

Department of  
Veterans Affairs

# Memorandum

Date: October 20, 2021

From: Assistant Under Secretary for Health for Patient Care Services/Chief Nursing Officer (12)

Subj: Request for Office of Management and Budget (OMB) Review and Consideration of emergency Paperwork Reduction Act (PRA) clearance for two new forms related to the Program of Comprehensive Assistance for Family Caregivers (PCAFC) appeal process - (VIEWS 6106407)

To: Sharon Block  
Acting Administrator, Office of Information and Regulatory Affairs (OIRA)

1. A recent court ruling requires the Department of Veteran Affairs (VA) to make changes to options available for individuals who request further review of and to appeal of decisions related to PCAFC.

2. On April 19, 2021, the United States Court of Appeals for Veterans Claims (Court), in the case of *Jeremy Beaudette & Maya Beaudette v. Denis McDonough, Secretary of Veterans Affairs*, ruled in favor of petitioners seeking review by the Board of Veterans' Appeals (Board) of decisions under VA's PCAFC. The Court also certified as a class, claimants who received an adverse benefits decision under PCAFC, exhausted the administrative review process within the Veterans Health Administration (VHA) (the VHA Clinical Appeals Process), and have not been afforded the right to appeal to the Board. The Court's order required VA and petitioners to jointly prepare and submit to the Court for approval a plan to provide notice to class members of their right to appeal PCAFC decisions to the Board and the procedure for obtaining Board review of the decisions. VA and petitioners filed a joint notice plan, which was approved by the Court on August 19, 2021.

3. As part of the Court approved joint notice plan, VA must develop two new forms to support the implementation of new appeal and review options. VA Form 10-306 - "Request for Information About Program of Comprehensive Assistance for Family Caregivers (PCAFC) Decisions," allows individuals to request information about past PCAFC decisions they have been issued. VA Form 10-307 - "Program of Comprehensive Assistance for Family Caregivers (PCAFC) Notice of Disagreement (NOD)," will be used by individuals to initiate an appeal of a PCAFC decision issued prior to February 19, 2019. Individuals who initiate an appeal of a decision issued on or after February 19, 2019, utilize the already

Page 2.

Subj: Request for Office of Management and Budget (OMB) Review and Consideration of emergency Paperwork Reduction Act (PRA) clearance for two new forms related to the Program of Comprehensive Assistance for Family Caregivers (PCAFC) appeal process - (VIEWS 6106407)

approved VA Form 10182.

4. VA is under Court order to begin issuing notice regarding Board appeal rights to individuals who have received a previous PCAFC decision no later than November 17, 2021. As part of the Court approved plan, these two new forms must be available prior to issuance of such notice, including the enclosure of VA Form 10-306 *and* website links to publications of both forms.
5. An emergency Paperwork Reduction Act (PRA) clearance is requested to meet the requirements of the Court order. The use of regular OMB clearance procedures will not allow VA to comply with the Court order by the mandated deadline.
6. Once OMB PRA approval is received, VA must complete additional processes before issuance of notification can begin. OMB PRA approval is respectfully requested as soon as possible, but no later than October 25, 2021.
7. Should you have further questions, please have a member of your staff Contact Ms. Cari Malcolm, Management Analyst, Caregiver Support Program via email at [Cari.Malcolm@va.gov](mailto:Cari.Malcolm@va.gov).

Beth Taylor, DHA, RN, FAAN, NEA-BC  
Assistant Under Secretary for Health  
for Patient Care Services/Chief Nursing Officer

Attachment

Cc: VA Desk Officer, Julie A. Wise  
Office of Management and Budget (OMB)