) [A comprehensive plan for] implementing the new appeals system.	Addressed
Section 3(a)(3) [A comprehensive plan for] timely processing, under the new appeals system, of— (A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i); (B) requests for higher-level review under section 5104B of such title, as added by section 2(g); and (C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(t).	Addressed
Section 3(a)(4) [A comprehensive plan for] monitoring the implementation of the new appeals system, including metrics and goals— (A) to track the progress of implementation; (B) to evaluate the efficiency and effectiveness of the implementation; and (C) to identify potential issues relating to the implementation.	Partially addressed
Section 3(b)(1) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans' Appeals, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.	Not addressed
Section 3(b)(2) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the— (A) period in which the Administration and the Board are concurrently processing— (i) appeals of decisions on legacy claims; and (ii) appeals of decisions on non-legacy claims under the new appeals system; and (B) the period during which the Administration and the Board are no longer processing any appeals of decisions on legacy claims.	Partially addressed
Section 3(b)(3) Identification of the legal authorities under which the Administration or the Board may— (A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and (B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.	Addressed
Section 3(b)(4) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees.	Addressed

**Appendix I: Our Assessment of VA's Appeals
Plan Against Required Elements in the Act**

Required elements of plan (from sec. 3(a) and (b) of the Act)	Summary of GAO's assessment
<p>Section 3(b)(5) A description of the amount of training and experience that will be required of individuals conducting higher-level reviews under section 5104B of title 38, United States Code, as added by section 2(g).</p>	Addressed
<p>Section 3(b)(6) An estimate of the percentage of higher-level adjudicators who will be employees of the Department of Veterans Affairs who were Decision Review Officers on the day before the new appeals system takes effect or had experience, as of such date, comparable to that of one who was a Decision Review Officer.</p>	Addressed
<p>Section 3(b)(7) A description of the functions that will be performed after the date on which the new appeals system takes effect by Decision Review Officers who were Decision Review Officers on the day before the date the new appeals system takes effect.</p>	Addressed
<p>Section 3(b)(8) Identification of and a timeline for— (A) any training that may be required as a result of hiring new employees to carry out the new appeals system or to process appeals of decisions on legacy claims; and (B) any retraining of existing employees that may be required to carry out such system or to process such claims.</p>	Addressed
<p>Section 3(b)(9) Identification of the costs to the Department of Veterans Affairs of the training identified under paragraph (8) and any additional training staff and any additional training facilities that will be required to provide such training.</p>	Addressed
<p>Section 3(b)(10) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.</p>	Addressed
<p>Section 3(b)(11) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including— (A) an estimate of the amount of time the Administration and the Board will require to acquire any additional office space to carry out processing of appeals of decisions on legacy claims and processing of appeals under the new appeals system; (B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and (C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.</p>	Addressed
<p>Section 3(b)(12) Projections for the productivity of individual employees at the Administration and the Board in carrying out tasks relating to the processing of appeals of decisions on legacy claims and appeals under the new appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).</p>	Partially addressed

**Appendix I: Our Assessment of VA's Appeals
Plan Against Required Elements in the Act**

Required elements of plan (from sec. 3(a) and (b) of the Act)	Summary of GAO's assessment
<p>Section 3(b)(13)</p> <p>An outline of the outreach the Secretary expects to conduct to inform veterans, families of veterans, survivors of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about the new appeals system, including—</p> <p>(A) a description of the resources required to conduct such outreach; and</p> <p>(B) timelines for conducting such outreach.</p>	Addressed
<p>Section 3(b)(14)</p> <p>Timelines for updating any policy guidance, Internet websites, and official forms that may be necessary to carry out the new appeals system, including—</p> <p>(A) identification of which offices and entities will be involved in efforts relating to such updating; and</p> <p>(B) historical information about how long similar update efforts have taken.</p>	Addressed
<p>Section 3(b)(15)</p> <p>A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.</p>	Addressed
<p>Section 3(b)(16)</p> <p>An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to have their appeals reviewed under the new appeals system.</p>	Addressed
<p>Section 3(b)(17)</p> <p>A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.</p>	Partially addressed
<p>Section 3(b)(18)</p> <p>A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.</p>	Addressed

Source: GAO analysis of VA's November 2017 appeals plan and any supporting documents VA provided on or before January 18, 2018, the Veterans Appeals Improvement and Modernization Act of 2017, and agency input by VA. | GAO-18-352

Appendix II: Comments from the Department of Veterans Affairs



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

March 5, 2018

Ms. Elizabeth Curda
Director
Education, Workforce, and Income Security
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Curda:

The Department of Veterans Affairs (VA) has reviewed the Government Accountability Office's (GAO) draft report, "**VA DISABILITY BENEFITS: Improved Planning Practices Would Better Ensure Successful Appeals Reform**" (GAO-18-352).

The enclosure sets forth the actions to be taken to address the GAO draft report recommendations.

VA appreciates the opportunity to comment on your draft report.

Sincerely,

A handwritten signature in black ink that reads "Gina S. Farrissee".

Gina S. Farrissee
Deputy Chief of Staff

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Recommendation 1: The Secretary of Veterans Affairs should address all of the required elements in the Act in VA’s appeals plan to Congress – including delineating resources required for all VBA and Board appeals options – using sensitivity analyses and RAMP results, where appropriate and needed.

The Department of Veterans Affairs (VA) will use existing resources already devoted to drafting regulations, implementing information technology (IT) system changes, establishing internal procedures, creating training materials, conducting training, and releasing communications/outreach products necessary for implementation of the new system. VA subject-matter experts (SMEs) representing the Board of Veterans’ Appeals (Board), as well as Veterans Benefits Administration’s (VBA) business lines, Appeals Management Office, and Office of Performance Analysis & Integrity (PA&I), support VBA’s Office of Business Process Integration’s (OBPI) rotational planning and requirements gathering sessions to ensure that methods for capturing the data to accurately measure, track, and report metrics required by the Appeals Modernization Act are developed. In addition, to further refine the development schedule, VBA’s OBPI is working with the Office of Information Technology (OI&T) and Digital Service to ensure full integration.

Regarding delineation of the total resource requirements to administer the new appeals system and address the legacy appeals inventory, VA maintains the Rapid Appeals Modernization Program (RAMP) will provide better data and trend analysis for capacity modeling the resources needed; however the current RAMP participation rate is not yielding sufficient information to make this determination. Therefore, VA is adopting additional strategies to better delineate the resources required. With new strategies, as well as continued analysis of data received from RAMP, VA will project more detailed resource requirements and delineation to be shared with Congress and GAO in the near future.

VBA is drafting capacity and workload plans to project the resources required to address the legacy appeals inventory and process supplemental claims and higher-level reviews under RAMP. VBA is creating a RAMP capacity model that will account for varying RAMP opt-in rates in order to determine the upper and lower bounds of the resource requirements to work RAMP claims and reduce the legacy appeal inventory. These data points will give VA more detailed information on the amount of field resources that should be assigned to administer the new appeals system and resources required to address appeals of decisions on legacy claims.

The new model will incorporate the data collected during RAMP, as it becomes available to create a capacity model based upon actual data. During this program, VA will gather data and conduct trend analyses on aspects of Veterans’ behavior, to include

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their decision to opt-in to the new system, employee productivity, processing timeliness, and inventory measures. VA will use that data to assist in developing future resource requirements as part of the annual budget process. In addition to yielding real-world data that will assist VA in creating a forecasting model, RAMP will help VBA identify best practices, and make changes to its procedures, processes and systems in order to gain efficiencies and faster adjudications.

Beyond the work that VA is doing to collect data under RAMP, which will help VA assess resource delineation, the fiscal year 2019 President’s Budget request includes an additional 605 full-time equivalent (FTE) for VBA. These FTE would be dedicated to processing legacy appeals. If this budget were approved, VBA’s dedicated appeals processing personnel would increase from 1,495 to 2,100 FTEs.

The Board believes that its existing resources will allow for successful implementation of the new system. Additionally, the Board will not require separate resources for legacy and new system appeals. The Board anticipates making adjustments to administrative procedures such as intake of appeals, routing to Veterans Service Organizations, scheduling of hearings, and dispatching decisions which will be aided by technology upgrades to assist staff in performing these duties. Similarly, attorneys and Veterans Law Judges will be well-equipped to adjudicate appeals in both systems, as the applicable law regarding Veterans’ benefits does not change. Moreover, the Board will utilize Caseflow Queue, discussed in more detail in section 3(b)(10), for the management and distribution of appeals in all dockets under the new law.

The Board is leveraging project management support from VA’s Office of Enterprise Integration and additional support from VBA’s PA&I and OBPI to develop better predictions regarding specific resource allocation between all dockets.

Additionally, OBPI aided the Board in identifying a tool within VBMS that utilizes an existing-contracted vendor to send the Veteran and other parties documents from the claims file. This tool creates work efficiencies for staff in that the contracted vendor physically sends non-time sensitive communications, allowing staff to work remotely. In the future, this tool may assist with Freedom of Information Act requests and allow for dispatch letters to be completed. There is no added cost to the Board for this efficiency.

Recommendation 2: The Secretary of Veterans Affairs should clearly articulate in VA’s appeals plan how VA will monitor and assess the new appeals process compared to the legacy process, including specifying a balanced set of goals and measures – such as timeliness goals for all VBA appeals options and Board dockets, and measures of accuracy, veteran satisfaction, and cost – and related baseline data.

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The new appeals process being tested in RAMP and the legacy appeals workload are monitored using separate metrics. The primary correlation between the two workloads is that as claimants opt-in to RAMP, they are withdrawing their legacy appeal. Therefore, in VA's current modeling, the forecasted RAMP inventory will provide a coinciding drop in the legacy inventory. The metrics for the legacy workload and the RAMP workload are tracked separately. Some of the current metrics for RAMP include:

- Average days pending – Monitor timeliness for claims processing within RAMP disaggregated by Supplemental and Higher-Level Review Lanes.
- Average days to completion for completed claims – Maintain completion within the goal of 125 days on average for the Higher-Level Review and Supplemental Claim Lanes.
- Average days from Notice of Disagreement date to date of opt-in – Monitor the age of appeals that are being opted into the RAMP system. This will help with outreach by indicating what population of legacy appeals is showing the best tendency to opt-in to the RAMP process.
- Average days from opt-in invitation letter date to opt-in date – Determine the average time claimants are waiting to submit opt-in responses. VA is attempting to determine the effectiveness of its mailing and communications. VA sends an initial opt-in notice to eligible Veterans; for Veterans that do not respond VA sends a follow-up, or “reminder invitation,” approximately 45 days after the initial invitation. VA is tracking the timeliness of Veterans responses based on receipt of the initial invitation and the “reminder invitation.” By tracking the time Veterans are waiting to submit opt-in responses, VA is able to identify the effectiveness of its communications.
- Capacity – As RAMP progresses, VA is learning what the capacity requirements are for higher-level review and supplemental claims to better forecast resource needs and productivity targets. Currently, the sample size is insufficient to accurately make these determinations.

The Board will continue to utilize the Department's Monthly Management Review (MMR) process to monitor and assess the goals deemed critical to the success of both the new appeals and legacy dockets. Through the MMR, VA's Office of Management helps guide performance metrics for the Board and performs oversight of Board operations. The Board uses the Department's MMR process to identify deficiencies, areas where it is not meeting targets, and discuss plans for improvement and remediation. The Board's performance metrics are reported monthly and are reviewed by the Chairman's Office and the Deputy Secretary (DEPSEC). Internal control deficiencies are discussed and addressed in these monthly meetings; and, if a goal is

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not being met, progress toward that goal is tracked using pre-determined variance thresholds.

