

Board of Veterans Appeals Process

What is an appeal to the Board of Veterans Appeals?

Substantive appeal to the Board of Veterans Appeals is the final review within the administrative process.

How do you file an appeal to the BVA?

VA Form 9 is used to file the substantive appeal to the Board

What types of BVA hearings are available?

- Hearing in Washington DC where the Board sits
- Video Conference Hearing – vet at local VARO or VAMC and Veterans Law Judge in D.C.
- No Hearing –VLJ reviews the case and makes a decision
- Travel Board hearing –vet waits for the Board to travel to their local VARO

When the Board receives the case the appeal is given a docket number based on the date that the appeal was received.

If the claimant requests one of the first three hearing types the VARO will send the claimant a 90 day letter before transferring the case to the BVA. The claimant will have 90 days to change representation, submit additional evidence or request a different hearing type before the case is transferred to the Board.

If the claimant requests a BVA Travel Board hearing the case will remain at the RO for scheduling. Note that it is not uncommon for the VARO to send a letter to the claimant informing the claimant of the long wait for a Travel Board and encouraging the claimant to select an alternate hearing process.

What are the time limits?

The VA Form 9 is mailed to the claimant with the Statement of the Case and must be filed with the VARO within 60 days of receipt of the SOC or within the remainder of the one-year from the date of mailing of the notice of decision by the VARO, whichever period ends later.

The average length of time between filing the appeal and the Board's disposition was **886 days**.

Source: Annual Report of the Chairman, Board of Veterans' Appeals, Fiscal Year 2010, p. 19. http://www.bva.va.gov/docs/Chairmans_Annual_Rpts/BVA2010AR.pdf

<u>Time Interval</u>	<u>Responsible Party</u>	<u>Average Elapsed Processing Time</u>
Notice of Disagreement Receipt to Statement of the Case	Regional Office	243 days
Statement of the Case Issuance to Substantive Appeal Receipt	Claimant	42 days
Substantive Appeal Receipt to Certification of Appeal to BVA	Regional Office	609 days
Receipt of Certified Appeal to Issuance of BVA Decision	BVA	212 days
Average Remand Time Factor	Regional Office	493 days

In 2009, the following wait times existed in cases in which hearings were requested:

<u>Time Interval</u>	<u>Type of Hearing</u>	<u>Average Elapsed Time</u>
Substantive Appeal Receipt to Date of Hearing	Travel Board	743 days
Substantive Appeal Receipt to Date of Hearing	Videoconference	678 days
Substantive Appeal Receipt to Date of Hearing	Central Office (DC)	771 days