SUPPORTING STATEMENT - PART A

Collection Title – **OMB Control No. 2900-0674**

VA Form 10182	**Decision Review Request: Board Appeal (Notice of Disagreement) (AMA)**

Summary of Changes from Previously Approved Collection:

- Minor substantive changes to the VA Form 10182 including: adding a checkbox that will allow appellants to waive the requirement that the Board hold an appeal until expiration of the review change period; removing the Veterans Health Administration checkbox; and modifying language in the Board Review Option section to clarify that requesting the Evidence Submission or Hearing options "may," as opposed to "will," extend the time it takes for the Board to decide an appeal.
- Four (4) comments were received during the 60-day Federal Register Notice period

1. Need for the Information Collection

VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement)

The Department of Veterans Affairs (VA) proposes three minor substantive changes to the VA Form 10182 (Notice of Disagreement). While the proposed changes are substantive, they do not change respondent burden. The proposed changes would do three things: (1) insert a checkbox that gives Veterans and other Appellants the opportunity to proactively convey to the Board of Veterans' Appeals (Board) their preference that the Board issue a decision as soon as possible, even if the period to request to change their review option has not yet elapsed, as described below; (2) remove an unnecessary checkbox asking respondents to indicate whether their appeal comes from the Veterans Health Administration (VHA) (now determined automatically); and (3) clarify that selection of certain dockets *may* rather than *will* extend the time it takes for the Board to resolve an appeal. Together, these changes will assist the Board in providing appellants with speedier resolution of their claims and ensure they understand their review choices more fully.

The Board's mission is to conduct hearings and resolve appeals properly before it in a timely manner. 38 U.S.C. § 7101. The VA Form 10182 was approved in the prior collection of information for OMB Control No. 2900-0674. The VA Form 10182 is used to appeal decisions to the Board; to request a hearing before a Veterans Law Judge (VLJ); and to request the opportunity to submit evidence directly to the Board as part of an appeal. The VA Form 10182 is required for claimants who receive notice of a VA decision issued on or after February 19, 2019, and who wish to appeal to the Board.

The requirements to initiate an appeal include that the VA Form 10182 identify the specific decision and issues with which the claimant disagrees; and indicate which review option the claimant elects: to have a hearing before the Board, an opportunity to submit additional evidence, or direct review. 38 U.S.C. § 7105(b).

Claimants must request to change their selected review option within a specific period. Under 38 C.F.R § 20.202(c)(2), appellants may request to change review options up to one year from the date that the agency of original jurisdiction mails notice of the decision on appeal, or within 60 days of the date the Board receives the Notice of Disagreement, whichever is later. In 2024, the U.S. Court of Appeals for Veterans Claims (CAVC) ruled that 38 C.F.R. § 20.202(c)(2) prevents the Board from adjudicating claims prior to the expiration of the review change period. *Williams v. McDonough*, 37 Vet. App. 305, 310-311 (2024). As a result, the Board has been forced to either delay adjudicating appeals until that period ends or send a letter to appellants and ask whether they wish to waive the remaining time. This current practice disproportionately impacts appeals that have been advanced on the Board's docket as those appeals are prioritized for adjudication and are therefore often ready for adjudication before the expiration of the review change period. Furthermore, sending a letter places additional burdens on all appellants, unnecessarily delays adjudication of appeals because few appellants opt to change their initially selected review options, and expends additional personnel resources and mailing costs associated with seeking waivers and written responses via mail.

To avoid such delays and wasted resources, the Board is seeking to revise the VA Form 10182. Specifically, in light of the CAVC's interpretation of 38 C.F.R. § 20.202(c)(2) in *Williams*, *supra,* the Board is requesting to add a checkbox under Part III, number 11, to the VA Form 10182, which will state, "Check here if you want the Board to issue a decision as soon as possible, even if it is within the period to request a different review option in Part II. By checking this box, you acknowledge that once the Board issues a decision, you will not be permitted to change your Board review option." This Veteran-centric approach would allow the Board to adjudicate appeals faster without the need for the Board to seek or the Veteran to provide an affirmative waiver of waiting periods required by this recent case law.