After implementation, the Board will focus on reaching timeliness goals in the new system, and devote all remaining resources to processing legacy appeals. Caseflow Queue, discussed in more detail in section 3(b)(10), will assist VA in management and distribution of appeals in all dockets after full implementation. The Board is working with our Digital Service partners to ensure that Caseflow Queue functionality includes the ability to adjust the case distribution ratio between all Board dockets based on the rate of Veteran election in each docket, the rate of individual attorney productivity in each docket, and the rate at which Veterans with legacy appeals opt into the new system.

The Board's goal is to provide resolutions for all Veterans with pending legacy appeals. Given the complex, non-linear legacy process, it is difficult for VA to project when all legacy appeals will be resolved, or provide timeliness goals for legacy appeals. Moreover, the rate at which legacy appeals may be adjudicated depends largely on personnel resources, which is contingent on future appropriations. The Board is working with program management staff and our Digital Service partners to develop milestones for the reduction of the legacy inventory, considering such dependencies as the opt-in rate from RAMP and statutory mechanisms, current resource levels, trends in adjudication of legacy appeals at the agencies of original jurisdiction, and any increases in productivity resulting from the strategies discussed above.

As for timeliness, due to the continuous open record that allows appellants to submit new evidence and/or make new arguments at any point in the appeal process, VA does not measure legacy appeals processing from the date of the Notice of Disagreement to when the appeal is finally resolved; neither VBA or the Board has ever officially measured “appeals resolution” time as a metric. However, VA does measure other aspects of appeals timeliness, such as pending inventory and average days pending for appeals processing in several stages. For example, VA measures the average processing time elapsed between the following intervals: receipt of the Notice of Disagreement to the issuance of a Statement of the Case; issuance of a Statement of the Case to receipt of the Substantive Appeal (VA Form 9); and receipt of a Certified Appeal to the issuance of a Board decision. These timelines are published in the Board's Annual Report to Congress.

Under the new appeals process, VA will measure average processing time for adjudicating appeals. VA will evaluate the new process by examining wait times for Veterans, with decision processing times meeting timeliness goal averages of 125 days in VBA's Higher-Level Review and Supplemental Claim Lanes, and 365 days to complete appeals at the Board in which there is no additional evidence and no request

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for a hearing. The Board is working with VBA, VA program management professionals and Digital Service on timeliness for the other two lanes in the new process and gathering data to determine how a pilot may focus this study.

With respect to Veteran’s satisfaction, the Board is partnering with the VA’s Veterans Experience Office to develop methods of measuring Veteran’s satisfaction under the new appeals system.

With respect to measures of accuracy, VBA has a robust system currently in place for reviewing the accuracy of decisions and has guidelines currently in place that leverage existing quality procedures. This process consists of dedicated Quality Review Specialists, who are assigned to local Quality Review Teams (QRTs) with a focused emphasis on station quality in every VBA facility that processes compensation and pension claims. The purpose of the QRT is to improve the quality and timeliness of claims processing and decrease the amount of work performed on individual cases by evaluating station quality, identifying error trends, and ensuring individual employee reviews are performed monthly. At the Board, measures of accuracy will be recorded by the Office of Quality Review which reviews a statistically significant number of cases each month. Errors are called on decisions which do not meet defined quality standards. VA is developing and testing whether the existing quality assurance goal of 92 percent accuracy is appropriate for the new process. Once VA has developed these goals and measures, VA will communicate this information as part of the required progress reports to the appropriate committees of Congress and GAO.

Recommendation 3: The Secretary of Veterans Affairs should augment the master schedule for VA’s appeals plan to reflect all activities – such as RAMP and modifications to IT systems – as well as assigned responsibilities, interdependencies, start and end dates for key activities for each workgroup, and resources, to establish accountability and reduce overall risk of implementation failures.

A detailed project plan is attached with this response (Attachment 1). The sub work group, responsible for coordinating these activities, groups implementation tasks and where applicable, the line of business, responsible for a task, is annotated. Because of the unique requirements for each line of business, and the time allotted for implementation, VA is executing many tasks concurrently. All offices of VA have worked to identify additional key activities, responsibilities, and interdependencies. These additional activities have been documented in Attachment 1.

The VA administrations, VBA lines of business, and the Board established their individual implementation project teams with representatives from senior management,

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program oversight, and operations elements of each organization to track implementation activities that are specific to the organization. These teams meet internally on a weekly and/or on a bi-weekly basis to track their progress with implementation, address identified issues, and make needed organizational changes to ensure successful implementation of the new appeals system. Potential issues and risks relating to implementation of the new system are identified by analysts and managers through the Appeals Modernization implementation governance sub-workgroups and/or during the monthly meetings the Appeals Management Office holds with each VBA line of business to discuss implementation matters.

The Board's required IT modifications are being accomplished via work with Digital Service. In light of the timeline provided by the Appeals Modernization Act, Digital Service created a high-level roadmap for Calendar Year 2018 that shows the development timeframes during which each of these major areas will be addressed. This timeline is included below:

High-Level 2018 Calendar

Caseflow Product	Q1 (Jan-Mar)	Q2 (Apr-Jun)	Q3 (Jul-Sep)	Q4 (Oct-Dec)
Status	Finalize language, develop backend, Release Status v2	Discovery on changes required for AMA appeals	Ongoing discovery, development on changes required for AMA appeals	Ongoing discovery, development on changes required for AMA appeals
Reader	Add features based on user feedback			
Queue	Discover Attorney/Judge work flow, Release Queue mocks to attorney staff, Begin development	Release Queue functionality to initial user base, Test functionality with admin staff, Ongoing discovery & development	Release new functionality to additional users, Ongoing discovery & development	Release new functionality to additional users, Ongoing discovery & development
Intake	Ongoing discovery, Implement functionality to receive RAMP NODs	Ongoing discovery, Release reporting functionality, Integrate with NWO	Ongoing discovery, Support processing of official forms	Ongoing discovery & development
Hearing Prep	Complete pilot with Judges	Release to all Board Judges		
Hearing Scheduling	Present development plan, Obtain FY19 scheduling policy from Board	Discovery & Development	Development, Release schedule allocation for FY19	Ongoing discovery & development focused on placing Veterans into hearing slots

Releases to users will occur throughout timeline, even if not specifically indicated; all dates and work subject to change based on evolving VA policies and processes

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- Each of these areas must culminate in a product where minimum viability is defined as the ability to process appeals according to the requirements of the Appeals Modernization Act.
- The specific functionality of each product will be continuously defined throughout the development timeframe, according to agile practice in general and of particular importance in light of evolving VA policies and procedures surrounding the implementation.

Caseflow Intake was launched to VBA users on October 30, 2017, prior to the first mailing of RAMP opt-in notices. Digital Service has continued to focus its development of Board-specific Caseflow functionality to be prepared in late summer 2018, to ensure there is sufficient time to adapt should unexpected challenges arise in the discovery and development process. Additionally, Digital Service is well aware that changes in the implementation plan, and the development of new VA policies surrounding the implementation, may impact VA's needs for Caseflow development.

Recommendation 4: The Secretary of Veterans Affairs should ensure that the appeals plan more fully addresses risk associated with appeals reform – for example, by assessing risks against a balanced set of goals and measures, articulating success criteria and an assessment plan for RAMP, and testing or conducting sensitivity analyses of all appeal options – prior to fully implementing the new appeals process.

VA is committed to fully assessing risks and in VA's update to its Comprehensive Implementation Plan, will provide additional information on risks. VA has developed a regular reporting cadence on risks, and areas for improvement to VA leadership on several levels. Accordingly, VA's Deputy Secretary is briefed weekly on the implementation status of appeals modernization. In addition, within VBA, appeals modernization issues are briefed at the Executive Governance Board (EGB) meetings. The EGB is chaired by VBA's Executive-in-Charge and has representation of senior-level leaders from within VBA's business lines. Moreover, to discuss more granular information technology risks, VBA provides updates on appeals modernization through the Benefits Portfolio Steering Committee, which is chaired by OBPI.

Using this process, VA has identified additional risks. These risks, which are categorized using the sections of Public Law 11-55 as a guide, have been delineated in Attachment 2.

With respect to GAO's recommendation to assess risks against a balanced set of goals and measures, as discussed earlier, the Board will identify a balanced set of measures

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to track through the Department's MMR process. The annual MMR kickoff begins in September and is completed prior to the start of the new fiscal year. It is at this time the Board plans to have selected its new set of Appeals Modernization Act measures. The new measures will include a timeliness component to gauge length of time to deliver decision, as well as production component to gauge workload inputs and outputs such as case receipts, number of decisions, and pending inventory. As part of the monitoring process of the MMR, measures are assigned variance thresholds. As noted in response to Recommendation 2, the Board also uses the MMR process to identify deficiencies, areas where we are not meeting targets, and discuss plans for improvement and remediation. The Board's performance metrics are reported monthly and are reviewed by the Chairman's Office and DEPSEC. Internal control deficiencies are discussed and addressed in these monthly meetings; and, if a goal is not being met, progress toward that goal is tracked using pre-determined variance thresholds.

Additionally, with respect to testing or conducting sensitivity analyses of all appeal opinions, the Board is exploring a pilot program that will allow VA to make predictions regarding Veteran behavior, resource allocation, and timeliness in the new system. As a first step, VA is working with its Digital Service partners to perform research with Veterans to investigate their understanding and thought processes concerning the choices the new law provides. Digital Service conducts user research in conjunction with current Caseload development, and is able to adjust its methodology to capture specific Veteran data about the new system within this ongoing effort. User research with Veterans provides preliminary data about Veteran choices and experiences, which will allow VA to construct trend models and tests that account for uncertainty. The Board will use this data to develop a pilot program that is in line with the type of pilot GAO recommends. The goal of a Board pilot is to identify needs and concerns related to full implementation, and make predictions about timeliness and productivity. The Board will engage all stakeholders before launching any pilot.

