

Department of
Veterans Affairs

Memorandum

Date: February 2, 2026

From: Office of the Chief Counsel, Board of Veterans' Appeals

Subj: White Paper, OMB Control Number 2900-0674, Justifications for Proposed Modifications to VA Form 10182

To: Clearance Officer, Office of Information Technology, Data Governance Analytics

Summary of Proposed Modifications to VA Form 10182

Consistent with implementation of the Veterans Appeals Improvement and Modernization Act of 2017 (AMA) on February 19, 2019, the VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement), was created for claimants to appeal VA decisions in the modernized review system (AMA). OMB Control No. 2900-0674, which includes the VA Form 10182, was recently approved for information collection on April 30, 2025.

The Board is proposing revisions to the VA Form 10182 and the attached instructions in response to a recent case issued by the U.S. Court of Appeals for Veterans Claims (CAVC). When appellants file a VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement), they have the choice of three Board review options, or “dockets.” Pursuant to 38 C.F.R. § 20.202(c)(2), appellants may request to modify their Notice of Disagreement and change review options for the later of one year from the date 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. In *Williams v. McDonough*, 37 Vet. App. 305, 310-311 (2024), the CAVC interpreted 38 C.F.R. § 20.202(c)(2) as preventing the Board from issuing a decision until the period to request to change Board review options elapses. As a result, the Board has been forced to delay adjudicating appeals until that period elapses or send a letter and ask appellants whether they wish to waive the remaining time, which places additional burdens on appellants and the Board.

The Board also proposes 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).” The checkbox was initially included on the VA Form 10182 to allow the Board to more efficiently determine whether a file should be requested from VHA. However, because claimants do not always understand when they are appealing a VHA decision, the checkbox has often been incorrectly checked or not checked in appropriate appeals, which has diminished its usefulness.

Finally, the Board seeks to modify the VA Form 10182 to more accurately describe the potential for increased processing and adjudication time when selected the Hearing with a Veterans Law Judge (VLJ) or Evidence Submission dockets.

Because the Board seeks to add a checkbox and remove a checkbox, there is no additional respondent burden imposed by the requested changes.

Proposed revisions to the Notice of Disagreement include: (1) inclusion of a checkbox to inform the Board of appellants' intention to receive a decision as soon as possible, even if it is within the period to request a different review option in Part II; (2) removal of the checkbox concerning denial of benefits by VHA; and (3) replacement of the word "will" in Part II, numbers 10B and 10C, to "may." Consistent with the proposed substantive changes, the instructions accompanying the VA Form 10182 are also being modified to better assist the claimants in completing the VA Form 10182.

Justifications for Proposed Modifications to the VA Form 10182

1. Inclusion of a Checkbox to Address *Williams v. McDonough*.

The Board seeks to include a checkbox in Part III, block 11, 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." In the accompanying instructions, the Board seeks to include a paragraph stating "In general, the Board cannot issue a decision in your appeal until the period to request to switch Board review options (i.e., dockets) has elapsed (one year from the notice of the decision on appeal or 60 days from when the Board receives this form, whichever is later), or the appeal is not otherwise eligible to change dockets. By checking the box, you are indicating that you do not want the Board to wait for the period to request to switch dockets elapses before issuing a decision. Checking the box does not change your place in line and the Board will not issue a decision until your appeal is ready for review. By checking the box, you acknowledge that once the Board issues a decision, you will not be permitted to change your Board review option." These changes will allow appellants to proactively inform the Board, using a form they are already familiar with, that they do not wish for their appeal to be held pursuant to *Williams, supra*. This will allow the Board to address appeals in docket order without having to wait for the period to switch dockets to elapse or send appellants a letter asking whether they wish to waive the remaining time. The checkbox will alleviate additional burdens on appellants and the Board and thereby allow the Board to more expeditiously adjudicate appeals subject to the CAVC's holding in *Williams*.

2. Removal of the Checkbox Concerning Denial of Benefits by VHA

The intent of the checkbox under Part III, block 11, indicating whether an appeal is based on the denial of benefits by VHA, was to improve efficiency in the processing of the VA Form 10182 and signal to Board intake specialists that VHA file request procedures should be initiated. However, because many claimants are uncertain whether their appeal is based on a denial of benefits from VHA, this checkbox is often used incorrectly. Thus, the intended benefit of the

checkbox is largely lost as the Board's intake specialists must still perform a review to determine whether the VA Form 10182 is a request for review of a VHA decision. Eliminating the checkbox will lessen the respondent burden of having to understand and identify which administration issued the denial of benefits they want to appeal and will not add any additional burden to the Board as such review is already being performed in the filing of each VA Form 10182.

3. Replacement of the Word “Will” to “May” For Evidence Submission and Hearing with a VLJ Review Options.

The Evidence Submission Reviewed by a VLJ and Hearing with a VLJ review options, under Part II, numbers 10B and 10C, on the VA Form 10182 approved on April 30, 2025, contain parentheticals which state “choosing this option will extend the time it takes for the Board to decide your appeal.” As a general matter, the Board is required by law to review appeals in docket order, and appeals on the Evidence Submission and Hearing dockets typically take longer to process than those on the Direct Review docket. However, other factors, such as an appeal being advanced on the docket, could result in an appeal on the Evidence Submission or Hearing docket being decided quicker than one on the Direct Review docket. Therefore, amending the language from “will extend the time it takes for the Board to decide your appeal” to “may extend the time it takes for the Board to decide your appeal” more accurately reflects the potential outcome of selecting the Hearing with a VLJ or Evidence Submission review options.