Further, the Board is seeking to remove the checkbox under Part III, number 11, which states: "Check here if you are appealing a denial of benefits by the Veterans Health Administration (VHA)," as the checkbox is no longer essential to more efficient docketing or adjudication of appeals.

Finally, the Board seeks to amend the VA Form 10182 to make a slight modification in language to clarify that requesting the Evidence Submission Reviewed by a VLJ or Hearing with a VLJ options "*may* extend" the time it takes for the Board to decide an appeal, in contrast to the form's current use of the more definitive language "*will* extend." Amending this language will allow appellants to make a more informed Board review option selection.

2. <u>Use of the Information</u>

VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement)

The respondents are claimants seeking to appeal a VA decision to the Board. To do so in the modernized review system, they must submit a VA Form 10182. The VA Form 10182 is included with the notice of a VA decision issued on or after February 19, 2019, and may be accessed online here: https://www.va.gov/find-forms/. Completed VA Forms 10182 may be mailed to the Board at its address as identified in 38 C.F.R. § 20.203, faxed to the Board, or submitted electronically. There are no invitations or other communications sent to the respondent associated with the information collection.

Once returned by the respondent, the information collected will be used by the Board to identify the issues in dispute, the decision that the claimant seeks to appeal, and which Board review option was elected, which permit the Board to determine whether the appeal is properly before the Board (e.g., to verify that the Notice of Disagreement was adequately completed and timely filed). Where a claimant presents arguments in a VA Form 10182, the Board will consider and weigh these arguments when adjudicating the appeal.

Appeals to the Board are generally adjudicated in the order in which they are received, but divided into separate "dockets." Appeals in the modernized review system will be assigned to a docket based on the hearing and evidence submission elections made on the VA Form 10182. Specifically: (1) appeals in which there is no request for the opportunity to submit additional evidence, or request for a hearing before a VLJ (Direct Review docket); (2) appeals in which there is a request for the opportunity to submit additional evidence, but no request for a hearing (Evidence Submission docket); and (3) appeals in which there is a request for both the opportunity to submit additional evidence and a hearing before a VLJ (Hearing docket). 38 U.S.C. § 7107(a); 38 C.F.R. § 20.800. If an appellant has not submitted evidence or provided hearing testimony within an eligible evidentiary window, the respondent may request to modify the VA Form 10182 Notice of Disagreement to elect a different review option, or docket, until the later of one year from the date that the agency of original jurisdiction mails notice of the decision on appeal, or within 60 days of the date the Board receives the Notice of Disagreement. 38 C.F.R. § 20.202(c)(2).

Revising the VA Form 10182 to include a checkbox under Part III, number 11, of the VA Form 10182, will give appellants the option to request that the Board issue a decision prior to the end of the period to request to switch dockets set out in 38 C.F.R. § 20.202(c)(2), potentially allowing them to receive a Board decision sooner. The checkbox will read, "Check here if you want the Board to issue a decision as soon as possible, even if it is within the period to request a different review option in Part II. By checking this box, you acknowledge that once the Board issues a decision, you will not be permitted to change your Board review option." The checkbox will be reviewed by attorneys, VLJs, and other Board staff to determine whether an appeal is ripe for review or whether issuance of a decision must be delayed until the end of the period set out in 38 C.F.R. § 20.202(c)(2). Revising the VA Form 10182 to add the proposed checkbox is the most Veteran-friendly approach as no new form, or information collection, would be required and appellants can avoid delays resulting from the *Williams*, *supra,* decision using an already-familiar form.