Appendix II: Comments from the Department of Veterans Affairs

Name	Start	Finish	In Progress
Forms			
Draft Forms	6/14/2017	2/4/2019	In Progress
Determine content of form(s)	6/14/2017	12/15/2017	Complete
Produce Mock Up Forms	6/14/2017	9/1/2017	Complete
VA Form 559a- Request for New or Revised Form or Form Letter	9/4/2017	9/8/2017	Complete
Drafting by Publications	9/11/2017	9/11/2017	Complete
Corrections to Draft	9/12/2017	11/10/2017	Complete
	11/14/2017	12/15/2017	In Progress
OMB Public Notice, Comment, Response	11/28/2017	12/14/2018	
Federal Register Notice drafts/Cost to Govt	11/28/2017	12/20/2017	
Information Collection Request (ICR) Established	12/20/2017	12/27/2017	In Progress
60 Day Federal Register Notice Request	12/27/2017	1/5/2018	In Progress
60 Day Federal Register Notice	1/5/2018	3/9/2018	In Progress
Respond to Comments	3/9/2018	3/23/2018	
30 Day Federal Register Notice Request	3/23/2018	4/6/2018	
30 Day Federal Register Notice Published	4/6/2018	5/4/2018	
OMB Review	5/4/2018	12/14/2018	
Publish Forms	12/14/2018	2/4/2019	
508 Compliance Check	12/14/2018	1/25/2019	
Notification (M21-1, VA Pulse, Bulletin updates)	1/25/2019	2/1/2019	
Release to Websites	2/1/2019	2/4/2019	
Other HR			
Identify affected positions	8/23/2017	12/31/2018	In Progress
Engage With Labor Partners	8/23/2017	12/29/2017	Complete
Labor engagement on position descriptions	12/4/2017	12/31/2018	In Progress
Labor engagement on performance standards	12/4/2017	12/31/2018	In Progress
Position Descriptions & Performance Standards for Higher Level Review Positions	8/23/2017	4/27/2018	In Progress
Evaluate/Revise current Position Descriptions	10/23/2017	12/31/2017	In Progress
Implement Revised Performance Standards	4/30/2018	4/30/2018	
Determination of production/transaction credit for HLR review that ends with a DTA error (sent to supp. Lane)	8/23/2017	10/2/2017	In Progress
Determination of production/transaction credit for HLR review that ends with a grant/denial	8/23/2017	10/2/2017	In Progress
Internal Procedures			
Supplemental Claim Lane	8/24/2017	12/2/2019	In Progress
	8/24/2017	12/2/2019	In Progress

Appendix II: Comments from the Department of Veterans Affairs

Supplemental Lane - FID	8/24/2017	10/18/2017	In Progress
Supplemental Lane - PEN	4/10/2018	8/28/2018	
Supplemental Lane - INS	8/24/2017	5/31/2018	In Progress
Supplemental Lane - VR&E	8/28/2017	12/15/2017	In Progress
Supplemental Lane - CS	8/28/2017	12/15/2017	In Progress
Supplemental Lane - LGY	8/24/2017	5/1/2018	In Progress
Supplemental Lane - EDU	8/24/2017	12/2/2019	In Progress
Higher Level Review	8/24/2017	1/10/2019	In Progress
Higher Level Review - INS	8/24/2017	5/31/2018	In Progress
Higher Level Review - FID	8/24/2017	1/10/2019	In Progress
HLR Process - VR&E	8/28/2017	12/15/2017	In Progress
HLR Process - INS	8/28/2017	12/15/2017	In Progress
HLR Process - PEN	4/10/2018	8/28/2018	
HLR Process - CS	8/28/2017	12/15/2017	In Progress
HLR Process - LGY	8/28/2017	3/1/2018	In Progress
HLR Process - EDU	8/24/2017	9/3/2018	In Progress
Draft: Notice Letters	8/24/2017	8/28/2018	In Progress
Notice Letters - INS	8/24/2017	5/31/2018	In Progress
Notice Letters - CS	8/28/2017	2/19/2018	In Progress
Notice Letters - VR&E	8/28/2017	2/2/2018	Complete
Notice Letters - LGY	8/24/2017	5/1/2018	In Progress
Notice Letters - FID	4/10/2018	6/4/2018	
Draft: Notice Letters - PEN	4/10/2018	8/28/2018	
Notice Letters - EDU	8/28/2017	2/19/2018	In Progress
Draft: Notice Letters (FID)	8/24/2017	10/18/2017	In Progress
Opt In Notices	8/24/2017	12/3/2018	In Progress
Opt-in Notices - INS	8/24/2017	5/31/2018	In Progress
Opt-in Notices - LGY	8/24/2017	5/1/2018	In Progress
Opt-in Notices - FID	8/24/2017		In Progress
Opt-in Notices - CS	8/28/2017	10/20/2017	In Progress
Opt-in Notices - VR&E	8/28/2017	12/29/2017	In Progress
Opt-in Notices - PEN	4/10/2018	8/28/2018	
Opt-in Notices - EDU	8/24/2017	12/3/2018	In Progress
Opt-in Procedures	8/28/2017	12/29/2017	In Progress

Appendix II: Comments from the Department of Veterans Affairs

Opt-in Procedures - INS	8/28/2017	12/29/2017	In Progress
Opt-in Procedures - VR&E	8/28/2017	12/29/2017	In Progress
Opt-in Procedures - EDU	8/28/2017	12/29/2017	In Progress
Opt-in Procedures- CS	8/28/2017	12/29/2017	In Progress
Opt-in Procedures -Pen	4/10/2018	6/4/2018	
Opt-in Procedures -Fid	4/10/2018	6/4/2018	
Draft Maunual/Procedures	8/24/2017	9/3/2018	In Progress
Manual updates -LGY	8/24/2017	4/2/2018	In Progress
Manual updates - EDU	8/24/2017	9/3/2018	In Progress
Manual updates - VRE	8/24/2017	9/3/2018	In Progress
Manual updates - PEN	8/24/2017	9/3/2018	In Progress
Manual updates - INS	4/10/2018	8/28/2018	
Manual updates - FID	8/24/2017	5/31/2018	In Progress
Release opt-in letters	8/24/2017	10/18/2017	In Progress
	1/1/2018	1/1/2018	In Progress
	10/9/2017	10/1/2018	In Progress
	12/6/2017	12/8/2017	In Progress
		10/1/2018	
	10/9/2017	2/26/2018	In Progress
	12/19/2017	TBD	In Progress
	12/19/2017	TBD	In Progress
	1/22/2018	TBD	In Progress
	1/22/2018	TBD	In Progress
	1/26/2018	TBD	In Progress
	1/19/2018	TBD	In Progress
	12/14/2017	TBD	In Progress
	2/2/2018	TBD	In Progress
	2/25/2018	TBD	
	2/26/2018	TBD	
	2/26/2018	TBD	
	2/16/2018	TBD	
	2/26/2018	TBD	
	2/26/2018	TBD	
	2/26/2018	TBD	
	2/26/2018	TBD	
	2/2/2018	TBD	In Progress

Appendix II: Comments from the Department of Veterans Affairs

All FF must be applied to all future decisions. (BSD294)	2/16/2018	TBD
The VBMS-A application will need to be able to capture whenever there is an "additional grant of benefits" for re	2/16/2018	TBD
The VBMS-A application will need to be able to capture whenever an HLR is returned due to a DTA error/reportir	2/2/2018	TBD
Metrics & Reporting	2/1/2018	TBD
Improved VBA Decision Notice (Automated - VBMS)	10/9/2017	2/9/2018
Caseflow (DSVA)	12/1/2017	5/31/2018
Caseflow Intake	1/1/2018	12/31/2018
Discovery and development	1/1/2018	12/31/2018
Implement functionality to receive RAMP NODS	1/1/2018	3/31/2018
Release reporting functionality and integrate with national work queue	4/1/2018	6/30/2018
Support processing of official forms	7/1/2018	9/30/2018
Caseflow Queue	1/1/2018	12/31/2018
Discovery and development	1/1/2018	12/31/2018
Release mocks to attorney staff	1/1/2018	12/31/2018
Release functionality to initial user base, test with admin staff	2/12/2018	3/31/2018
Release new functionality to additional users	4/1/2018	6/30/2018
7/1/2018	12/31/2018	
Caseflow Appeals Status	1/1/2018	12/31/2018
Finalize language, develop backend and release v.2	1/1/2018	3/31/2018
Discovery on changes required for modernized appeals	4/1/2018	6/30/2018
Ongoing discovery and development on changes required for modernized appeals	7/1/2018	12/31/2018
Caseflow Reader	1/1/2018	3/31/2018
Add features based on user feedback	1/1/2018	3/31/2018
Caseflow Hearing Prep	1/1/2018	3/31/2018
Complete pilot with judges	1/1/2018	6/30/2018
Release to all Board judges	1/1/2018	3/31/2018
Caseflow Hearings	4/1/2018	6/30/2018
Present development plan and obtain FY19 scheduling policy from Board	1/1/2018	12/31/2018
Discovery and development	1/1/2018	3/31/2018
Development and release schedule allocation for FY19	4/1/2018	6/30/2018
Ongoing discovery and development focused on placing Veterans into hearing slots	7/1/2018	9/30/2018
eFolder Express	10/1/2018	12/31/2018
Caseflow Certification		Complete
Caseflow Dispatch		Complete
Metrics		Complete
	8/24/2017	4/25/2019
		In Progress

Appendix II: Comments from the Department of Veterans Affairs

Category	Start Date	End Date	Status
VBA Metrics	8/24/2017	4/25/2019	In Progress
Metrics - EDU	8/24/2017	10/1/2018	In Progress
Metrics - INS	8/24/2017	6/29/2018	In Progress
Metrics - PEN	4/10/2018	6/11/2018	
CS Metrics	10/2/2017	4/25/2019	In Progress
(A) The average duration of each segment of the appeals process - Disaggregated by periods in which the Secretary	10/2/2017	3/13/2019	In Progress
(A) The cumulative number of such legacy appeals (CS)	10/2/2017	4/10/2018	In Progress
(B) For the Board, the Number of Appeals Pending on any Docket under 38 USC 7107 as amended by section 2(t)	10/2/2017	2/27/2018	In Progress
(B) The frequency by which appeals lead to additional grants of benefits - Disaggregated by whether the addition	10/2/2017	3/13/2019	In Progress
(B) The portion of work in the new appeals system attributable to legacy appeals opt-ins (CS)	10/2/2017	4/10/2018	In Progress
(C) The Average Duration for Processing (ADC) Claims AND Supplemental Claims, Disaggregated by RO (CS)	10/2/2017	1/10/2018	In Progress
(C) The average period such legacy claims were pending before opting in to the new appeals system and the ave	10/2/2017	4/10/2018	In Progress
(C) The Number and average amount of retroactive awards of benefits resulting from an appeal (CS)	10/2/2017	3/13/2019	In Progress
(D) The Average Duration for Processing (ADC) requests for Higher Level Reviews, Disaggregated by RO (CS)	10/2/2017	1/10/2018	In Progress
(D) The Average Duration from filing a legacy claim until all appeals and remands relating to such legacy claim are	10/2/2017	3/13/2019	In Progress
(E) The Average Number of Times claimants submit different claims with respect to the same condition, such as	10/2/2017	3/13/2019	In Progress
(E) The Avg Number of Days Appeals are Pending (ADP) on a Board Docket, Disaggregated by: (CS)	10/2/2017	5/25/2018	In Progress
(F) With respect to the policy developed under 38 USC 7107(e) [Policy on Changing Dockets] (CS)	10/2/2017	9/27/2018	In Progress
(G) The Average Number of Days the duration of an appeal is extended because the Secretary secured or attempt	10/2/2017	3/13/2019	In Progress
(G) Total Number of Remands for an Advisory Medical Opinion under 38 USC 5109(d) (CS)	10/2/2017	1/25/2019	In Progress
(H) The Average Number of Days between date of Board Remand for an Advisory Medical Opinion and date on w	10/2/2017	2/27/2019	In Progress
(H) The frequency by which claims are reopened under 38 USC 5108 (New and Material evidence), and the frequ	10/2/2017	3/13/2019	In Progress
(I) The Average Number of Days between date of Board Remand for an Advisory Medical Opinion and the date A	10/2/2017	3/27/2019	In Progress
(I) Appeals that include a request for a hearing (CS)	10/2/2017	10/2/2017	In Progress
(I) Number of cases moved from one Docket to another pursuant to such policy (CS)	10/2/2017	6/27/2018	In Progress
(I) of claims under the new appeals system, excluding legacy claims that opt-in to the new appeals system (CS)	10/2/2017	10/25/2018	In Progress
(I) Supplemental Claims (CS)	10/2/2017	4/10/2018	In Progress
(I) Supplemental Claims Pending under 38 USC 5108 as amended by section 2(i) of the legislation (CS)	10/2/2017	1/10/2018	In Progress
(ii) a description of the effect such screening has on: (CS)	10/2/2017	10/2/2017	In Progress
(ii) Appeals that do not include a request for a hearing and include submittal of evidence (CS)	10/2/2017	10/2/2017	In Progress
(ii) Avg time cases pending prior to moving from one Docket to another (CS)	10/2/2017	7/26/2018	In Progress
(ii) of legacy claims that opt-in to the new appeals system (CS)	10/2/2017	11/27/2018	In Progress
	10/2/2017	4/10/2018	In Progress

