



# Memorandum

Date: February 3, 2026

From: Jeffrey Gelber, Deputy Chief Counsel, Office of the Chief Counsel, Board of Veterans' Appeals, 011

Subj: Office of Management and Budget Control Number 2900-0674 Public Comment Responses

To: Office of Management and Budget

A 60-Day Federal Register Notice (FRN) for Office of Management and Budget (OMB) Control Number 2900-0674, VA-2025-VACO-0001-0119, was published on Monday, December 1, 2025. The 60-Day FRN citation is 90 FRN 55244. The Board of Veterans' Appeals (Board) received four comments during the 60-Day Comment Period.

Three of the comments expressed full support for the Board's proposed changes to the VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement). One comment recommended that a continuation page be added for Part II, section A (Specific Issue(s)). Another comment expressed concerns about the removal of the Veterans Health Administration (VHA) checkbox.

## **Public Comment VA-2025-VACO-0001-0122**

I write in support of the Board of Veterans' Appeals and Department of Veterans Affairs proposed collection of information and revision of VA form 10182. The board specifically asked for comments on: 1) whether collection of certain information is necessary for the Board's functions and whether the information has any practical utility; 2) the accuracy of the Board's estimate of the burden of the collection of information; 3) ways to enhance quality, utility, and clarity of the information to be collected; 4) ways to minimize burden of the collection of information on respondents.

### 1) Utility and Necessity

The proposed addition of a check box that allows the Board to issue a decision as soon as possible is both practical and necessary to the Board's function to issue timely resolution of appeals. In *Williams v. McDonough*, the Board was prevented from issuing a decision until the period to request to change Board review options elapsed. This check box would allow the Board to discard unnecessary procedural delay. Through my own experience in filing an appeal, I added little extra evidence, did not request a hearing, and still had to wait ~8 months to get a decision on my appeal.

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This proposal is practical because it will provide appellants, like myself, to get clarity on their appeals process more quickly instead of waiting in limbo because of a procedural delay.

### 2) Accuracy of Estimated Burden on Collection

The Board estimates that there will be no added burden on respondents because they are simply adding and removing one check box. I agree with these statements and the Board's estimation that they might decrease the overall administrative burden by not having to send letters of clarification and delay issuance of appeals that are ready for adjudication. Adding one check box and removing another does not increase completion time or add cognitive burden. As someone who used this process, even though the wait times are spelled out, it is still stressful to wait for a decision, and this proposal may have the effect of eliminating that stress if the option is available to get a decision as soon as possible instead of waiting for a procedural delay.

### 3) Quality, Utility, and Clarity of Information

The proposed language is clear and spells out the consequences of selecting earlier adjudication. The change to add "may" to the portion about extending time for a particular option is more useful to the purpose of an accurate appeals process. When I made my appeal under the other language, I specifically did not choose the hearing option because it made it clear that the extension of time needed for the hearing was further than I was willing to wait. The addition of "may" will have the added benefit of not discouraging those who might benefit from a hearing from choosing a different option solely because they do not have the patience to wait for long periods of time while still reserving their right to change review options within the allotted time.

### 4) Minimization of Respondent's Burden

The checkbox is already a low burden on the respondents with no changes to technological systems or the need to learn a new process. To further reduce these burdens with technology and to ensure that people fully understand the consequences of checking this box, there could be an electronic pop up notice fully explaining the impact and consequences of checking the box both when the box is initially checked and when the respondent hits submit on the form.

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***VA Response to Public Comment VA-2025-VACO-0001-0122***

The Board appreciates the public comment received in support of the proposal to amend the VA Form 10182.

***Public Comment VA-2025-VACO-0001-0148***

The National Organization of Veterans' Advocates, Inc., (NOVA) provides these comments in response to the notice regarding Agency Information Collection Activity: Notice of Disagreement. 90 FR 55244 (December 1, 2025).

NOVA is a not-for-profit 501(c)(6) educational membership organization incorporated in the District of Columbia in 1993. NOVA represents over 900 attorneys, agents, and qualified members assisting our nation's military veterans, their survivors, families, and caregivers seeking to obtain their earned VA benefits. NOVA members represent veterans before all levels of VA's disability claims process, and NOVA works to develop and encourage high standards of service and representation for all persons seeking VA benefits.