3. Use of Information Technology

The VA Form 10182 is available at the following web address: https://www.va.gov/find-forms/. In addition to accepting the VA Form 10182 by mail or fax, in 2021, the Board began accepting electronic submission of documents through VA's centralized mail portal. That change allowed claimants and appointed representatives to submit documents without having to mail or fax the document to the Board. VA now provides several tools to assist in electronic submission. In 2021, approximately 12 percent of the responses in this information collection were submitted to the Board electronically. Currently, approximately 48 percent of responses in this information collection are submitted to the Board electronically.

Many of the veterans and other claimants the Board serves may have limited access to internet services. Therefore, it is in the best interest of the Board in serving claimants to remain flexible by accepting submissions by mail and fax. Moreover, accepting submissions by mail is consistent with regulations that direct appellants to file correspondence at the Board's mailing address. *See* 38 C.F.R. §§ 20.6, 20.203, 20.1002.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

Some claimants' representatives, small service organizations or attorneys-at-law doing business as solo practitioners or at small firms, might qualify as small entities. However, the information requested is narrowly tailored to be the least required for the protection of a claimant's rights and the fulfillment of statutory requirements, and the burden on these small entities will be minimal. Therefore, this information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

The frequency of the collection is once. As it is not possible for there to be a frequency less than once, the consequences of collecting at a frequency less than once would be that appellants would be unable to file the forms included in this information collection.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 C.F.R. § 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Monday, December 1, 2025. The 60-Day FRN citation is 90 FRN 55244.

Four comments were received during the 60-Day Comment Period. Three of the comments expressed full support for the Board's proposed changes to the VA Form 10182. One comment recommended that a continuation page be added for Part II, section A (Specific Issue(s)).

The Board recognizes that an appellant may wish to appeal more than five issues to the Board using the VA Form 10182. The currently approved form as well as the proposed VA Form 10182, Part III, Block 11C, with corresponding instructions, provide that an appellant may attach additional pages as needed if they wish to appeal more than five issues. Thus, appellants already have a way to appeal more than five issues on a single VA Form 10182 and adding a continuation page would not provide any additional benefit.

One commentor expressed concerns that by removing the "check here if you are appealing a denial of benefits by the Veterans Health Administration (VHA)" checkbox, the Board was attempting to change the legal form for appeals of Program of Comprehensive Assistance for Family Caregiver (PCAFC) decisions. The commenter expressed that such change would be inconsistent with the Federal Circuit ruling in *Beaudette v. McDonough*, 93 F.4th 1361 (Fed. Cir. 2024).

The Board is not proposing to change the legal form for appeals of PCAFC or other VHA decisions and does not dispute that adverse eligibility decisions under the Caregiver Program are appealable to the Board. Instead, the Board is proposing to remove the checkbox as it is confusing to appellants and provides little benefit to the Board. Appellants wishing to appeal any decision under 38 U.S.C. § 511 issued on or after February 19, 2019, including VHA and PCAFC benefits decisions, will continue to utilize the VA Form 10182.

A 30-Day Federal Register Notice for the collection published on Friday, February 20, 2026. The 30-Day FRN citation is 91 FRN 8313.

Part B: CONSULTATION

No consultation beyond public comment has been sought.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is included in the instructions section of the VA Form 10182.

A System of Records Notice (SORN) for the Veterans Benefits Management System (VBMS) is currently published here: VBMS SORN. Information that appears in VBMS is also maintained in Caseflow, a web-based application that tracks both legacy and AMA appeals. However, VBMS is the system of record for any documents submitted through this information collection.

A Privacy Impact Assessment (PIA) for VBMS is currently published here: FY25 Veterans Benefits Management Systems (VBMS) Cloud Assessing PIA. As reflected in the SORN for VBMS listed above, VA waits three years after the final adjudication of any claim or appeal before destroying the paper duplicate copies that have been scanned into the VBMS eFolder. The electronic image of the paper document is retained indefinitely as a permanent record either by VA or the National Archives and Records Administration (NARA).

