



Department of

Veterans Services

BVA Appeals – Evidence Informed Advocacy

TDVS Appeals & Accreditation Division

May 8, 2024

Agenda

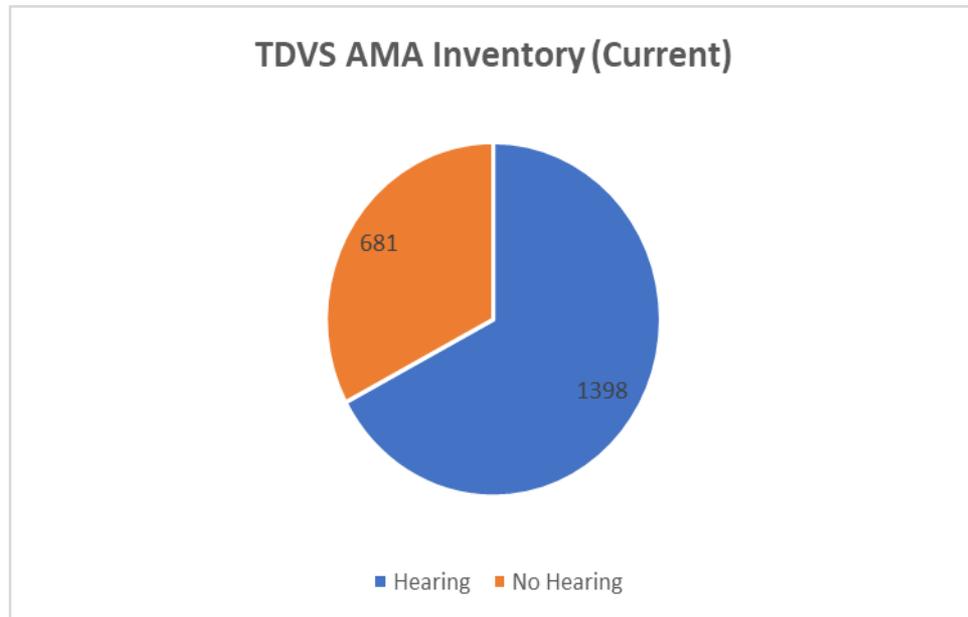
- The Why
- The Evidence
- The Opportunity
- The Pros & The Cons
- I Need More
- Questions

Chief Judge, CAVC – AMA Takeaways

- AMA Offers More Choice
- Each Choice Has Consequences
- Pitfalls for the Unwary
- More Complexity Means More Expertise Needed

The Evidence - Inventory

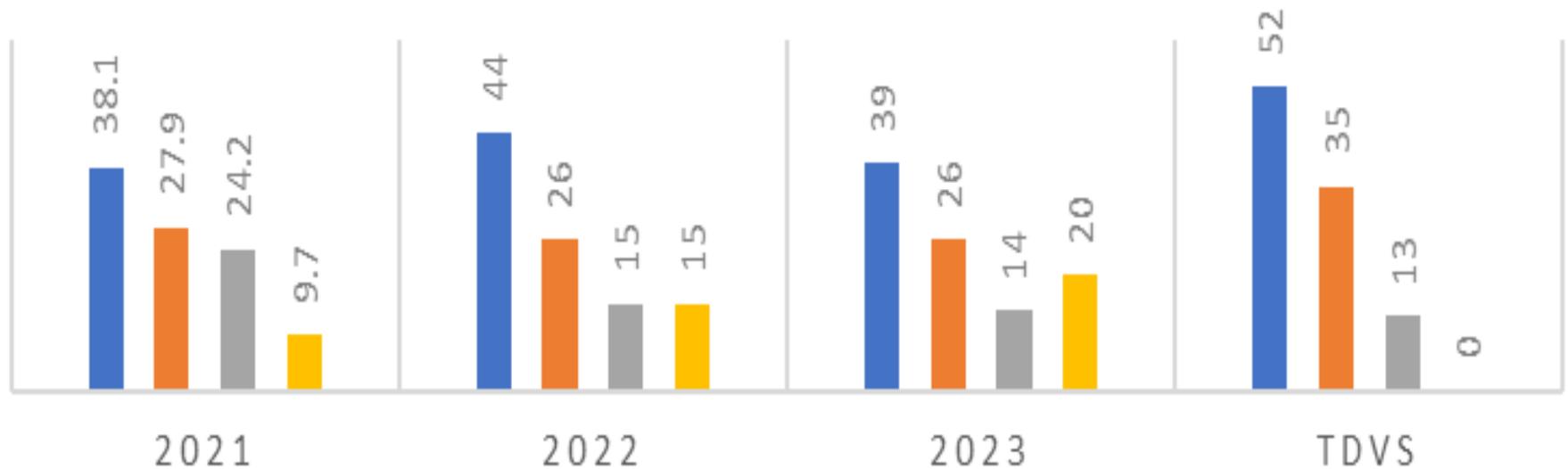
- BVA Indicates Declining % of Veterans Choosing AMA Hearing Lane
 - 47% in FY '21; 39% in FY '22; 35% in FY '23
- TDVS Inventory



