

Date: May 27, 2015

From: Chief Counsel for Operations, Board of Veterans' Appeals (01C2)

Subj: Proposed Modifications to VA Form 9

To: Clearance Officer, Enterprise Records Service (005R1B)

1. The Board of Veterans' Appeals (Board) is seeking OMB approval for certain revisions to the VA Form 9, "Appeal to Board of Veterans' Appeals". The proposed revisions to the existing VA Form 9 would provide appellants with more information about Board hearings, and better clarify the purpose and procedures surrounding Board hearings. The proposed revisions to the Form 9 would also restructure the form for ease of use. The revisions are non-substantive in nature, and are intended to correct commonly seen mistakes in appellants' use of the current form. Importantly, the minor revisions VA is proposing to make to the existing VA Form 9 would not change the burden hours associated with the current form. Because of the importance of these changes, we ask that the changes be approved by OMB as quickly as possible. Greater detail about the proposed changes to the VA Form 9, and a description of the corresponding benefit to Veterans, is outlined below.

2. Currently, Blocks 9 and 10 of the VA Form 9 request that appellants identify and provide reasoning for the issues they intend to appeal to the Board. The Board has found that having these Blocks towards the bottom of the form results in some appellants filling out the Form incorrectly or ignoring this portion. In order to have appellants first address the issues and reasons for appeal (which is the primary purpose of the VA Form 9), Blocks 9 and 10 of the current VA Form 9 have been moved to Blocks 8 and 9, and Block 8 has become Block 10.

3. Further, in Block 9 of the current VA Form 9 (Block 8 in the revised VA Form 9), the Board has found that appellants either check Box B, indicating that they wish to appeal only specific issues, but fail to list the issues in the space provided below Box B, or they check Box A, indicating that they intend to appeal all issues, but list some specific issues in the space provided below Box B. Therefore, in order to clearly identify that one choice requires additional information from the appellant, the Board switched Boxes A and B to make more noticeable the space available for listing issues appealed. The terms "only" and "all" were also bolded to make the appellant more aware of the difference between the choices. Paragraph 6 of the instructions also was revised to indicate the changed Block numbers and to clarify that an appellant should only check one box in revised Block 8.

4. Block 8 of the current VA Form 9 (Block 10 in the revised VA Form 9) has been revised to more clearly indicate that Board hearings are optional and to inform appellants

Clearance Officer, Enterprise Records Service (005R1B)

of the effect of choosing a Board hearing so they can make more fully informed choices regarding hearings. In order to emphasize that Board hearings are not mandatory, revisions were made to the title in revised Block 10 to bold “Optional” and the word “optional” was added throughout revised Block 10. A parenthetical was added to Box A of revised Block 10 to explain that choosing not to have a Board hearing often results in the Board issuing its decision most quickly and to inform appellants that if they decline a hearing they can still submit to the Board a written statement about what they would say at a hearing. Parentheticals also were added to Boxes B through D to explain that selecting a hearing by live videoconference, in Washington, DC, or at a local VA office will add either delay or significant delay to issuance of a Board decision, depending on the type of hearing selected. Paragraph 6 of the instructions was revised to provide similar information. Currently, the instructions for Block 8, Box C, which discuss hearings held in Washington, DC, informs appellants that VA cannot pay expenses that an appellant, an appellant’s representative, or any witnesses incur in connection with attending a Board hearing. Because VA’s inability to pay for hearing-related expenses applies to all Board hearings, not just those held in Washington, DC, this information was moved to the general instructions for revised Block 10, which discusses information pertinent to all types of Board hearings. The revisions to current Block 8 (revised Block 10) and the accompanying instructions in paragraph 6 help ensure that any decision made with respect to hearing requests is a fully informed one.

5. Paragraph 1 of the instructions was revised to provide the Internet address where appellants can find a listing of Veterans Service Organizations and to clarify representation issues with which a local VA office can assist. Paragraph 8 of the instructions was revised to update the Internet address where appellants can find the “How Do I Appeal” pamphlet online. Paragraph 8 was also revised to delete the sentence that indicates how to obtain a paper copy of the pamphlet as the pamphlet is currently only available online. Other minor revisions were made throughout the Form and the instructions, to include discontinuing the use of the abbreviation “BVA” for Board, as this term often is confused with the abbreviation used for Veterans Benefits Administration – namely, VBA. As such, the revised VA Form 9 replaces all uses of “BVA” with “Board.”

6. Paragraphs 2, 5, and 7 of the instructions were also revised to better account for VA’s new centralized mail processing for claims.

Clearance Officer, Enterprise Records Service (005R1B)

7. Thank you for your assistance in getting these changes approved by OMB as soon as possible. If you have any questions, please contact me directly at (202) 632-5081. You may also reach my Special Counsel, Alexandra Simpson, at (202) 632-5561, or the Board's Publication Control Officer, Sue Hamlin, at (202) 632-5100.

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