Appendix II: Comments from the Department of Veterans Affairs

(II) requests for Higher-level review (CS)	10/2/2017	4/10/2018	In Progress
(ii) Requests for Higher-Level Review Pending under 38 USC 5104B as added by section 2(g) (CS)	10/2/2017	1/10/2018	In Progress
(iii) the inventory of cases before the Board (CS)	10/2/2017	10/2/2017	In Progress
(iii) Appeals that do not include a request for a hearing and do NOT include submittal of evidence (CS)	10/2/2017	8/27/2018	In Progress
(iii) The average time to adjudicate the cases after moving from one Docket to another (CS)	10/2/2017	12/27/2018	In Progress
(iii) the type and frequency of development errors detected through such screening (CS)	10/2/2017	10/2/2017	In Progress
(J) The Number of appeals granted, number remanded, number denied by the Board - Disaggregated by Docket (CS)	10/2/2017	4/25/2019	In Progress
(K) The Number of claimants each year that take action (file a supplemental claim, or a higher-level review, or an appeal) (CS)	10/2/2017	4/10/2018	In Progress
(L) The Total Number of Times on average each claimant files under 38 USC 5110(a)(2) to protect their effective date (CS)	10/2/2017	10/11/2018	In Progress
(M) The average duration, from the filing of an initial claim until the claim is resolved and claimants no longer take action (CS)	10/2/2017	4/10/2018	In Progress
(N) How Frequently an action taken within one year to protect an effective date leads to additional grant of benefits (CS)	10/2/2017	10/11/2018	In Progress
(O) The Average of how long it takes to complete each segment of the claims process while claimants are protected (CS)	10/2/2017	3/13/2019	In Progress
(P) The number and average amount of retroactive awards of benefits from the Secretary as a result of protected claims (CS)	10/2/2017	10/11/2018	In Progress
(Q) The average number of times claimants submit different claims with respect to the same condition, such as a claim for a higher-level review (CS)	10/2/2017	3/13/2019	In Progress
(R) The Number of cases each year in which a claimant inappropriately tried to take simultaneous actions, such as a claim for a higher-level review and a claim for a supplemental claim (CS)	10/2/2017	3/13/2019	In Progress
(S) In the case the Secretary develops and implements a policy under 38 USC 5104C(a)(2)(D) (policy relating to such as a claim for a higher-level review and a claim for a supplemental claim) (CS)	10/2/2017	3/13/2019	In Progress
(T) The Number of times the Secretary received evidence relating to an appeal or higher-level review at a time not within one year of the date of the last action taken (CS)	10/2/2017	3/13/2019	In Progress
(U) The Number of Errors committed by the Secretary in carrying out the duty to assist (DTA) under 38 USC 5103 (CS)	10/2/2017	10/11/2018	In Progress
(V) An assessment of the productivity of employees at the regional offices and at the Board - Disaggregated by the number of employees (CS)	10/2/2017	10/11/2018	In Progress
(W) The Percentage of cases that are decided within the goals established by the Secretary for deciding cases - Disaggregated by the number of cases (CS)	10/2/2017	1/10/2018	In Progress
(X) Of the cases that involve a higher-level review, the percentage of decisions that are: (i) granted (CS)	10/2/2017	1/10/2018	In Progress
(Y) The frequency by which the Secretary readjudicates a claim under 38 USC 5108 (where new and relevant evidence is submitted) (CS)	10/2/2017	10/11/2018	In Progress
(Z) In any case in which the Board decides to screen cases for a purpose described in 38 USC 7107(d) (screening cases for a purpose described in 38 USC 7107(d)) (CS)	10/2/2017	10/2/2017	In Progress

EDU Metrics

LGY Metrics

VRE Metrics

Implementation of Modernized Appeals System

Legislatively Required Reports

90 Day Plan (1st Quarterly Report)

Regulations

DRAFT Regulations

Identify & Outline Regulatory Revisions; Convene Workgroup with VBA and OGC Partners.

Write Draft Regulations

Internal VA Concurrence

Appendix II: Comments from the Department of Veterans Affairs

Proposed Rule (PR) to OOREG	1/12/2018	1/24/2018	Complete
OGC clears PR	1/25/2018	2/7/2018	In Progress
OOREG submits final rule to OMB	2/8/2018	2/21/2018	
OMB Public Notice, Comment, Response	2/22/2018	1/4/2019	
OMB clears PR	2/22/2018	4/25/2018	
Edits Based on Public Comment (if Applicable) & Send to OOREG	4/25/2018	5/22/2018	
Public comment period	5/23/2018	7/19/2018	
CG Clears Final Rule	7/20/2018	9/20/2018	
OOREG Submits Final Rule to OMB	9/21/2018	10/4/2018	
OMB Clears Final Rule	10/5/2018	1/4/2019	
Publish Regulations	1/7/2019	1/11/2019	
2nd Quarterly Report to Congress	11/27/2017	2/22/2018	In Progress
3rd Quarterly Report to Congress	2/23/2018	5/23/2018	
4th Quarterly Report to Congress	5/24/2018	8/21/2018	
5th Quarterly Report to Congress	8/22/2018	11/19/2018	
Secretary's Certification	12/3/2019	1/28/2020	
Communications			
RAMP Press Release	8/23/2017	2/1/2019	In Progress
Call Scripts	11/1/2017	11/1/2017	Complete
VA Pulse	8/23/2017	10/17/2017	Complete
Prepare updates to VA website and internal and external facing documents	8/23/2017	1/31/2018	In Progress
Release Updates to website and external facing documents published	8/23/2017	11/14/2017	Complete
Strategic Communications Plan	8/23/2017	8/23/2017	Complete
Fact Sheets	8/23/2017	10/17/2017	In Progress
Communication Toolkit	8/23/2017	10/17/2017	Complete
Develop Communications Schedule	11/1/2017	11/10/2017	Complete
BAS engagements/products	8/23/2017	8/23/2017	Complete
Duty First Development of Print & Video Media	1/18/2018	2/28/2018	In Progress
LOB meetings	9/15/2017	2/1/2019	In Progress
Outreach			
VSO Engagements	6/1/2017	1/23/2019	In Progress
VSO Communicators	8/1/2018	8/31/2018	
NACVSO	11/29/2017	11/29/2017	Complete
VBA VSO bi-weekly (BAS)	10/23/2017	10/27/2017	Complete
	9/1/2017	2/14/2019	In Progress

Appendix II: Comments from the Department of Veterans Affairs

VFW Advanced Skills National Training	11/5/2017	11/5/2017	Complete
VFW/DAV meeting (hosted by VBA and Board)	10/11/2017	10/11/2017	Complete
AMO/Board VSO briefing	9/14/2017	9/14/2017	Complete
Quarterly VSO Forum (VBA)	11/7/2017	11/7/2017	Complete
VSO/MISO Bi-Annual Summit	1/25/2018	1/25/2018	Complete
RAMP Stakeholder kick off meeting	10/31/2017	10/31/2017	Complete
Congressional Engagements	9/28/2017	TBD	In Progress
4-Corners briefing	9/28/2017	9/28/2017	Complete
HVAC Hearing on Appeals Modernization	1/30/2018	1/30/2018	In Progress
"Sand Table" Briefing	1/30/2018	3/30/2018	In Progress
4-Corners briefing	1/16/2018	1/16/2018	Complete
HVAC Staff Visit	11/27/2017	11/27/2017	Complete
HVAC DAMA Discussion	11/30/2017	11/30/2017	Complete
GAO Exit Conference	1/17/2018	1/17/2018	Complete
4-Corners briefing	10/23/2017	10/23/2017	Complete
Provide information to VSO's TO Be Used For Developing VSO Training	8/21/2017	12/28/2018	In Progress
Quality Assurance	8/24/2017	6/29/2018	In Progress
Quality Feedback Loop - FID	8/24/2017	5/31/2018	In Progress
Quality Feedback Loop - EDU	8/24/2017	10/1/2018	In Progress
Quality Feedback Loop -LGY	8/24/2017	11/1/2018	In Progress
Quality Feedback Loop - INS	8/24/2017		In Progress
Common DTA Error Definitions	10/2/2017	12/29/2017	In Progress
Quality Assurance Plan	12/12/2017	1/31/2018	In Progress
Special Focused Quality Reviews	10/2/2017	1/31/2018	In Progress
Training	8/17/2017	2/14/2019	In Progress
Assess Training Requirements and Current Training Products	10/16/2017	2/14/2019	In Progress
Refresher Training to RO employees (as needed)	10/16/2017	2/14/2019	In Progress
Deliver Training to RO appeals employees	12/18/2017	1/12/2018	In Progress
Transition Training for IPC (National) - RAMP	10/16/2017	10/30/2017	Complete
Review of current training	10/16/2017	9/28/2018	In Progress
Assesment of LGY Training	2/2/2018	3/2/2018	In Progress
Call Scripts and Training (BAS) - RAMP FAQ script	8/1/2018	10/23/2018	Complete
Transition Training for CA/IPC - RAMP Team Phase 1	10/16/2017	10/26/2017	Complete
Instructor led training for training National Challenge - development (CS dependant)	11/15/2017	12/13/2017	In Progress

Appendix II: Comments from the Department of Veterans Affairs

TRIP training for VSO (IBAS)	10/16/2017	11/11/2017	In Progress
Transition Training for Coach/AVSCM/VSCM	10/16/2017	11/27/2017	In Progress
Transition Training for DRO - RAMP Team Phase 1	10/16/2017	11/7/2017	Complete
Transition Training for RVSR - RAMP Team Phase 1	10/16/2017	11/7/2017	Complete
TPPS Modules (ED&T and business line)	10/16/2017	11/11/2017	In Progress
Instructor led training for training Challenge (ED&T and Comp Service)	10/16/2017	11/11/2017	In Progress
RVSR Advisor for Effective dates (Job Aid) (ED&T)	10/16/2017	11/11/2017	In Progress
Transition Training for VSR - RAMP Team Phase 1	10/16/2017	10/31/2017	Complete
Conduct Training	8/17/2017	3/9/2018	In Progress
Develop & Conduct Informational Training (overall up-dates)	8/17/2017	12/8/2017	In Progress
Call Centers - RAMP overview (by BAS)	10/16/2017	11/3/2017	Complete
Develop formal training - PL 115-55	12/18/2017	3/9/2018	Complete
PCT team - Routing and FAQ's (nationally)	10/16/2017	11/9/2017	In Progress
BAS Training	9/5/2017	6/29/2018	In Progress
Call Centers/IRIS Response Center	9/5/2017	6/29/2018	In Progress
RAMP	9/5/2017	10/31/2017	Complete
NCC/NPCC/NIRC PCR Refresher Appeals Process	3/1/2018	3/30/2018	
NCC/NPCC/NIRC PCR New Hire Appeals Process	3/1/2018	4/1/2018	
NCC/NPCC/NIRC PCR New Hire Status of Appeal	3/1/2018	4/1/2018	
NCC/NPCC/NIRC PCR New Hire Understanding Rating Decisions & Notification Letters	3/1/2018	4/1/2018	
NCC/NPCC/NIRC PCR Refresher Status of Appeal	6/1/2018	6/29/2018	
Public Contact Team	9/5/2017	5/7/2018	In Progress
RAMP	9/5/2017	10/31/2017	Complete
PCT PCR New Hire Appeals Process	4/1/2018	4/5/2018	
PCT PCR New Hire Status of Appeal	4/1/2018	4/5/2018	
PCT PCR New Hire Understanding Rating Decisions & Notification Letters	4/1/2018	4/5/2018	
PCT PCR Refresher Appeals Process	5/1/2018	5/7/2018	
LOBs Plan Training	8/24/2017	6/29/2018	In Progress
Plan Training -LGY	8/24/2017	TBD	In Progress
Plan Pension - Pen	8/24/2017	1/17/2018	In Progress
Plan Training - LGY	8/24/2017	1/17/2018	Complete
Plan Training - INS	8/24/2017	1/17/2018	Complete
Plan Training - EDU	8/24/2017	3/2/2018	In Progress
Plan Training -INS	8/24/2017	1/31/2018	Complete