Caseflow also has a PIA, which is published here: FY24 Caseflow Assessing PIA.
For any data pulled from other VA systems, Caseflow relies on the retention schedules of those systems.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument: **VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement) (AMA):**

    a) Number of Respondents (annually): 110,000
    b) Number of Responses Per Respondent: 1
    c) Number of Total Annual Responses: 110,000
    d) Response Time: 30 minutes (.5. hours)
    e) Respondent Burden Hours: 55,000

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument: **VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement) (AMA)**

    VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement) (AMA):

    a) Number of Total Annual Responses: 110,000
    b) Response Time: 30 minutes (.5 hours)
    c) Respondent Hourly Wage: $32.66[1]
    d) Labor Burden per Response *(.5 x $32.66)*: $16.33
    e) Total Labor Burden *(55,000 x $32.66)*: $1,796,300

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement) (AMA); VA Form 9, Appeal to the Board of Veterans' Appeals (legacy)

    a) Number of Total Annual Responses: 110,000

    b) Processing Time per Response: 60 minutes (1 hour)

        - Intake Specialist (GS 9, Step 5): 15 minutes (.25 hours)

[1]The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. Assuming a forty (40) hour work week, the mean hourly wage is $32.66 based on the BLS wage code – "00-0000 All Occupations." This information was taken from the following website: (https://data.bls.gov/oes/#/industry/000000).

- Hearing Specialist (GS 12, Step 3): 15 minutes (.25 hours)
- Attorney Advisor (GS 13, Step 3): 15 minutes (.25 hours)
- Veterans Law Judge (AL-3 A-F average): 15 minutes (.25 hours)

c) Hourly Wage of Workers Processing Responses:[2]

- Intake Specialist (GS 9, Step 5): $28.44
- Hearing Specialist (GS 12, Step 3): $38.82
- Attorney Advisor (GS 13, Step 3): $46.17
- Veterans Law Judge (AL-3 A-F average): $74.77

d) Cost to Process Each Response: $47.05
- Intake Specialist (.25 X $28.44): $7.11
- Hearing Specialist (.25 X $38.82): $9.71
- Attorney Advisor (.25 x $46.17): $11.54
- Veterans Law Judge (.25 x $74.77): $18.69
  - Total: $47.05

e) Total Cost to Process Responses: $5,175,500

Part B: OPERATIONAL AND MAINTENANCE COSTS

1) Cost Categories:
   a) Equipment: $0
   b) Printing: $0
   c) Postage: $0
   d) Software Purchases: $0
   e) Licensing Costs: $0
   f) Other: $0

2) Total Operational and Maintenance Cost: $0

[2]Hourly wages are based on the 2025 General Schedule (Base Pay) available here: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/GS.aspx. This rate does not include any locality adjustment as applicable. The within grade step used to calculate hourly wage represents the average experience of employees within each grade. For Veterans Law Judges, the rate of basic pay (excluding locality adjustments) is calculated based on the average basic pay as reflected here: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/ALJ.pdf

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

1) Total Labor Cost to the Federal Government: $5,175,500

2) Total Operational and Maintenance Costs: $0

3) Total Cost to the Federal Government (P: Add 1 and 2 in this section): $5,175,500

15. Reasons for Change in Burden

The burden has not changed as the estimated number of respondents who utilize the VA Form 10182 Decision Review Request: Board Appeal (Notice of Disagreement) is not expected to change due to the requested revisions. In addition, because the Board seeks to add a checkbox and remove a checkbox, there is no additional respondent burden imposed by the requested changes.

16. Publication of Results

Regarding the VA Form 10182, final Board decisions are made available on websites accessible through the internet to assist in complying with 5 U.S.C. § 552(a)(2). While VA will present some data on publicly accessible internet websites relating to processing times for appeals and the level of appellate evidentiary development requested, the specific information gathered in the information collection described herein will not be published. The results of the information collection will not be published for statistical use.

17. Non-Display of OMB Expiration Date

The Board is not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

The Board is not requesting any exemptions to the provisions stated in 5 C.F.R. § 1320.9.