



REPORT OF THE CHAIRMAN

Board of Veterans' Appeals

Fiscal Year 2002



*"All of our lives are better because
of a veteran, and so is America."*

President George W. Bush
Arlington Cemetary Amphitheatre
Veterans Day, November 11, 2002



DEPARTMENT OF VETERANS AFFAIRS
Chairman, Board of Veterans' Appeals
Washington DC 20420

January 15, 2003

The Honorable Anthony J. Principi
Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420

Dear Mr. Secretary:

I am pleased to present the Fiscal Year 2002 Report of the Chairman, Board of Veterans' Appeals, for inclusion in your submission to Congress. Parts I and II of this report provide information on the activities of the Board during fiscal year 2002, and the projected activities of the Board for fiscal year 2003 as required by 38 U.S.C. §7101(d)(1).

Fiscal year 2002, like fiscal years 2001 and 2000, was a year of many transitions for the Board. I believe that the regulatory change allowing evidence to be developed by the Board will lead to shorter total processing times for appeals, although the Board's processing time will increase. This change, along with other internal initiatives described in my report, will enhance the Board's delivery of timely high-quality final decisions to veterans and their families.

The employees of the Board of Veterans' Appeals are proud to contribute to the mission of the Department of Veterans Affairs. We continue to serve America's veterans and their families with care and compassion. We are resolute in our commitment to the proper, expedient treatment of appeals. I hope that the enclosed report provides you, the Congress, and the veterans whom we serve with a comprehensive picture of the Board, its mission and its activities. I thank you and Deputy Secretary Leo S. Mackay, Jr., Ph.D., for your leadership, commitment, and invaluable assistance to the Board and its mission.

Very respectfully,

A handwritten signature in black ink that reads "E. D. Clark".

E. D. Clark

Enclosure

TABLE OF CONTENTS

| | |
|--|---------|
| Introduction..... | 1 |
| Part I Activities of the Board of Veterans' Appeals Fiscal Year 2002 | 2 - 9 |
| BVA Evidence Development Unit | 4 - 5 |
| BVA Tiger Team Assistance | 5 - 6 |
| BVA Reorganization | 6 - 8 |
| Customer Service | 8- 9 |
| Part II Statistical Data | 10 - 18 |
| Fiscal Year 2002 Information..... | 10- 12 |
| Projections For Fiscal Year 2003 and 2004 | 12- 13 |
| Additional Information | 13 - 18 |

INTRODUCTION

The law requires that the Chairman of the Board of Veterans' Appeals report the activities of the Board at the conclusion of each fiscal year. This report includes two parts. Part I provides a discussion of BVA activities during fiscal year 2002. Part II provides statistical information related to our activities during fiscal year 2002 and projected activities for 2003.

The Board of Veterans' Appeals (BVA or Board) makes the final decisions on behalf of the Secretary for appeals from decisions from local Department of Veterans Affairs (VA) offices. The Board reviews all appeals for entitlement to veterans' benefits, including claims for service connection, increased disability ratings, total disability ratings, pension, insurance benefits, educational benefits, home loan guaranties, vocational rehabilitation, dependency and indemnity compensation, and health care delivery.

The Board's mission, as set forth in 38 U.S.C. §7101(a), is "to conduct hearings and dispose of appeals properly before the Board in a timely manner." The Board's goal is to issue quality decisions in compliance with the requirements of the law, including the precedential decisions of the United States Court of Appeals for Veterans Claims.

PART I

ACTIVITIES OF THE BOARD OF VETERANS' APPEALS FISCAL YEAR 2002

The Board met unprecedented challenges during fiscal year 2002. One challenge flowed from events following the passage of the Veterans Claims Assistance Act of 2000 (VCAA). The Veterans Benefits Administration initiated action to readjudicate approximately 100,000 claims that were previously denied on the basis that the claims were not well grounded. A claim had to be well grounded before it could be considered for adjudication before the VCAA changed the law. The initiative to readjudicate claims brought appeals to the Board to a virtual halt during the first few months of the fiscal year.

About the same time that the Veterans Benefits Administration initiated its readjudication program, the United States Court of Appeals for Veterans Claims (CAVC) remanded most of its docket to the Board, including many claims that had final CAVC decisions. Many of those cases had to be further remanded to the Veterans Benefits Administration regional offices of origin pursuant to existing law. The Board did not have authority to obtain evidence to develop cases at that time, nor did the Board have authority to issue VCAA notice letters in order to correct existing procedural deficiencies.

The combination of actions left the Board with very little appellate work to do in the early months of the fiscal year. However, the Board did not stagnate. We took the opportunity to update our training programs and modules, reviewed our regulations and internal operating procedures, delivered a lot of training to counsel and, most importantly, looked outside the walls of our building to offer assistance to others involved in the adjudication process.