Appendix II: Comments from the Department of Veterans Affairs

Plan Training - FID	8/24/2017	11/15/2017	In Progress
Plan Training - VR&E	8/24/2017	1/17/2018	Complete
LOBS Develop Training	8/24/2017	6/29/2018	In Progress
Develop Training - LGY	8/24/2017	6/29/2018	In Progress
Develop Training - PEN	4/10/2018	6/11/2018	
Develop Training - VR&E	8/24/2017	5/11/2018	In Progress
Develop Training - CS	8/24/2017	TBD	In Progress
Develop Training - VRE	2/1/2018	6/29/2018	In Progress
Develop Training - EDU	4/2/2018	6/1/2018	
Develop Training - Pen	8/24/2017	5/11/2018	In Progress
Develop Training - LGY	8/24/2017	5/31/2018	In Progress
Develop Training - INS	8/24/2017	5/1/2018	In Progress
Develop Training FID	8/24/2017	3/1/2018	In Progress
LOBS Conduct Training	8/24/2017	1/2/2019	In Progress
Conduct Training - VRE	7/2/2018	12/14/2018	
Conduct Training - LGY	8/24/2017	TBD	In Progress
Conduct Training - EDU	6/4/2018	12/28/2018	
Conduct Training - PEN	4/10/2018	5/10/2018	
Conduct Training (INS)	8/24/2017	1/2/2019	In Progress
2/15/2019	3/14/2019		
6/5/2017	2/28/2019	In Progress	
6/5/2017	4/9/2018	In Progress	
6/5/2017	7/28/2017	Complete	
7/31/2017	10/17/2017	Complete	
10/18/2017	1/24/2018	Complete	
1/12/2018	1/24/2018	Complete	
1/25/2018	3/26/2018	In Progress	
3/27/2018	4/9/2018		
4/10/2018	2/21/2019		
4/10/2018	6/11/2018		
6/12/2018	8/8/2018		
8/9/2018	9/5/2018		
9/6/2018	11/7/2018		
11/8/2018	11/21/2018		
Project Close Out			
Regulations			
DRAFT Regulations			
Identify & Outline Regulatory Revisions; Convene Workgroup with VBA and OGC Partners.			
Write Draft Regulations			
Internal VA Concurrence			
Proposed Rule (PR) to OOREG			
OGC clears PR			
OOREG submits final rule to OMB			
OMB -- Proposed Rule Public Comment, Publication of Final Rule			
OMB Review of Proposed Rule			
Public comment period			
Preparation of Final Rule			
OCG Clears Final Rule			
OOREG Submits Final Rule to OMB			

OMB Clears Final Rule Publish Regulations	11/22/2018 2/22/2019	2/21/2019 2/28/2019
BVA		
Change Management Strategy (Strat Comms, Outreach, Workforce Realign*)		
Create Change Management Strategy	TBD	TBD
Convene workgroup to create Change Management Strategy	TBD	TBD
Prepare draft of Change Management Strategy	TBD	TBD
Gain concurrence on approach to Change Management Strategy	TBD	TBD
Publish Change Management Strategy	TBD	TBD
Execute Change Management Plan	TBD	TBD
Knowledge Management (Training)		
Develop standardized training framework for training modules	2/1/2018	2/14/2019 In Progress
Determine objective for each training	2/1/2018	3/31/2018 In Progress
Determine appropriate training delivery method per module	2/1/2018	2/22/2018 In Progress
Determine objective for each delivery method	2/23/2018	3/9/2018
Re-evaluate objectives of each training module and update based on inputs received	3/12/2018	3/30/2018
Create training modules with corresponding SOPs	4/2/2018	4/16/2018
Review, discuss, and edit contents of training module and SOPs with each SME	4/17/2018	5/1/2018
Present staff members of each BVA branch with survey to ensure procedures memorized in training modules at	5/2/2018	5/16/2018
Train staff members on the AMA process	5/17/2018	5/31/2018
Determine SME in each BVA branch	6/1/2018	6/15/2018
Create training modules with corresponding SOPs for AMA process based on the proposed regs	6/18/2018	6/29/2018
Determine objective for each training	7/2/2018	7/31/2018
Determine appropriate training delivery method per module	7/2/2018	7/9/2018
Highlight changes in processes and SOPs from legacy appeals process to AMA process	7/10/2018	7/17/2018
Compare process mapping results with what is in the then-current version of the proposed regs and the outlinec	7/18/2018	7/24/2018
Review, discuss, and edit contents of training module and SOPs with each SME	7/25/2018	7/31/2018
Present staff members of each BVA branch with survey to ensure procedures memorized in training modules ar	8/1/2018	8/8/2018
Begin large scale training on AMA process	8/9/2018	8/16/2018
Continue large scale trainings on both admin and legal staff on AMA procedures	8/17/2018	8/24/2018
Create additional training materials for RAMP pilot at BVA	8/27/2018	8/31/2018
Begin pilot RAMP program at BVA	9/4/2018	9/14/2018
Biweekly surveys to determine any missing training guidance or update existing training guidance	9/17/2018	9/28/2018
	10/1/2018	2/14/2019
	10/1/2018	2/14/2019

Appendix II: Comments from the Department of Veterans Affairs

Legacy Process Modeling	3/14/2018	3/14/2018	In Progress
Preliminary Design Review	1/12/2018	1/28/2018	In Progress
Final Design Review	1/29/2018	2/14/2018	In Progress
Requirements Freeze	2/15/2018	2/27/2018	In Progress
Management Review	2/28/2018	3/7/2018	In Progress
Sponsor Sign-off	3/8/2018	3/11/2018	In Progress
Release to Production	3/12/2018	3/14/2018	In Progress
VETBOA Process Modeling	4/6/2018	6/20/2018	In Progress
Kick-off meeting	4/6/2018	4/6/2018	In Progress
Preliminary Design Review	4/7/2018	5/6/2018	In Progress
Final Design Review	5/7/2018	5/21/2018	In Progress
Requirements Freeze	5/22/2018	6/5/2018	In Progress
Release/Publication	6/6/2018	6/20/2018	In Progress
Enabling Infrastructure	Schedule under revision		
Office Space/Logistics	Schedule under revision		
Hiring	Schedule under revision		
Budget	Schedule under revision		
RAMP	9/5/2017	5/10/2019	In Progress
Mailings	11/1/2017	12/1/2018	In Progress
1st Mailing (500 letters)	11/1/2017	11/1/2017	Complete
2nd Mailing (5000 letters)	12/1/2017	12/1/2017	Complete
3rd Mailing (10000 letters)	1/1/2018	1/1/2018	Complete
4th Mailing (25000 letters)	2/1/2018	2/1/2018	Complete
5th Mailing (25000 letters)	3/1/2018	3/1/2018	
6th Mailing (30000 letters)	4/1/2018	4/1/2018	
7th Mailing (30000 letters)	5/1/2018	5/1/2018	
8th Mailing (30000 letters)	6/1/2018	6/1/2018	
9th Mailing (30000 letters)	7/1/2018	7/1/2018	
10th Mailing (30000 letters)	8/1/2018	8/1/2018	
11th Mailing (30000 letters)	9/1/2018	9/1/2018	
12th Mailing (30000 letters)	10/1/2018	10/1/2018	
13th Mailing (30000 letters)	11/1/2018	11/1/2018	
14th Mailing (30000 letters)	12/1/2018	12/1/2018	
Start Up	9/5/2017	10/31/2017	In Progress

**Appendix II: Comments from the Department
of Veterans Affairs**

Performance Metrics and Reporting	9/5/2017	9/28/2017	In Progress
Performance metrics for RAMP process	9/5/2017	9/28/2017	In Progress
Reports, EDW Data, and statutory reporting requirements	9/5/2017	9/19/2017	Complete
RAMP Intake Processing (Letter Creator Development)	9/5/2017	10/26/2017	Complete
End Products (EP)/Claim Labels	9/5/2017	10/31/2017	Complete
Identify Existing Eps - Using 682/683	9/5/2017	9/19/2017	Complete
Delivery of 020/030 Eps	9/5/2017	10/31/2017	Complete
New claim labels to control HLR and supplemental claim elections.	9/5/2017	10/27/2017	Complete
Stakeholder Notification	9/5/2017	10/31/2017	Complete
VSO Notice (Emails)-Stakeholder kick-off call	9/5/2017	10/31/2017	Complete
Attorney/Advocate Notice	9/5/2017	10/30/2017	Complete
Union Notice (21 Days)	9/5/2017	10/31/2017	Complete
RAMP Test Site/Tracking Requirements	9/5/2017	9/27/2017	Complete
Identify RAMP test sites (ARC and ROs)	9/5/2017	9/27/2017	Complete
Create protocol for employee credit/downtime (Phase II)	9/5/2017	9/27/2017	Complete
Communications	9/5/2017	9/27/2017	Complete
Communication for external/internal stakeholders	9/5/2017	10/31/2017	Complete
Fact Sheets	9/5/2017	10/31/2017	Complete
NCC Call Scripts/FAQs on RAMP	9/5/2017	10/31/2017	Complete
Training	9/5/2017	9/27/2017	Complete
In Person Training	9/5/2017	10/30/2017	Complete
Develop Training Timeline for all claims processors	9/5/2017	10/23/2017	Complete
Develop ARC Training Timeline	9/5/2017	10/30/2017	Complete
Public Contact Employees	9/5/2017	10/6/2017	Complete
Provide RAMP training materials to VSOs and include periodic follow-ups	9/5/2017	9/22/2017	Complete
Opt-in/Election Notice to Appellants	9/5/2017	9/22/2017	Complete
Letter explaining HLR and Supplemental Claim lanes and legal ramifications of participation in RAMP (1st Draft)	9/5/2017	10/31/2017	Complete
Determine the 500 appeals that will receive the Opt-in/Election Notice	9/5/2017	10/31/2017	Complete
GC Feedback	9/5/2017	10/31/2017	Complete
VSO Review	9/5/2017	10/31/2017	Complete
HINES batch processing	9/5/2017	10/31/2017	Complete
Mass mailing	9/5/2017	10/31/2017	Complete
Add 1-800 number and 60-Day response to the Opt-in/Election Notice	9/5/2017	10/31/2017	Complete
Caseflow Intake Development – MVP	9/5/2017	10/31/2017	Complete

