



DEPARTMENT OF VETERANS AFFAIRS

April 2, 2018

In reply, refer to:
397/AMO

Dear Claimant,

The Department of Veterans Affairs (VA) is actively looking for ways to put Veterans in control of how they receive services and interact with VA. Modernization efforts are occurring across the Department to include changes to our review process for benefit claim decisions. We are contacting you regarding your pending disability compensation benefit appeal(s).

On August 23, 2017, the President signed into law the *Veterans Appeals Improvement and Modernization Act of 2017* (Appeals Modernization Act), creating a new claims and appeals process for pursuing VA benefits. The new process provides you streamlined choices for seeking review of VA's decision on your disability compensation claim. You may review a copy of the legislation (Public Law 115-55) online at www.congress.gov. The new law does not take effect until February 2019 at the earliest.

Rapid Appeals Modernization Program

We are contacting you to inform you of a new program, known as the *Rapid Appeals Modernization Program* (RAMP) that allows you to "opt-in" to the new claims and appeals process before the law goes into full effect. Choosing to "opt-in" to RAMP may lead to an earlier resolution of your claim and/or appeal. This program will not affect or change your potential effective date. You may take advantage of this program by sending us the enclosed RAMP Opt- in Election document along with the provided coversheet. If a Veterans Service Organization (VSO), attorney, or agent represents you, you should contact them for assistance in making a decision.

RAMP is a temporary program that allows early participation in the **Supplemental Claim** and **Higher-Level Review** lanes in the new modernized review process. Participation in RAMP is voluntary; however, taking advantage of this unique opportunity to use several aspects of the new process may help you avoid the delays you are experiencing in the current process. Participation in RAMP requires withdrawing your pending compensation benefit appeal(s) and substituting the review procedures set forth in the Appeals Modernization Act. VA will process all of your eligible appeals under the review lane you select. For the issues addressed under RAMP, you will not be able to request additional review of VA's decision under the current (legacy) appeals process; however, you will have access to all the review options and benefits of the new process.

See the attached fact sheet regarding your options, information on how to participate in RAMP, and the benefits of participating.

If you choose not to participate in RAMP, YOU DO NOT NEED TO RESPOND TO THIS LETTER and your appeal(s) will remain in the current (legacy) appeals process.

If You Have Questions or Need Assistance

If you have any questions about this opportunity or need assistance, please contact your representative (Veterans Service Organization, attorney, or claims agent). Your representative can assist in determining the best review option for your appeal(s) and can also file an election on your behalf.

If you do not have a representative, or if you want to change your representative, you can contact us for a listing of the recognized Veterans Service Organizations and/or representatives. Veterans Service Organizations, which are recognized to provide claims services to the veteran community, can also help you with any questions.

For Veterans who are represented by an attorney or claims agent, opting into RAMP will not, by itself, prevent VA from recognizing an existing or new fee agreement for issues processed under RAMP that complies with applicable power-of-attorney and fee agreement requirements.

You may also contact us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.

For Veterans residing outside of the United States, call or visit the nearest American Embassy or Consulate for assistance. In Canada, call or visit the local office of Veterans Affairs Canada. From Guam, American Samoa and N. Marianas, call us at 1-800-827-1000. All other calls outside the US please call 412-395-6272. If you use a TDD, the number is 1-800-829-4833.

For all written communications, put your full name and VA file number on the letter. Please mail all written correspondence to the address listed on the "RAMP Opt-in Election" enclosure.

Sincerely yours,

Regional Office Director

Enclosures:
RAMP Fact Sheet
Mail Cover Sheet
RAMP Opt-in Election

CC: <POA>

RAPID APPEALS MODERNIZATION PROGRAM

Fact Sheet

Rapid Appeals Modernization Program (RAMP) gives Veterans the opportunity for early participation in the new Supplemental Claim and Higher-Level Review lanes.

As a RAMP participant, you will benefit from:

- Early participation in the new, more efficient review process
- Potentially faster decisions and early resolution of disagreements
- Multiple review options
- The same potential effective date for your benefits regardless of the review option that you choose
- A new requirement that VA must have clear and convincing evidence to change any findings favorable to you in a VA decision

Which Appeals are Eligible for RAMP Processing?

Your appeal must be for a disability compensation-related claim, and pending in one of the following appeal stages at the time of election:

- Notice of Disagreement (NOD) has been filed
- Form 9, Appeal to the Board of Veterans' Appeals (Board), has been filed
- Certified to Board (but not activated)
- On remand from the Board

Compensation-related appeals certified to the Board and "activated" through formal placement on the Board's docket are excluded and will remain pending in the current appeals process. The Board will have notified you in writing if your appeal was formally placed on the docket. If you would like to see if your appeal meets the RAMP eligibility criteria listed above, you may check the status and stage of your appeal by visiting VA's vets.gov website at:

<https://www.vets.gov/>

Which Review Lane is Right for You?

- **Supplemental Claim Lane**
 - Select this option if you have additional evidence that is *new and relevant* to support granting your benefit claim. VA's goal is to complete these supplemental claims in an average of 125 days.
 - VA will assist you in gathering new and relevant evidence to support your claim.
 - VA's review will include any new and relevant evidence submitted since we last decided your claim.
 - If necessary, you can continue to submit supplemental claims with new and relevant evidence or use the Higher-Level Review Lane after you receive a decision in the Supplemental Claim Lane by making an election for further review within one year of the date on your decision notice.
- **Higher-Level Review Lane**
 - Select this option if you have **no additional evidence** to submit in support of your claim but you believe that there was an error in the initial decision. VA's goal is to complete these higher-level reviews in an average of 125 days.
 - A higher-level review consists of an entirely new review of your claim by an experienced claim adjudicator.
 - Factual findings that are favorable to you cannot be changed unless there is evidence to the contrary that is clear and convincing.
 - The Higher-Level Reviewer will only consider evidence that was in VA's possession at the time you opt-in. **You and/or your representative will NOT be able to add**

new evidence during this process. VA will stop developing for any pending evidence.