NOVA supports the changes proposed by VA. First, we agree that including a checkbox on the form to implement the CAVC's holding in *Williams v. McDonough* will help to mitigate potential delay. In *Williams v. McDonough*, 37 Vet. App. 305, the U.S. Court of Appeals for Veterans Claims interpreted 38 C.F.R. § 20.202(c)(2) as preventing the Board of Veterans' Appeals (Board) from issuing a decision before the time frame for changing the review option expires. This holding has resulted in the Board seeking appellant response to waive that period or hold the decision until such time has expired. Adding a checkbox will allow for appellants to waive that period at the outset of the appeal and save time and resources.

Likewise, NOVA supports VA including language informing appellants that the evidence and hearing lanes generally take longer than the direct review lane. This notification allows appellants to make informed decisions about their review options.

Finally, NOVA supports the removal of the VHA checkbox. VA states the reason for this removal as follows: "Removing the checkbox concerning denial of benefits by the VHA will eliminate the need for appellants to consider which Administration issued the decision they are appealing when completing the VA Form 10182." 90 FR 55244. NOVA agrees that unrepresented appellants may not understand the distinction between VBA and VHA, contributing to frustration or unnecessary delay in filing their appeal. However, NOVA expects that VA will continue to track, in other ways, data reflecting the origin of these appeals as that information serves a broader purpose.

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Thank you for your consideration of these comments. Should you require additional information, please do not hesitate to contact me at 202.587.5708 or drauber@vetadvocates.org.

### ***VA Response to Public Comment 0148***

The Board appreciates the public comment received in support of the proposal to amend the VA Form 10182.

### ***Public Comment VA-2025-VACO-0001-0128***

United Veteran's Disability, LLC provides these comments in response to the proposed collection of certain information by the VA concerning VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement).

United Veteran's Disability, LLC is a Veteran's advocacy firm owned by a VA accredited agent. Our office frequently provides representation before the Board of Veterans' Appeals, which entails completing VA's Notice of Disagreement form.

We fully support removal of the checkbox from Part III, number 11, which states: "Check here if you are appealing a denial of benefits by the Veterans Health Administration (VHA)." We agree that this adds a burden to the appellant that serves little to no value to the Board.

We further fully support creation of a checkbox enabling the appellant to waive their right to switch dockets, in accordance with *Williams v. McDonough*, 37 Vet. App. 305, 310-311 (2024). Currently, the Board has developed a "VLJS Docket Switch Waiver Letter" which it routinely sends to appellants, requesting a waiver of their right to change dockets. This has increased the administrative burden on the Board. It also adds delay in the adjudication of appeals, especially for cases that have been advanced on the Board's docket. Often times, our office has waived the right to change dockets in advance, concurrently with the Notice of Disagreement, but BVA staff nonetheless solicit for a waiver. This is creating unnecessary work for the Board and Appellants.

In sum, enabling appellants to waive their right to change dockets in accordance with *Williams* as part of their Notice of Disagreement will not only reduce the burden on the Board, but it will also enable appellants to obtain a decision from the Board faster. We thus fully support this proposed amendment.

Lastly, our office strongly suggests a continuation page be added for Part II, section A (Specific Issue(s)). This would enable appellants to list issues better, as it is not uncommon for a NOD to contain more than five issues. Thank you for your consideration of these comments. Should you require additional information, please do not hesitate to contact us.

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### ***VA Response to Public Comment VA-2025-VACO-0001-0128.***

The Board appreciates the public comment received in support of the proposal to amend the VA Form 10182.

Regarding the recommendation made in Public Comment VA Form-2025-VACO-0001-0128, 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.

### ***Public Comment VA-2025-VACO-0001-0124***

Using the federal register “notice” to try and overturn the legal form allowed to appeal VHA caregiver decisions, is a violation of the U.S. Court of Appeals for Veterans Claims (CAVC) ruling in *Beaudette v. McDonough* (2021), which established that denials or reductions in the Program of Comprehensive Assistance for Family Caregivers (PCAFC) are appealable to the Board of Veterans' Appeals (BVA), overturning previous VA policy that restricted these decisions to internal VHA reviews.

### ***VA Response to Public Comment VA-2025-VACO-0001-0124***

This 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 commentor 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.

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