Appendix II: Comments from the Department of Veterans Affairs

Tracking required for election responses	9/5/2017	10/31/2017	Complete
Document Labels	9/5/2017	9/27/2017	Complete
Identify existing labels for tracking opt-in forms in eFolder	9/5/2017	9/27/2017	Complete
Define subject line for consistency (Update SOP)	9/5/2017	10/31/2017	Complete
Policy Letter/SOP	9/5/2017	9/27/2017	Complete
SOP/TIP Sheet with interim procedural guidance on processing elections	9/5/2017	10/31/2017	Complete
Draft Policy Letter explaining RAMP	9/5/2017	10/31/2017	Complete
Higher Level Review Decision Template	9/5/2017	9/28/2017	Complete
Draft Standard text for a higher level review decision (rating and notification letter)	9/5/2017	10/31/2017	Complete
Designate a decision label in VBMS-R for use by HLR	9/5/2017	9/18/2017	Complete
Draft Standard text for notification letters for DTA errors	9/5/2017	10/27/2017	Complete
"Review Rights" form for RAMP decisions	9/5/2017	10/27/2017	Complete
Letter explaining options after Veteran receives a decision under RAMP (Not required by 10/1)	9/5/2017	9/22/2017	Complete
Opt-in form for an appeal to the Board	9/5/2017	10/27/2017	Complete
Roll Out (Phase II Expansion)	2/1/2018	8/31/2018	In Progress
Kick Off Call with RAMP Expansion Sites	2/1/2018	2/1/2018	Complete
RAMP Expansion Sites Kickoff Visits	2/5/2018	2/9/2018	Complete
Denver and Phoenix Implement RAMP	6/4/2018	7/3/2018	
San Diego and Seattle Implement RAMP	3/1/2018	3/28/2018	
Stations 5,6,7,8,9, and 10 Implement RAMP	4/2/2018	4/27/2018	
Stations 11,12,13,14, and 15 Implement RAMP	8/1/2018	8/31/2018	
Close Out	2/15/2019	5/10/2019	
Assess RAMP Results	2/15/2019	4/12/2019	
Update Forecasts and Modeling	4/15/2019	5/10/2019	

Risks

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

Risk: The Veterans Benefits Administration (VBA) cannot forecast actual Veteran behavior regarding the number of Veterans with legacy claims who opt-in to the new appeals system and which of the new process lanes Veterans will opt into and how many times. This difficulty could result in either understaffing, with risk to achieving performance objectives, or overstaffing, with risk to efficient use of resources.

Mitigation: As described in Section 4 of this report, VBA is conducting the Rapid Appeals Modernization Program (RAM) to validate assumptions used in planning. Through this program, VA is obtaining actual data on the percentages of eligible Veterans who opt for the new system, impact of the new notice requirements on employee productivity, processing times, resource requirements, challenges, and best practices. The phased nature of the program will allow VA to adjust its course prior to the full implementation of the Appeals Modernization Act.

Risk: Forecasting Veteran behavior continues to be the hindrance in the Board's ability to accurately project the total resource requirements to administer the new appeals system and address the appeals decisions on legacy claims.

Mitigation: The Board is working with Digital Service to gather data through their current process to provide information on Veteran behavior under the new system. The Board is making plans for an updated workload and resource projection model to be developed in the near future, and hopes to hire data scientists and or operations research analysts by the end of fiscal year (FY) 2018 to posture for the modeling effort.

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

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

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

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

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Risk: The number of appeals received under the new system surpasses the Board's ability to reduce the pending inventory of legacy appeals.

Mitigation: The Board will continue to monitor actual workload allocations and report to all stakeholders accordingly. The Board's strategy to reduce pending inventory of appeals is to re-engineer processes through technology and project management advice.

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

Risk: As the Board's hiring practices for the Attorney Advisor position have been refined, overall selection numbers were initially impacted. Unintended delays may occur in onboarding additional full-time equivalent (FTEs) to achieve the goal of 1,050 FTE.

Mitigation: The Board continues to be aggressive in advertising additional attorney vacancy announcements in USAJOBS in the second and third quarters of FY 2018. The Board's compelling mission statement and robust telework program ensures the Board continues to attract quality applicants.

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

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

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

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

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

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

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

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

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

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

Risk: Because the Board is not currently participating in RAMP, insufficient awareness of Board employees regarding the RAMP program may result in RAMP opt-in letters being improperly interpreted by the Board.

Mitigation: In January 2018, the Board's Knowledge Management office created training materials, including a list of Frequently Asked Questions, detailing the proper handling of all RAMP communications by the Board. The Board rolled out training on RAMP in February 2018.

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

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

Mitigation: The VA enterprise-wide appeals modernization workgroup focused on training meets routinely to ensure all offices are proactively developing training during the implementation period, to ensure all offices are able to have fully developed materials well before February 2019.

VA has decentralized training and existing training resources across business lines. Risk is spread to the lines of business, which allows leadership to prioritize resources to the lines of business with the greatest number of appeals, and allows senior leaders in each line of business to manage internal risks associated with training for the new appeals system. At this point, VA's assessment is that sufficient resources exist for the timely accomplishment of required training.

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

Risk: Delays in the development of information technology required to implement appeals modernization may prevent VA from certifying readiness in January 2019.

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Additionally, lack of effective coordination across all VA offices may have an adverse impact on development.

Mitigation: VA has worked closely with Digital Service to put all activities into the Master Project Schedule, including key milestones, to ensure all required technologies are developed by December 2018. Digital Service has a record of delivering throughout FY 2017 and continues to do so in FY 2018. All VA offices continue to communicate and coordinate with IT personnel.

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

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

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

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

Risk: The Board's telework program is a volunteer program. If not all Board employees continue to select telework, the Board would be short workstations.

Mitigation: The Board's telework program has been operational for nearly 20 years, and is a strong incentive for all staff. The Board is currently exploring telework capabilities to further expand telework.

Recent space requirement projections assume telework commitments remain constant at 533 employees. As the Board grows staff size to 1,050 FTE, the Board will have 930 total seats including, 167 overflow seats. The Board will assign telework attorneys who

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are out of the office more than 50 percent to one of the 167 overflow seats. The Board is continuing to identify underused space and create work stations. The Board will also continue to build out additional workstations, including having recently gained VA approval to construct 38 new workstations. This project is scheduled to be completed in the 4th quarter of FY 2018.

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

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

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

Risk: Negotiations with labor partners over Board productivity levels may impact decision output.

Mitigation: The Board is committed to working with its labor partners to assist in reaching optimal solutions for productivity and delivering results to Veterans.

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

Risk: RAMP may continue to experience a lower-than-expected opt-in rate if Veterans do not receive adequate information about RAMP, if they remain confused about RAMP, or if they receive erroneous information from third-party sources.

Mitigation: VA has set up regular meetings with stakeholders to share information and updates about RAMP progress, as well as answer any questions. VBA plans to follow-up with Veterans who have been invited to participate in RAMP via written notification, through a phone call to ensure the Veteran understands RAMP. Additionally, the Board is supporting RAMP and working with an expert in change management to develop an overarching outreach plan. VA plans to increase its outreach efforts through digital, print, and other communication methods.

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

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

Mitigation: As noted above, VA is taking a decentralized approach to revising internal policy to support the new appeals system, which allows for each line of business to work in parallel. As some internal procedures will be implemented during RAMP, the

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overall risk of failing to update policy, in a timely manner, is commensurately reduced. Although VA anticipates that policy revisions will take nearly 15 months to complete (see timeline), this risk is low for the reasons specified.

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

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

Mitigation: Each line of business within VA has implemented a plan to ensure all relevant policies are developed and published in a timely manner. The Board has made progress in preparing policy updates that will be needed even though the regulations have not yet cleared internal concurrence. This is shown through the creation of the Master Project Schedule (see Appendix A) and the Board's new partnership with the Office of Enterprise Integration to reform change management practices, as well as ongoing collaboration with Veterans Service Organizations (VSOs) and Digital Service.

The Veterans Health Administration will partner with the Office of the General Counsel and the Board to devise interim procedures based on statutory authorities.

In the upcoming quarterly report, the National Cemetery Administration will provide more details about analysis of the availability of staff needed to review the policies, in light of competing efforts.

VA will closely monitor the regulatory public comment and the Office of Management and Budget approval process to expedite publication to the extent possible.

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

Risk: There may be a low opt-in rate to the new system.

Mitigation: The Board has ongoing meetings with VSOs to help educate them about the benefits of the new system, answer questions, and listen to feedback. The Board will also provide structured trainings, to explain the new system. In cooperation with Digital Service, the Board is also using design thinking, to help minimize misunderstandings with its NOD form. The Board will work with VBA, to accurately communicate all aspects of the new system to all stakeholders.

As a result of early RAMP results, VBA has recognized the need for increased communications with Veterans and other stakeholders, and as described in Section 4 of this report, has taken actions to improve the Opt-In rate for RAMP. As VA learns more from RAMP, and the results of our outreach efforts, we will refine our outreach strategy to ensure Veterans fully understand the benefits of opting in to the new system.

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

Risk: Regarding the necessary IT infrastructure and Digital Service product rollout, it is possible that IT development delays may impact deployment, reducing the ability to decrease legacy appeals.

Mitigation: At the Board, the rollout of Reader went fairly smoothly and has assisted with improved productivity in the adjudication of the legacy claims. In addition to technological improvements, the Board is: still working with external partners to educate them as to the potential benefits of the new system for certain claims, as opposed to the legacy system; working on internal process efficiencies such as a template update; and hiring additional staff that will assist with the adjudication of legacy appeals.

17. Pilot program (Section 4)

Risk: If the opt-in rate remains low during the course of RAMP this will have a direct impact on resources needed to close out the remaining legacy once the Appeals Modernization Act is implemented.

Mitigation: In order to further maximize the productivity of existing resources, following implementation, VBA plans to leverage technology and optimize distribution of workload and may consolidate some legacy appeals processing. Staffing requirements will be met to provide timely decision-making as needed, for both the legacy appeals and the new framework claims under the Appeals Modernization Act.

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Elizabeth H. Curda, (202) 512-7215 or curdae@gao.gov.

Staff Acknowledgments

In addition to the contact above, the following staff members made significant contributions to this report: Michele Grgich (Assistant Director), James Whitcomb (Analyst in Charge), and Rachael Chamberlin.

In addition, key support was provided by Susan Aschoff, Mark Bird, David Chrisinger, Daniel Concepcion, Clifton Douglas, Alex Galuten, Nisha Hazra, Melissa Jaynes, Benjamin Licht, Patricia McClure, Sheila McCoy, Lorin Obler, Gloria Proa, Almeta Spencer, James Sweetman, Walter Vance, and Greg Whitney.

Appendix IV: Accessible Data

Agency Comment Letter

Accessible Text for Appendix II: Comments from the
Department of Veterans Affairs

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DEPARTMENT OF VETERANS AFFAIRS

WASHINGTON DC 20420

March 5, 2018

Ms. Elizabeth Curda

Director

Education, Workforce, and Income Security

U.S. Government Accountability Office

441 G Street, NW

Washington, DC 20548

Dear Ms. Curda

The Department of Veterans Affairs (VA) has reviewed the Government Accountability Office's (GAO) draft report, "VA DISABILITY BENEFITS: Improved Planning Practices Would Better Ensure Successful Appeals Reform" (GAO-18-352).

The enclosure sets forth the actions to be taken to address the GAO draft report recommendations.

VA appreciates the opportunity to comment on your draft report.

Sincerely,

Gina S. Farrisee

Deputy Chief of Staff

Enclosure

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Enclosure

Department of Veterans Affairs (VA) Comments to Government
Accountability Office (GAO) Draft Report

“VA DISABILITY BENEFITS: Improved Planning Practices Would Better
Ensure Successful Appeals Reform”

(GAO-18-352)

Recommendation 1: The Secretary of Veterans Affairs should address all of the required elements in the Act in VA's appeals plan to Congress - including delineating resources required for all VBA and Board appeals options - using sensitivity analyses and RAMP results, where appropriate and needed.