- VA cannot assist you in developing additional evidence. However, if the Higher-Level Reviewer discovers an error in VA's duty to assist in the prior decision your claim will return to initial decision makers for correction of the error.
- You or your representative can request an optional **one time telephonic** informal conference with the Higher-Level Reviewer to identify specific errors in the case. Requesting an informal conference may cause some delay in the processing of your higher-level review.
- If necessary, you can use the Supplemental Claim Lane after you receive a decision in the Higher-Level Review Lane, by making an election for further review within one year of the date on your decision notice.

What It Means to Opt-In

There are two different review lanes under RAMP as noted above. If you choose to opt-in to one of the new review lanes, we will no longer process your compensation appeal in the current process. Designated claims adjudicators at a local VA office will conduct a new review and provide you with a decision. For the issues addressed under RAMP, you will not be able to request additional review of VA's decision under the current (legacy) appeals process; however, you will have access to all the review options and benefits of the new process.

Choosing one review option now does not prevent you from submitting another supplemental claim or choosing another review option after receiving an initial decision in RAMP. In addition, you will have the ability to appeal to the Board if you determine that further review of VA's decision is necessary. However, the Board will not process your appeal under the new streamlined process until no earlier than October 2018.

When appealing to the Board, you may submit additional evidence and/or request a hearing before a Veterans Law Judge (VLJ). You may also choose for the Board to review your claim without any additional evidence or a hearing, which will likely lead to a faster decision. By selecting one of these options, the Board will place your appeal onto a list for consideration in the order it was received, depending on the hearing and evidence submission elections you make.

What It Means to Stay in the Current Appeals Process

If you choose not to participate in RAMP, **you do not need to respond to this letter.** Your appeal(s) will remain in the current appeals process. If you wish to withdraw any or all of your current claims on appeal, please consult your representative (if you have one) for assistance or contact us in writing.

You may experience long processing delays if you decide to remain in the current appeals process. Although each individual case is different, in 2016, Veterans in the current process waited an average of 3 years for resolution of their appeals, and those that received a decision from the Board waited an average of 7 years from the date that they filed their NOD.

How You Can Opt-In

You can choose to have your compensation claim placed into one of the new review lanes by selecting one of the options on the attached RAMP Opt-in Election document, dating and signing where indicated, and then returning it to us along with the attached cover sheet on top. If you do not want your claim to stay in the current appeals process and wish to participate in RAMP, please respond within 60 days from the date of this letter. Send the RAMP Opt-in Election document along with the cover sheet to the address listed on the document.

NOTICE

Appeals Resource Center

Please place this cover sheet on top of any information or documents you send in response to this letter. Failure to do so may delay review of the material you submit.

Section completed by VA personnel:

VA File Number *(or Social Security Number)*

Last Name

First Name

Access to these records is limited to: AUTHORIZED PERSONS ONLY.

Information may not be disclosed from this file unless permitted by all applicable legal authorities, which may include the Privacy Act; 38 U.S.C. §§ 5701, 5705, 7332; the Health Insurance Portability and Accountability Act; and regulations implementing those provisions, at 38 C.F.R. §§ 1.460 – 1.599 and 45 C.F.R. Parts 160 and 164.

Anyone who discloses information in violation of the above provisions may be subject to civil and criminal penalties.

Appeals Resource Center/397



RAMP OPT-IN ELECTION

RETURN THIS PAGE ONLY IF YOU WANT TO PARTICIPATE IN RAMP

(DO NOT complete this form if you wish to remain in the current legacy appeals process)

Once you have read and understood the attached VA letter, please indicate your election by completing and returning this notice with the coversheet provided to the address noted below.



DEPARTMENT OF VETERANS AFFAIRS
EVIDENCE INTAKE CENTER
PO BOX 4444
JANESVILLE WI 53547-4444
OR
FAX TO: 844-531-7818

By completing this form, I elect to participate in RAMP. I am withdrawing all eligible pending compensation appeals in their entirety, and any associated hearing requests, to participate in VA's RAMP initiative and have my eligible appeals proceed under the new process described in the Appeals Modernization Act. *I understand that I cannot return to the current (legacy) appeals system for the issues withdrawn.* I also acknowledge that, in the event I want the Board to review my claim, the Board will not consider my appeal under the new process until no earlier than October 2018.

I elect the following review option (select only one):

Supplemental Claim

I elect to have all eligible issues currently on appeal processed as a **supplemental claim**. I would like to submit *or* have already submitted new and relevant evidence in support of my claim for benefits. I understand that I have 30 days from the date of my election to submit additional evidence or notify VA of evidence that VA can assist in gathering.

Higher-Level Review

I elect to have all eligible issues currently on appeal reviewed in the **higher-level review** process. I understand that this review will be based upon the evidence submitted to VA as of the date of this election and VA will not seek additional evidence on my behalf as part of the higher-level review.

Place a check in the box below if you would like a **one-time** telephonic informal conference with the Higher-Level Reviewer. If you have an accredited representative (VSO, attorney, or agent) please include his or her contact information below. (This option may cause some delay in the processing of your higher-level review in scheduling.)

Informal Conference

Representative/Org. _____

Phone Number _____

Claimant or Authorized Representative Signature

Date