Early initiatives included deployment of teams of attorneys to regional offices seeking assistance to move appeals since their emphasis was on new claims and readjudication of VCAA claims. The attorneys reviewed appeals and prepared development memoranda to assist the regional offices to adjudicate claims. As they reviewed the appeals backlog, they discovered claims that were adequately developed and likely grants. In those cases, the attorneys recommended that the claim be granted.

BVA's SOC/SSOC Efforts

BVA's assistance program grew in scope and magnitude. By the end of the fiscal year, teams were visiting designated regional offices where they drafted statements of the case (SOCs) and supplemental statements of the case (SSOCs) for appeals. This work was in addition to reviewing other appeals for which development memoranda were submitted or grants were recommended.

In cooperation with the Veterans Benefits Administration, ninety-two attorneys visited seventeen sites, where they reviewed 4,740 cases. This effort produced 2,136 SOC's or SSOC's, 1,930 Development Memoranda, 291 draft rating decisions, and 383 recommendations for awards. The Veterans Benefits Administration joined in the assist effort by providing a portion of the travel funds required to support the Board's effort. However, to conserve on funds, volunteer attorneys were assigned to the Washington and Baltimore Regional Offices where they assisted by drafting SOC's, SSOC's, and rating decisions until they virtually worked themselves out of work.

Following our success at the regional offices, we initiated a pilot project involving mail-in service to provide SOC's and SSOC's. Eight regional offices participated in the program during fiscal year 2002. They regularly mailed their oldest cases to the Board for review and preparation of SOC's. By mid-February 2002, the Board was devoting six to eight attorneys to this "Mail-In Program" on a regular basis. The program soon expanded to include review of previous Board remands and preparation of SSOC's. By September 30, 2002, Board attorneys had reviewed 1,376 cases, produced 676 SOC's or SSOC's, drafted 618 development memoranda, and recommended that the Veterans Benefits Administration issue 148 grants.

Other Assistance

Other outreach activities included the assignment of volunteer attorneys to a variety of support functions outside of normal BVA legal work:

- The Board sent three senior staff attorneys to provide assistance to the Office of the General Counsel to work on the Secretary's regulation rewrite initiative in February 2002.
- The Board sent three senior attorneys to the Office of the General Counsel, Professional Staff Group II, to assist in the review and amendment of several pending and overdue VA regulations.

- From November 2001 through April 2002, the Board rotated twelve senior attorneys through Professional Staff Group VII of the Office of the General Counsel to assist with appellate litigation before the United States Court of Appeals for Veterans Claims.
- BVA assisted the Veterans Benefits Administration in its “Rating Decision Redesign” effort to make field decisions shorter and more veteran-friendly. The Vice Chairman, a Deputy Vice Chairman, and a Board member worked throughout the year to develop the prototype that has become the Veterans Benefits Administration standard for decision writing.
- The Board got involved in the Compensation and Pension Examination Project (CPEP) initiative to improve the quality of Compensation and Pension examinations. A Board member with a physician’s assistant background and attorneys with nursing, podiatry, and audiology backgrounds worked on the protocols for examinations. Some of the protocols are now in use by Veterans Health Administration’s examiners.
- Six BVA attorneys assisted as subject matter experts in testing the software developed as part of the VA Compensation and Pension Evaluation Redesign (CAPER) project. CAPER is an initiative to improve services to the nation’s veterans by automating the process of performing quality examinations and completing rating decisions. The Board has worked closely with project managers since its inception.
- The Board received and responded to over 5,640 e-mail inquiries through a link with the Department’s web site at www.va.gov.
- Finally, one senior attorney was appointed by the Secretary as a member of the National Veterans Museum Task Force. She is a member of the Board of Directors of the Friends of the National Veterans Museum.

BVA EVIDENCE DEVELOPMENT UNIT

The Department Amends its Regulations

For much of the 1990’s, the Board remanded 40 to 50 percent of the appeals received. A BVA remand to the regional office invariably meant that the veteran would wait a year or more for a final agency decision. It took an average of 703 days for a case to return to the Board. Historically, almost 75 percent of remanded cases are returned to

the Board, and, as of January 31, 2002, 32,122 remands were pending in regional offices.

To reduce the number of remanded appeals, shorten appeal-processing time, and reduce the backlog of claims awaiting decision, VA amended its regulations. The regulations permit the Board wide discretion to obtain evidence, clarify evidence, cure procedural defects, or perform any other action essential for a proper appellate decision in any appeal properly before it. We no longer have to refer evidence to the originating regional office for initial consideration, nor do we have to obtain the appellant's waiver. This authority permits Board members to analyze the case, identify the legal deficiencies, and provide specific instructions to the Board's Evidence Development Unit to cure deficiencies.

