

# The Board of Veterans Appeals (BVA)

Robert B. Goss, P.C.



LAW OFFICE OF  
**ROBERT B. GOSS, P.C.**  
THE VETERANS' ATTORNEY <sup>SM</sup>

## CONTACT US

TOLL FREE: 877-425-4VET (4838)

LOCAL: 713-572-4VET (4838)

# BVA Appeals

- ▶ What may be appealed
  - All questions of fact and law regarding claims for VA benefits, by veterans and their dependents or survivors
- ▶ Entitlement to service-connected disabilities
- ▶ Dependency and indemnity compensation for death relating to service-connected disability
- ▶ Non-service-connected pension's
- ▶ Vocational rehabilitation & education benefits
- ▶ Veteran's Health Administration issues (does not include medical determinations)

# BVA Appeals

- ▶ **When to initiate an appeal**
  - Receive Statement of the Case / Supplemental Statement of the Case
  - 90-day letter (transfer to BVA from regional office)
- ▶ **How to initiate an appeal**
  - File VA9
- ▶ **Where to file appeal**
  - Veteran's Regional Office
- ▶ **When to File**
  - Within 60 days of SOC / 30 days of SSOC

# BVA Appeals

- ▶ VA 9
  - Include necessary information to identify the issues on appeal and provide a summary of the arguments for each disability on appeal



# BVA Appeals

## Types of Hearings

- ▶ Decision Review Officer
- ▶ Travel Board
- ▶ Video Conference
- ▶ Washington, DC
- ▶ Decision based on Brief or material in Claim File

# BVA Appeal

- ▶ Hearing– Veteran Law Judge (VLJ)
  - Evidence can be submitted at the hearing
  - Witnesses may provide testimony and evidence
    - Veteran
    - Family members
    - Other persons with first–hand information
    - Medical Professionals
  - Record may be left open for 60 days

# BVA Appeal

- ▶ Additional evidence – 90 days or until the Board makes a decision, whichever comes first
- ▶ BVA may request an independent medical expert (IME) opinion
- ▶ AMC – Appeals Management Center
- ▶ Advancement on the docket – veteran is over 75 years of age, illness, financial hardship



# BVA Appeals

- ▶ Possible results
  - Remand to Regional Office
  - Grant the claim
  - Deny the claim
- ▶ Decision becomes final when VLJ signs the decision, and dispatches decision to the BVA's Dispatch Branch
- ▶ CAVC (120 days)

# Questions?



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