The Department of Veterans Affairs (VA) will use existing resources already devoted to drafting regulations, implementing information technology (IT) system changes, establishing internal procedures, creating training materials, conducting training, and releasing communications/outreach products necessary for implementation of the new system. VA subject-matter experts (SMEs) representing the Board of Veterans' Appeals (Board), as well as Veterans Benefits Administration's (VBA) business lines, Appeals Management Office, and Office of Performance Analysis & Integrity (PA&I), support VBA's Office of Business Process Integration's (OBPI) rotational planning and requirements gathering sessions to ensure that methods for capturing the data to accurately measure, track, and report metrics required by the Appeals Modernization Act are developed. In addition, to further refine the development schedule, VBA's OBPI is working with the Office of Information Technology (OIT) and Digital Service to ensure full integration.

Regarding delineation of the total resource requirements to administer the new appeals system and address the legacy appeals inventory, VA

maintains the Rapid Appeals Modernization Program (RAMP) will provide better data and trend analysis for capacity modeling the resources needed; however the current RAMP participation rate is not yielding sufficient information to make this determination. Therefore, VA is adopting additional strategies to better delineate the resources required. With new strategies, as well as continued analysis of data received from RAMP, VA will project more detailed resource requirements and delineation to be shared with Congress and GAO in the near future.

VBA is drafting capacity and workload plans to project the resources required to address the legacy appeals inventory and process supplemental claims and higher-level reviews under RAMP. VBA is creating a RAMP capacity model that will account for varying RAMP opt-in rates in order to determine the upper and lower bounds of the resource requirements to work RAMP claims and reduce the legacy appeal inventory. These data points will give VA more detailed information on the amount of field resources that should be assigned to administer the new appeals system and resources required to address appeals of decisions on legacy claims.

The new model will incorporate the data collected during RAMP, as it becomes available to create a capacity model based upon actual data. During this program, VA will gather data and conduct trend analyses on aspects of Veterans' behavior, to include

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Enclosure

Department of Veterans Affairs (VA) Comments to Government Accountability Office (GAO) Draft Report

“VA DISABILITY BENEFITS: Improved Planning Practices Would Better Ensure Successful Appeals Reform”

(GAO-18-352)

their decision to opt-in to the new system, employee productivity, processing timeliness, and inventory measures. VA will use that data to assist in developing future resource requirements as part of the annual budget process. In addition to yielding real-world data that will assist VA in creating a forecasting model, RAMP will help VBA identify best

practices, and make changes to its procedures, processes and systems in order to gain efficiencies and faster adjudications.

Beyond the work that VA is doing to collect data under RAMP, which will help VA assess resource delineation, the fiscal year 2019 President's Budget request includes an additional 605 full-time equivalent (FTE) for VBA. These FTE would be dedicated to processing legacy appeals. If this budget were approved, VBA's dedicated appeals processing personnel would increase from 1,495 to 2, 100 FTEs.

The Board believes that its existing resources will allow for successful implementation of the new system. Additionally, the Board will not require separate resources for legacy and new system appeals. The Board anticipates making adjustments to administrative procedures such as intake of appeals, routing to Veterans Service Organizations, scheduling of hearings, and dispatching decisions which will be aided by technology upgrades to assist staff in performing these duties. Similarly, attorneys and Veterans Law Judges will be well-equipped to adjudicate appeals in both systems, as the applicable law regarding Veterans' benefits does not change. Moreover, the Board will utilize Caseflow Queue, discussed in more detail in section 3(b)(10), for the management and distribution of appeals in all dockets under the new law.

The Board is leveraging project management support from VA's Office of Enterprise Integration and additional support from VBA's PA&I and OBPI to develop better predictions regarding specific resource allocation between all dockets.

Additionally, OBPI aided the Board in identifying a tool within VBMS that utilizes an existing-contracted vendor to send the Veteran and other parties documents from the claims file. This tool creates work efficiencies for staff in that the contracted vendor physically sends non-time sensitive communications, allowing staff to work remotely. In the future, this tool may assist with Freedom of Information Act requests and allow for dispatch letters to be completed. There is no added cost to the Board for this efficiency.

Recommendation 2: The Secretary of Veterans Affairs should clearly articulate in VA's appeals plan how VA will monitor and assess the new appeals process compared to the legacy process, including specifying a balanced set of goals and measures - such as timeliness goals for all VBA appeals options and Board dockets, and measures of accuracy, veteran satisfaction, and cost - and related baseline data.

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The new appeals process being tested in RAMP and the legacy appeals workload are monitored using separate metrics. The primary correlation between the two workloads is that as claimants opt-in to RAMP, they are withdrawing their legacy appeal. Therefore, in VA's current modeling, the forecasted RAMP inventory will provide a coinciding drop in the legacy inventory. The metrics for the legacy workload and the RAMP workload are tracked separately. Some of the current metrics for RAMP include:

- Average days pending - Monitor timeliness for claims processing within RAMP disaggregated by Supplemental and Higher-Level Review Lanes.
- Average days to completion for completed claims - Maintain completion within the goal of 125 days on average for the Higher-Level Review and Supplemental Claim Lanes.
- Average days from Notice of Disagreement date to date of opt-in - Monitor the age of appeals that are being opted into the RAMP system. This will help with outreach by indicating what population of legacy appeals is showing the best tendency to opt-in to the RAMP process.
- Average days from opt-in invitation letter date to opt-in date - Determine the average time claimants are waiting to submit opt-in responses. VA is attempting to determine the effectiveness of its mailing and communications. VA sends an initial opt-in notice to eligible Veterans; for Veterans that do not respond VA sends a follow-up, or "reminder invitation," approximately 45 days after the initial invitation. VA is tracking the timeliness of Veterans responses based on receipt of the initial invitation and the "reminder invitation." By

tracking the time Veterans are waiting to submit opt-in responses, VA is able to identify the effectiveness of its communications.

- Capacity - As RAMP progresses, VA is learning what the capacity requirements are for higher-level review and supplemental claims to better forecast resource needs and productivity targets. Currently, the sample size is insufficient to accurately make these determinations.

The Board will continue to utilize the Department's Monthly Management Review (MMR) process to monitor and assess the goals deemed critical to the success of both the new appeals and legacy dockets. Through the MMR, VA's Office of Management helps guide performance metrics for the Board and performs oversight of Board operations. The Board uses the Department's MMR process to identify deficiencies, areas where it is not meeting targets, and discuss plans for improvement and remediation. The Board's performance metrics are reported monthly and are reviewed by the Chairman's Office and the Deputy Secretary (DEPSEC). Internal control deficiencies are discussed and addressed in these monthly meetings; and, if a goal is

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not being met, progress toward that goal is tracked using pre-determined
variance thresholds.

After implementation, the Board will focus on reaching timeliness goals in the new system, and devote all remaining resources to processing legacy appeals. Caseflow Queue, discussed in more detail in section 3(b)(10), will assist VA in management and distribution of appeals in all dockets after full implementation. The Board is working with our Digital Service partners to ensure that Caseflow Queue functionality includes the ability to adjust the case distribution ratio between all Board dockets based on the rate of Veteran election in each docket, the rate of individual attorney

productivity in each docket, and the rate at which Veterans with legacy appeals opt into the new system.

The Board's goal is to provide resolutions for all Veterans with pending legacy appeals. Given the complex, non-linear legacy process, it is difficult for VA to project when all legacy appeals will be resolved, or provide timeliness goals for legacy appeals. Moreover, the rate at which legacy appeals may be adjudicated depends largely on personnel resources, which is contingent on future appropriations. The Board is working with program management staff and our Digital Service partners to develop milestones for the reduction of the legacy inventory, considering such dependencies as the opt-in rate from RAMP and statutory mechanisms, current resource levels, trends in adjudication of legacy appeals at the agencies of original jurisdiction, and any increases in productivity resulting from the strategies discussed above.

As for timeliness, due to the continuous open record that allows appellants to submit new evidence and/or make new arguments at any point in the appeal process, VA does not measure legacy appeals processing from the date of the Notice of Disagreement to when the appeal is finally resolved; neither VBA or the Board has ever officially measured "appeals resolution" time as a metric. However, VA does measure other aspects of appeals timeliness, such as pending inventory and average days pending for appeals processing in several stages. For example, VA measures the average processing time elapsed between the following intervals: receipt of the Notice of Disagreement to the issuance of a Statement of the Case; issuance of a Statement of the Case to receipt of the Substantive Appeal (VA Form 9); and receipt of a Certified Appeal to the issuance of a Board decision. These timelines are published in the Board's Annual Report to Congress.

Under the new appeals process, VA will measure average processing time for adjudicating appeals. VA will evaluate the new process by examining wait times for Veterans, with decision processing times meeting timeliness goal averages of 125 days in VBA's Higher-Level Review and Supplemental Claim Lanes, and 365 days to complete appeals at the Board in which there is no additional evidence and no request

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for a hearing. The Board is working with VBA, VA program management professionals and Digital Service on timeliness for the other two lanes in the new process and gathering data to determine how a pilot may focus this study.

With respect to Veteran's satisfaction, the Board is partnering with the VA's Veterans Experience Office to develop methods of measuring Veteran's satisfaction under the new appeals system.

With respect to measures of accuracy, VBA has a robust system currently in place for reviewing the accuracy of decisions and has guidelines currently in place that leverage existing quality procedures. This process consists of dedicated Quality Review Specialists, who are assigned to local Quality Review Teams (QRTs) with a focused emphasis on station quality in every VBA facility that processes compensation and pension claims. The purpose of the QRT is to improve the quality and timeliness of claims processing and decrease the amount of work performed on individual cases by evaluating station quality, identifying error trends, and ensuring individual employee reviews are performed monthly. At the Board, measures of accuracy will be recorded by the Office of Quality Review which reviews a statistically significant number of cases each month. Errors are called on decisions which do not meet defined quality standards. VA is developing and testing whether the existing quality assurance goal of 92 percent accuracy is appropriate for the new process. Once VA has developed these goals and measures, VA will communicate this information as part of the required progress reports to the appropriate committees of Congress and GAO.

Recommendation 3: The Secretary of Veterans Affairs should augment the master schedule for VA's appeals plan to reflect all activities - such as RAMP and modifications to IT systems - as well as assigned responsibilities, interdependencies, start and end dates for key activities for each workgroup, and resources, to establish accountability and reduce overall risk of implementation failures.

A detailed project plan is attached with this response (Attachment 1). The sub work group, responsible for coordinating these activities, groups implementation tasks and where applicable, the line of business, responsible for a task, is annotated. Because of the unique requirements for each line of business, and the time allotted for implementation, VA is executing many tasks concurrently. All offices of VA have worked to identify additional key activities, responsibilities, and interdependencies. These additional activities have been documented in Attachment 1.

The VA administrations, VBA lines of business, and the Board established their individual implementation project teams with representatives from senior management,

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program oversight, and operations elements of each organization to track implementation activities that are specific to the organization. These teams meet internally on a weekly and/or on a bi-weekly basis to track their progress with implementation, address identified issues, and make needed organizational changes to ensure successful implementation of the new appeals system. Potential issues and risks relating to implementation of the new system are identified by analysts and managers through the Appeals Modernization implementation governance sub- workgroups and/or during the monthly meetings the Appeals Management Office holds with each VBA line of business to discuss implementation matters.

The Board's required IT modifications are being accomplished via work with Digital Service. In light of the timeline provided by the Appeals Modernization Act, Digital Service created a high-level roadmap for Calendar Year 2018 that shows the development timeframes during which each of these major areas will be addressed.