The Evidence – Dispositions (Hearing Lane)

AMA HEARING DISPOSITIONS

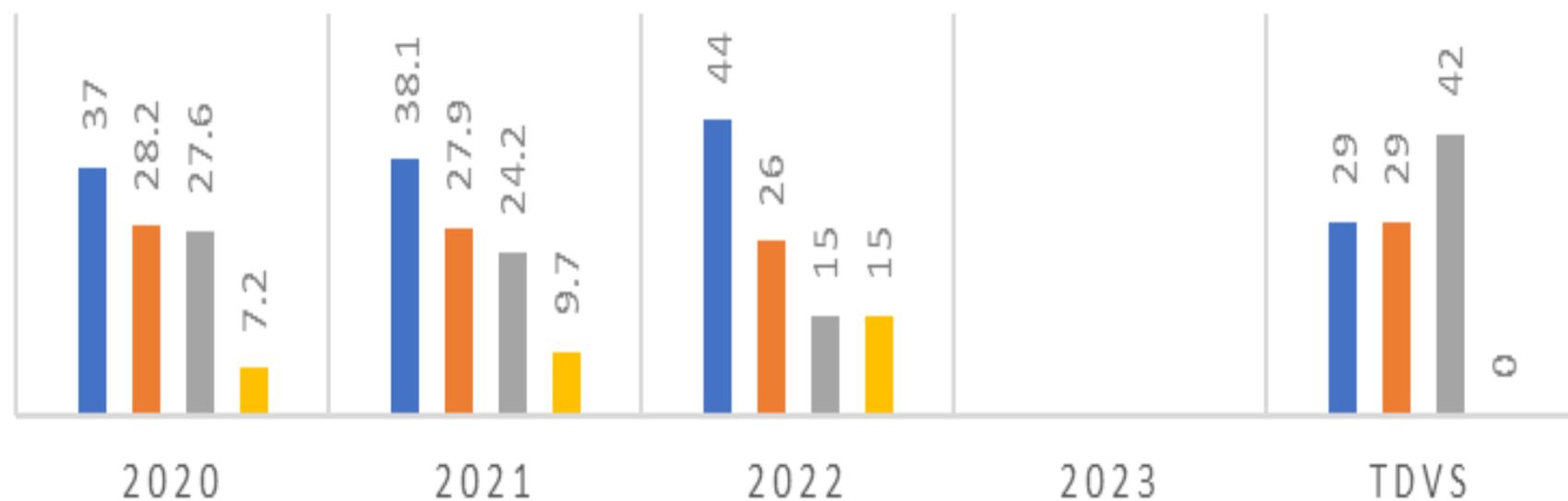
■ Allowed ■ Remanded ■ Denied ■ Other



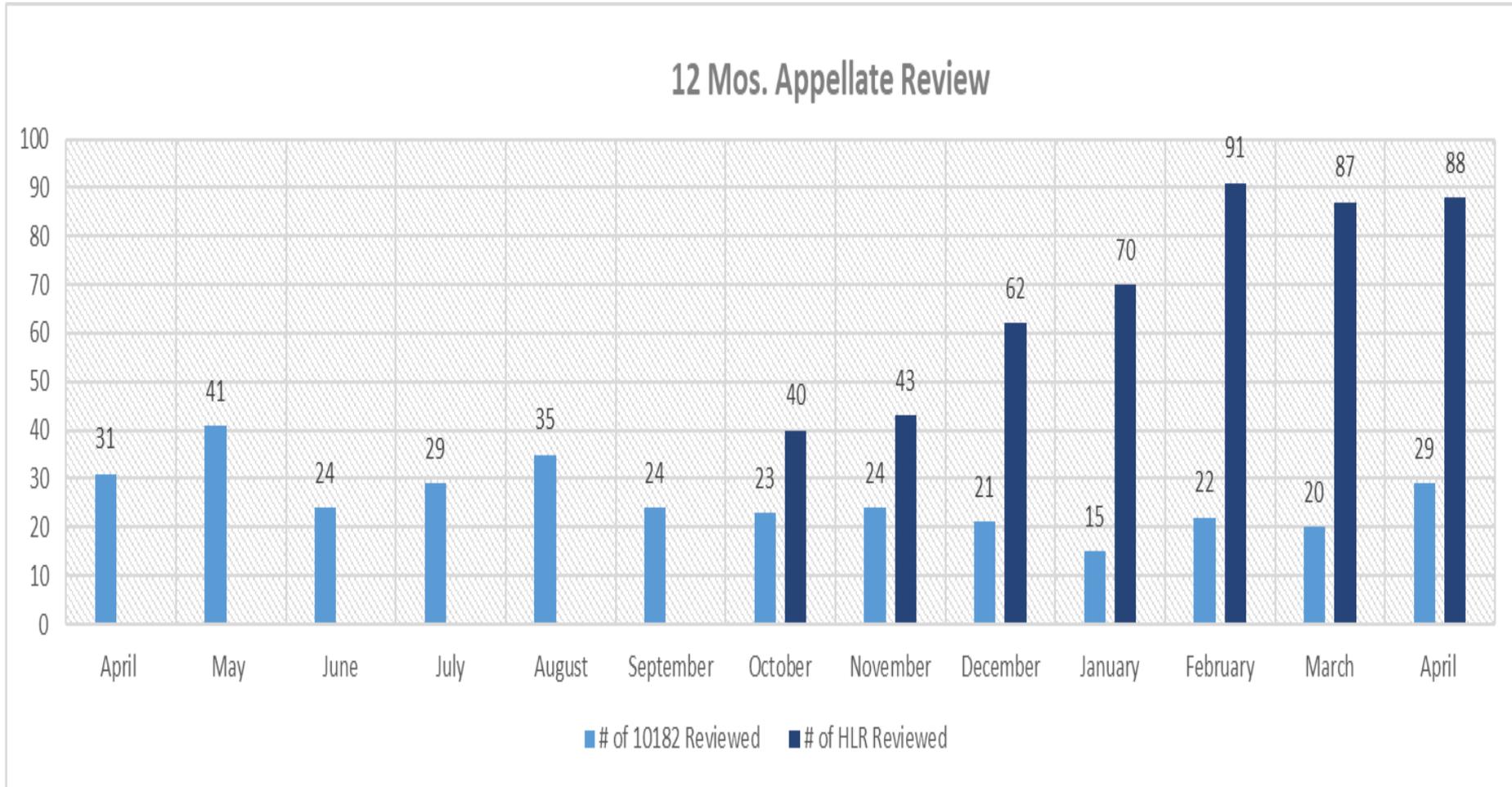
The Evidence – Dispositions (Non-Hearing Lanes)

AMA NO HEARING DISPOSITIONS

■ Allowed ■ Remanded ■ Denied ■ Other



The Opportunity – Written Advocacy



The Opportunity – Written Advocacy

- Review 10182s w/ No Hearing
- Discuss Merits
- Draft Arguments
- Measure Outcomes

Written Argument in Support of Appeal

TO: Decision Review Officer / Board of Veterans' Appeals / Other
IN THE APPEAL OF: VETERAN NAME, FILE NUMBER
REPRESENTED BY: Tennessee Department of Veterans Services
DATE: MONTH DAY, YEAR

ISSUE(S) PRESENTED FOR REVIEW

1. Entitlement to [COPY AND PAST ISSUE FROM RATING DECISION NARRATIVE OR BVA DECISION]
2. Entitlement to [COPY AND PAST ISSUE FROM RATING DECISION NARRATIVE OR BVA DECISION]

BACKGROUND

The Veteran served honorably in the xxxxx.

ARGUMENT

The medical opinion is inadequate. VA has a duty to assist a claimant in obtaining the evidence necessary to substantiate the Veteran's claim for a benefit. 38 U.S.C. § 5103A(a)(1).

CONCLUSION

For these reasons, we request the xxxxxx

Respectfully Submitted,

NAME

Accredited Service Representative
Tennessee Department of Veterans Services

The Pros & The Cons

- Direct Review Lane
 - Pros:
 - Most Experienced VA Adjudicator (vs. RO)
 - Relatively Quick Decision – 1 Year Goal
 - *Average Days Pending = 640 (2nd Qtr. FY '25 or End of March)*
 - Quickest Route to CAVC
 - Cons:
 - Cannot Submit Evidence
 - Even if Case Appealed to CAVC and Back at BVA on Remand
 - Cannot Have Hearing – Hearing Is Op
 - *Average Days Pending = 698 (2nd Qtr. FY '25 or End of March)*

