

Changes in the Appeals Process for Veteran's Disability Claims

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Several of our veteran's disability clients have recently received correspondence from the VA advising them of the creation of a new appeals modernization process known as the Rapid Appeals Modernization Process (RAMP). The stated reason for this new process is an attempt by the VA to reduce the significant backlog for appeals pending at the VA Regional Office level and to resolve these claims either at this initial appeal level or otherwise move them on to the next level in the process, the Board of Veterans Appeals (BVA).

At this time, participation in this new program is by invitation only, and letters are currently being sent both to the veteran and to the veteran's representative (where represented by an attorney or service officer) advising them of their opportunity to "opt-in" to the RAMP process.

For our veteran clients who receive these letters from the VA, we first ask them to determine whether or not they want to opt into the RAMP program. While we will assist our clients with this election regardless of their decision concerning the RAMP program, however, we are recommending that our clients not opt in to the RAMP program for several reasons.

The first reason we recommend against opting into the RAMP program is that opting in requires that a veteran withdraw the pending claim from the traditional "legacy" appeals process. Electing RAMP means that the veteran agrees to withdraw ALL eligible pending claims and any associated hearing requests. Once a veteran opts in to RAMP, therefore, they can never go back and have their claim put back into the traditional appeals process.

Second, RAMP is confusing insofar as it requires that a veteran select one of several "lanes" for their appeal to proceed in as it moves forward through this new process. At this time, RAMP requires that a veteran elect either to have their appeal treated as a Supplemental Claim or to request a Higher-level Review. The Supplemental Claim option only allows a veteran to submit additional evidence within 30 days of election, whereas the Higher-level Review does not allow them to submit any additional evidence. If a veteran continues to receive medical treatment and anticipates obtaining additional evidence as their claim moves through the process, therefore, these options may not benefit them.

Third, not all of the proposed features available through RAMP have been implemented at this time and are dependent on future VA action. One other option under RAMP is to have a claim reviewed directly by the Board of Veterans Appeals (BVA). This option will not be available until a future date (not earlier than February 2019), however, and is dependent on implementation of additional regulations. If this is an option a veteran wants to consider through RAMP, I caution them that there are no guarantees that this will be implemented and that they may find themselves unable to reenter the traditional appeals process even if this option does not become available in the future.

For the above reasons, we are advising our VA disability clients to tread carefully when considering whether or not to opt into the newly created RAMP appeals process.