



UNITED STATES SENATE COMMITTEE ON VETERANS' AFFAIRS

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Veterans Appeals Improvement and Modernization Act of 2017 ***Overhauls current appeals process at the Department of Veterans Affairs***

The U.S. Department of Veterans Affairs (VA) current appeals process is broken. For too long, our veterans and their families have faced unacceptable delays during the VA's disability claims appeal process. Between fiscal year 2015 and fiscal year 2017, the number of pending appeals increased from approximately 380,000 to 470,000 – a more than 20 percent increase.

The *Veterans Appeals Improvement and Modernization Act of 2017* would overhaul the VA's current appeals process and includes safeguards to help ensure that veterans, their families and their survivors are better served by the VA's appeals system.

Specifically, the *Veterans Appeals Improvement and Modernization Act of 2017*:

Overhauls the current appeals process:

- Includes appeals process reforms **consistent with a proposal developed collaboratively** by the VA, veterans groups and other stakeholders.
- **Creates three options** for veterans dissatisfied with the initial decisions on their claims:
 1. Seek higher-level review by a regional office on the same evidence presented to the original claims processors;
 2. File a supplemental claim with a regional office that would include the opportunity to submit additional evidence; or
 3. Appeal directly to the Board of Veterans' Appeals, resulting in a possible hearing and/or the opportunity to submit additional evidence.

Includes safeguards to:

- Help ensure that **current pending appeals will be acted upon as quickly as possible**;
- **Require the U.S. Government Accountability Office to review** the VA's plan for addressing pending appeals and implementing the new appeals system;
- **Give the VA the authority to** test facets of the new appeals system on a smaller scale;
- **Require the secretary to certify to Congress** that the VA has the necessary resources to implement the new system as well as address pending and new appeals in a timely manner before the new system can take effect; and
- **Also require the VA to report data** regarding the previous system and the new system to gauge its success in serving veterans, their families and their survivors.

To ensure veterans will be better served by the new system, the *Veterans Appeals Improvement and Modernization Act of 2017* will:

- **Protect the effective date of a benefits award** by dating back to the original filing of the claim if a veteran files a supplemental claim after a decision from the U.S. Court of Appeals for Veterans' Claims;
- Require the VA to develop policies permitting veterans to **modify information in their notices of disagreement** if they appeal to the Board of Veterans' Appeals or change the option they initially selected;
- **Require the VA to provide expedited treatment** for claims that are returned or remanded to the Veterans Benefits Administration for correction of error; and
- **Ensure that independent medical expert opinions** can still be obtained by the VA in medically complex cases.
- **Ensure that the VA will have a duty to assist claimants** in obtaining reasonably identified existing records in connection with a supplemental claim, regardless of whether new and relevant evidence has been submitted.