The Pros & The Cons

- Evidence Lane
 - Pros:
 - Most Experienced VA Adjudicator (vs. RO)
 - Can Submit New Evidence
 - Second Quickest Route to CAVC
 - Cons:
 - Cannot Have Hearing
 - Only 90 Days from NOD to Submit New Evidence
 - 2nd Slowest AMA Option

The Pros & The Cons

- Hearing Lane
 - Pros:
 - Most Experienced VA Adjudicator (vs. RO)
 - Time to Develop Needed Evidence
 - Opportunity to Submit Testimony
 - Cons:
 - Longest Wait for Decision and Long Wait for Hearing
 - *Average Days Pending = 737 (2nd Qtr. FY '25 or End of March)*
 - *Today's Hearing Docket = NODs Filed Early 2020*

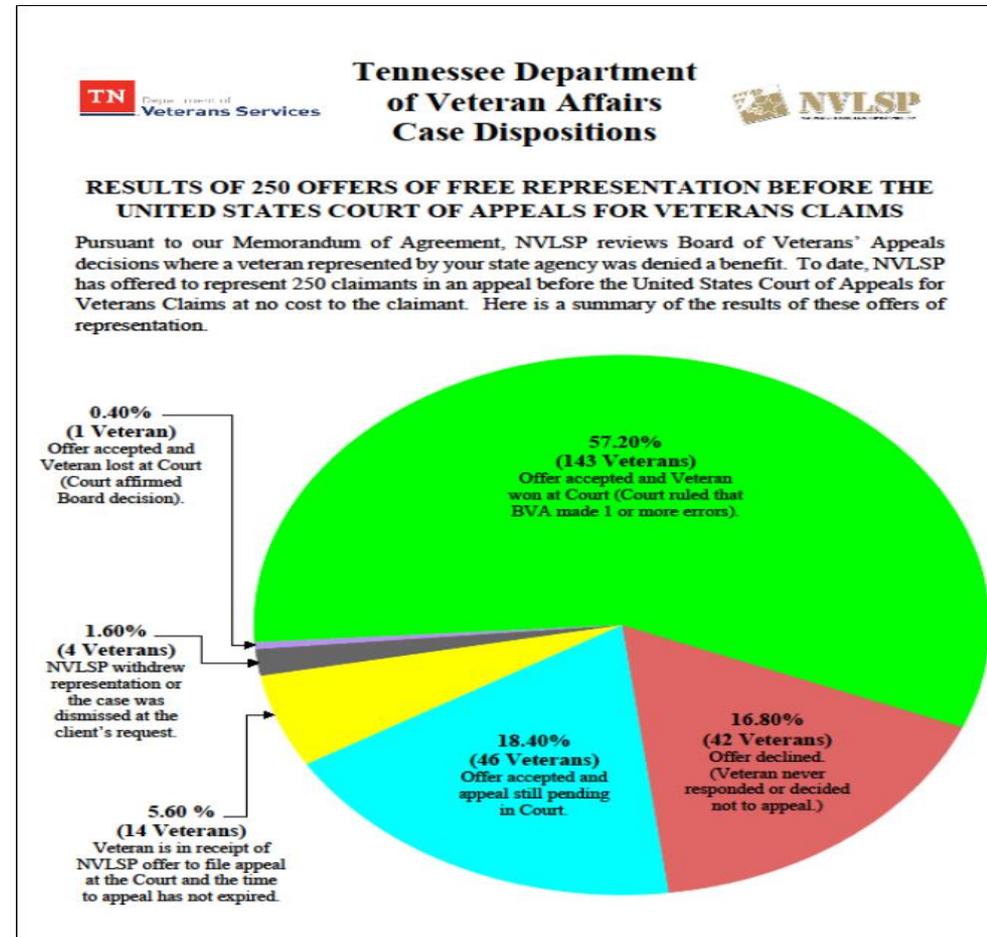
Don't Forget

- Tennessee's Virtual Hearing Network
 - Spans Over 70% of Tennessee's Counties
 - Veteran Focused
 - Contact Tammy Raymond at tammy.Raymond@tn.gov if You Are

Don't Forget

- National Veterans Legal Services Program or NVLSP

- Screens BVA Decisions
 - ****TDVS POA Only**
- Free Representation
- Positive Outcomes



I Need More

- [Appeals Modernization Act Training \(NVLSP\) – 2022 TDVS Annual Accreditation Training](#)
- [TDVS Fact Sheet – TDVS Partnership with NVLSP](#)
- Phone a Friend – [Contact Us](#) – tn.gov/Veteran
- [TDVS Fact Sheet – BVA Virtual Hearings & Tennessee's Hearing Network](#)
- [BVA Quarterly Reports for Fiscal Year 2024 – www.bva.va.gov/quarterly_reports.asp](#)

Questions?

