

Overview of the VA Appeals Process

Typical issues appealed are:

- disability compensation
- pension
- education benefits
- recovery of overpayments
- reimbursement for medical services that were not authorized.



A claimant has one year from the date of the notification of a VA decision to file an appeal. The first step in the appeal process is for a claimant to file a written notice of disagreement with the VA regional office or medical center that made the decision. This is a written statement that a claimant disagrees with VA's decision.

Following receipt of the written notice, VA will furnish the claimant a "Statement of the Case" describing what facts, laws and regulations were used in deciding the case. To complete the request for appeal, the claimant must file a "Substantive Appeal" within 60 days of the mailing of the Statement of the Case, or within one year from the date VA mailed its decision, whichever period ends later.

Additional information may be found at:

LawHelp.org/SC
South Carolina's guide to free legal resources

Public Benefits Cases Handled

Food Stamps
Medicaid
Medicare
Social Security
Supplemental Security Income
TANF/FI
Unemployment Compensation
Veterans Benefits

Other Legal Representation

Consumer & Bankruptcy
Education
Employment
Family
Federal Income Tax
Housing
Migrant Farm Workers
Probate

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Balancing the Scales of Justice

The Veterans' Benefits Appeals Process



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What is the Appeals Process?

An appeal of a local decision involves many steps, some optional and some necessary, and require strict time limits. In order, the steps are:

- **Notice of Disagreement (NOD)**
- **Statement of the Case (SOC)**
- **Formal Appeal (VA Form 9 or equivalent)**
- **Hearings (Optional)**
- **Board of Veterans' Appeals (BVA)**
- **U.S. Court of Appeals for Veterans' Claims (CAVC)**

Usually, all issues on one VA decision will be included in the same appeal.

Notice of Disagreement (NOD)

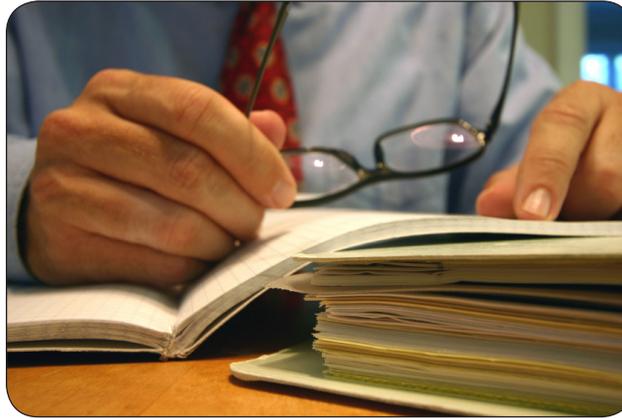
A Notice of Disagreement is a written statement that you disagree with a decision that has been made.

Certain things should be kept in mind when submitting a NOD:

- Be specific about what you are disagree with
- Make sure that a decision has been made
- If you don't receive paperwork describing the appeals process (a VA Form 4107), check your letter to see if it is a proposal
- A NOD must be filed within one year of the date of the letter informing you of the decision
- If this time has passed, you may file another claim, or request to reopen a claim, for the same condition as before.

Statement of the Case (SOC)

A Statement of the Case tells you how the VA reached its decision. A SOC must be done when a Notice of Disagreement is filed or when new evidence is received.



Formal Appeal (VA Form 9 or equivalent)

**A formal appeal must be received
no later than one of these two dates:**

- one year from the date of the letter notifying you of the decision
- 60 days after the date of the Statement of the Case

Hearings (Optional)

Hearings are a chance for claimants to present their claim in person; they are totally optional. They are held at the regional office by a Hearing Officer (HO).

If you have a hearing, the HO will review your file and statements before making a decision on your case. If the issue is not resolved in your favor, the appeal continues.

Board of Veterans' Appeals (BVA)

The Board of Veterans Appeals looks at your claim for mistakes made by the local VA office.

The BVA does have travel boards that come to local offices. This decision is the final VA one on the issue, and the appeal will have ended.

However, a BVA decision can be reviewed by the Court of Veterans Appeals if an appeal to the court is filed within 120 days of the BVA decision.

U.S. Court of Appeals for Veterans' Claims (CAVC)

CAVC decisions usually concern legal issues involved in the "letter of the law", and usually require an attorney's help. The deadline for filing an appeal to CAVC is 120 days after the BVA decision (using the date of the letter to you informing you of the decision).