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- Each of these areas must culminate in a product where minimum viability is defined as the ability to process appeals according to the requirements of the Appeals Modernization Act.
- The specific functionality of each product will be continuously defined throughout the development timeframe, according to agile practice in general and of particular importance in light of evolving VA policies and procedures surrounding the implementation.

Caseflow Intake was launched to VBA users on October 30, 2017, prior to the first mailing of RAMP opt-in notices. Digital Service has continued to focus its development of Board-specific Caseflow functionality to be prepared in late summer 2018, to ensure there is sufficient time to adapt should unexpected challenges arise in the discovery and development process. Additionally, Digital Service is well aware that changes in the implementation plan, and the development of new VA policies surrounding the implementation, may impact VA's needs for Caseflow development.

Recommendation 4: The Secretary of Veterans Affairs should ensure that the appeals plan more fully addresses risk associated with appeals reform - for example, by assessing risks against a balanced set of goals and measures, articulating success criteria and an assessment plan for RAMP, and testing or conducting sensitivity analyses of all appeal options - prior to fully implementing the new appeals process.

VA is committed to fully assessing risks and in VA's update to its Comprehensive Implementation Plan, will provide additional information on risks. VA has developed a regular reporting cadence on risks, and areas for improvement to VA leadership on several levels. Accordingly, VA's Deputy Secretary is briefed weekly on the implementation status of

appeals modernization. In addition, within VBA, appeals modernization issues are briefed at the Executive Governance Board (EGB) meetings. The EGB is chaired by VBA's Executive-in-Charge and has representation of senior-level leaders from within VBA's business lines. Moreover, to discuss more granular information technology risks, VBA provides updates on appeals modernization through the Benefits Portfolio Steering Committee, which is chaired by OBPI.

Using this process, VA has identified additional risks. These risks, which are categorized using the sections of Public Law 11-55 as a guide, have been delineated in Attachment 2.

With respect to GAO's recommendation to assess risks against a balanced set of goals and measures, as discussed earlier, the Board will identify a balanced set of measures

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to track through the Department's MMR process. The annual MMR kickoff begins in September and is completed prior to the start of the new fiscal year. It is at this time the Board plans to have selected its new set of Appeals Modernization Act measures. The new measures will include a timeliness component to gauge length of time to deliver decision, as well as production component to gauge workload inputs and outputs such as case receipts, number of decisions, and pending inventory. As part of the monitoring process of the MMR, measures are assigned variance thresholds. As noted in response to Recommendation 2, the Board also uses the MMR process to identify deficiencies, areas where we are not meeting targets, and discuss plans for improvement and remediation. The Board's performance metrics are reported monthly and are reviewed by the Chairman's Office and DEPSEC. Internal control deficiencies are discussed and addressed in these monthly meetings; and, if a goal is not

being met, progress toward that goal is tracked using pre-determined variance thresholds.

Additionally, with respect to testing or conducting sensitivity analyses of all appeal opinions, the Board is exploring a pilot program that will allow VA to make predictions regarding Veteran behavior, resource allocation, and timeliness in the new system. As a first step, VA is working with its Digital Service partners to perform research with Veterans to investigate their understanding and thought processes concerning the choices the new law provides. Digital Service conducts user research in conjunction with current Caseload development, and is able to adjust its methodology to capture specific Veteran data about the new system within this ongoing effort. User research with Veterans provides preliminary data about Veteran choices and experiences, which will allow VA to construct trend models and tests that account for uncertainty. The Board will use this data to develop a pilot program that is in line with the type of pilot GAO recommends. The goal of a Board pilot is to identify needs and concerns related to full implementation, and make predictions about timeliness and productivity. The Board will engage all stakeholders before launching any pilot.

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Risks

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

Risk: The Veterans Benefits Administration (VBA) cannot forecast actual Veteran behavior regarding the number of Veterans with legacy claims who opt-in to the new appeals system and which of the new process lanes Veterans will opt into and how many times. This difficulty could result in either understaffing, with risk to achieving performance objectives, or overstaffing, with risk to efficient use of resources.

Mitigation: As described in Section 4 of this report, VBA is conducting the Rapid Appeals Modernization Program (RAMP) to validate assumptions used in planning. Through this program, VA is obtaining actual data on the percentages of eligible Veterans who opt for the new system, impact of the new notice requirements on employee productivity, processing times, resource requirements, challenges, and best practices. The

phased nature of the program will allow VA to adjust its course prior to the full implementation of the Appeals Modernization Act.

Risk: Forecasting Veteran behavior continues to be the hindrance in the Board's ability to accurately project the total resource requirements to administer the new appeals system and address the appeals decisions on legacy claims.

Mitigation: The Board is working with Digital Service to gather data through their current process to provide information on Veteran behavior under the new system. The Board is making plans for an updated workload and resource projection model to be developed in the near future, and hopes to hire data scientists and or operations research analysts by the end of fiscal year (FY) 2018 to posture for the modeling effort.

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

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

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

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

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Risk: The number of appeals received under the new system surpasses the Board's ability to reduce the pending inventory of legacy appeals.

Mitigation: The Board will continue to monitor actual workload allocations and report to all stakeholders accordingly. The Board's strategy to reduce pending inventory of appeals is to re-engineer processes through technology and project management advice.

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

Risk: As the Board's hiring practices for the Attorney Advisor position have been refined, overall selection numbers were initially impacted. Unintended delays may occur in onboarding additional full-time equivalent (FTEs) to achieve the goal of 1,050 FTE.

Mitigation: The Board continues to be aggressive in advertising additional attorney vacancy announcements in USAJOBS in the second and third quarters of FY 2018. The Board's compelling mission statement and robust telework program ensures the Board continues to attract quality applicants.

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

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

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

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

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

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

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

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

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

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

Risk: Because the Board is not currently participating in RAMP, insufficient awareness of Board employees regarding the RAMP program may result in RAMP opt-in letters being improperly interpreted by the Board.

Mitigation: In January 2018, the Board's Knowledge Management office created training materials, including a list of Frequently Asked Questions, detailing the proper handling of all RAMP communications by the Board. The Board rolled out training on RAMP in February 2018.

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

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

Mitigation: The VA enterprise-wide appeals modernization workgroup focused on training meets routinely to ensure all offices are proactively developing training during the implementation period, to ensure all offices are able to have fully developed materials well before February 2019.

VA has decentralized training and existing training resources across business lines. Risk is spread to the lines of business, which allows leadership to prioritize resources to the lines of business with the greatest number of appeals, and allows senior leaders in each line of business to manage internal risks associated with training for the new appeals system. At this point, VA's assessment is that sufficient resources exist for the timely accomplishment of required training.

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

Risk: Delays in the development of information technology required to implement appeals modernization may prevent VA from certifying readiness in January 2019.

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Additionally, lack of effective coordination across all VA offices may have an adverse impact on development.

Mitigation: VA has worked closely with Digital Service to put all activities into the Master Project Schedule, including key milestones, to ensure all required technologies are developed by December 2018. Digital Service has a record of delivering throughout FY 2017 and continues to do so in FY 2018. All VA offices continue to communicate and coordinate with IT personnel.

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

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

In addition to building new functionality to support intake of review requests, VBA will enhance existing infrastructure to support end-to-end

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

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

Risk: The Board's telework program is a volunteer program. If not all Board employees continue to select telework, the Board would be short workstations.

Mitigation: The Board's telework program has been operational for nearly 20 years, and is a strong incentive for all staff. The Board is currently exploring telework capabilities to further expand telework.

Recent space requirement projections assume telework commitments remain constant at 533 employees. As the Board grows staff size to 1,050 FTE, the Board will have 930 total seats including, 167 overflow seats. The Board will assign telework attorneys who

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are out of the office more than 50 percent to one of the 167 overflow seats. The Board is continuing to identify underused space and create work stations. The Board will also continue to build out additional workstations, including having recently gained VA approval to construct 38 new workstations. This project is scheduled to be completed in the 4th quarter of FY 2018.

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

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

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

Risk: Negotiations with labor partners over Board productivity levels may impact decision output.

Mitigation: The Board is committed to working with its labor partners to assist in reaching optimal solutions for productivity and delivering results to Veterans.

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

Risk: RAMP may continue to experience a lower-than-expected opt-in rate if Veterans do not receive adequate information about RAMP, if they remain confused about RAMP, or if they receive erroneous information from third-party sources.

Mitigation: VA has set up regular meetings with stakeholders to share information and updates about RAMP progress, as well as answer any questions. VBA plans to follow-up with Veterans who have been invited to participate in RAMP via written notification, through a phone call to ensure the Veteran understands RAMP. Additionally, the Board is supporting RAMP and working with an expert in change management to develop an overarching outreach plan. VA plans to increase its outreach efforts through digital, print, and other communication methods.

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

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

Mitigation: As noted above, VA is taking a decentralized approach to revising internal policy to support the new appeals system, which allows

for each line of business to work in parallel. As some internal procedures will be implemented during RAMP, the

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overall risk of failing to update policy, in a timely manner, is commensurately reduced. Although VA anticipates that policy revisions will take nearly 15 months to complete (see timeline), this risk is low for the reasons specified.

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

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

Mitigation: Each line of business within VA has implemented a plan to ensure all relevant policies are developed and published in a timely manner. The Board has made progress in preparing policy updates that will be needed even though the regulations have not yet cleared internal concurrence. This is shown through the creation of the Master Project Schedule (see Appendix A) and the Board's new partnership with the Office of Enterprise Integration to reform change management practices, as well as ongoing collaboration with Veterans Service Organizations (VSOs) and Digital Service.

The Veterans Health Administration will partner with the Office of the General Counsel and the Board to devise interim procedures based on statutory authorities.

In the upcoming quarterly report, the National Cemetery Administration will provide more details about analysis of the availability of staff needed to review the policies, in light of competing efforts.

VA will closely monitor the regulatory public comment and the Office of Management and Budget approval process to expedite publication to the extent possible.

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

Risk: There may be a low opt-in rate to the new system.

Mitigation: The Board has ongoing meetings with VSOs to help educate them about the benefits of the new system, answer questions, and listen to feedback. The Board will also provide structured trainings, to explain the new system. In cooperation with Digital Service, the Board is also using design thinking, to help minimize misunderstandings with its NOD form. The Board will work with VBA, to accurately communicate all aspects of the new system to all stakeholders.

As a result of early RAMP results, VBA has recognized the need for increased communications with Veterans and other stakeholders, and as described in Section 4 of this report, has taken actions to improve the Opt-In rate for RAMP. As VA learns more from RAMP, and the results of our outreach efforts, we will refine our outreach strategy to ensure Veterans fully understand the benefits of opting in to the new system.

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

Risk: Regarding the necessary IT infrastructure and Digital Service product rollout, it is possible that IT development delays may impact deployment, reducing the ability to decrease legacy appeals.

Mitigation: At the Board, the rollout of Reader went fairly smoothly and has assisted with improved productivity in the adjudication of the legacy claims. In addition to technological improvements, the Board is: still working with external partners to educate them as to the potential benefits of the new system for certain claims, as opposed to the legacy system; working on internal process efficiencies such as a template update; and hiring additional staff that will assist with the adjudication of legacy appeals.

17. Pilot program (Section 4)

Risk: If the opt-in rate remains low during the course of RAMP this will have a direct impact on resources needed to close out the remaining legacy once the Appeals Modernization Act is implemented.

Mitigation: In order to further maximize the productivity of existing resources, following implementation, VBA plans to leverage technology

and optimize distribution of workload and may consolidate some legacy appeals processing. Staffing requirements will be met to provide timely decision-making as needed, for both the legacy appeals and the new framework claims under the Appeals Modernization Act.

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