The Creation of the Evidence Development Unit

The Board took steps to establish an Evidence Development Unit pursuant to the anticipated regulation. The Unit is responsible for the development ordered by Board members under 38 C.F.R. § 19.9(a)(2). The Unit began operations on February 25, 2002, two days after the regulation's effective date. The Board converted thirty-one attorney positions to support staff positions to staff the Evidence Development Unit. The loss of thirty-one attorneys had a significant impact on the Board's capacity to produce final decisions.

The Veterans Benefits Administration established an Appeals Support Team co-located at BVA to provide two services. First, when the Board allows one or more issues in a multi-issue appeal, but directs internal BVA development of other issues, the Appeals Support Team processes the award(s). The veteran receives the benefit of the Board's grant without delay. Second, if a SSOC is required, the unit prepares it. This eliminates file transfers between the Board and regional offices. The abbreviated procedures ensure the expeditious return of cases to Board decision makers.

BVA TIGER TEAM ASSISTANCE

The Veterans Benefits Administration established a "Tiger Team" at the Cleveland Regional Office in November 2001 to process its oldest pending claims. The Tiger Team focused on claims of veterans aged seventy and older that had not been resolved within one year of submission. Most of those claims were from World War II and Korean Era veterans. The Board offered experienced attorneys with demonstrated ability to produce quality SOCs and SSOCs efficiently to augment the Tiger Team.

Forty-four Board attorneys traveled to the Cleveland Regional Office between February and May 17, 2002. They reviewed 4,442 cases, produced 3,651 SOC's or SSOC's, and recommended that the Veterans Benefits Administration issue 351 grants. Board attorneys averaged more than six SOC's or SSOC's per day. This greatly exceeded all expectations.

Following the success of the Tiger Team assistance and other BVA outreach activities, it has become standard procedure to send Board attorneys to regional offices at the Veterans Benefits Administration's request. Attorneys provide a variety of assistance including: review of cases for adequacy of development; memoranda detailing suggested evidence development; training to regional office and veterans service organization staffs; and draft SOC's and SSOC's.

BVA REORGANIZATION

The Board commenced an aggressive effort to examine its structure and processes in November 2001. The goal was to maximize efficiency while maintaining quality. The structural and process improvements have established clear accountability expectations at all levels of the organization.

Management and Administration

The Board restructured its Management and Administration team along functional lines to create the new Evidence Development Unit and to address the need to staff it from existing resources. The restructuring allowed BVA to do more, facilitated rigorous case control, permitted the centralized management of similar tasks, and has dramatically simplified and improved administrative processes.

A critical goal of the reorganization was improved case control. The Board implemented a system to limit case movement and the number of cases decision-makers process at any time. The "Case Distribution System" imposed individual accountability for each case at every step in the process. The improved accountability results in fewer misplaced cases. Virtually no case is with a decision-maker for more than 30 days. Cases are still processed in docket order as required by law.

Appellate Group

The Board's Appellate Group's responsibilities had grown substantially over the years, but the staff had not. We identified critical Appellate Group functions, realigned the group to focus on its major responsibilities, and dedicated full-time staff for those responsibilities. We directed great attention at the most critical functional area: Quality Review.

Quality in appellate decision-making is one of several ways to measure how well the Board is fulfilling its statutory mission under 38 U.S.C.A. § 7101(a). It is the Board's single most important goal because timely delivery of appellate decisions is meaningless if the underlying adjudication is fundamentally flawed.

The Board revised its Quality Review Program in fiscal year 2002. We increased the staffing of the Quality Review Unit and made positions permanent. We adjusted the way we measure accuracy rates. We refined our definition of an "exception," to a deficiency that would be outcome determinative, that is, result in the reversal or remand of a Board decision by the United States Court of Appeals for Veterans Claims.

The Board uses quality review information to identify quality trends, variations in quality, and areas of strength or weakness in the appellate decision-making process. The information is also used to set realistic goals for improvement and to develop appropriate training materials for BVA staff.

The Board created a position of Training Coordinator within the Appellate Group in fiscal year 2002. This full-time position is filled by an attorney who oversees, coordinates, and creates programs to train our legal and administrative professionals. Training initiatives are intended to enhance employee job performance, morale, and to increase efficiency at all levels of the Board.

The Board has an ambitious agenda to continue its programs and initiate new ones in fiscal year 2003. We have taken the lead to involve the Office of the General Counsel and Compensation and Pension Service in a cooperative effort to present a regular satellite broadcast series. The series will provide everyone involved in case adjudication and appeals with updates on changes in case law, regulations and VA policy.

A critical objective is a training program to make Board decisions more concise and reader focused. To accomplish this goal, BVA is moving towards centralization of training for new employees.

Decision Teams

The Board presented a business plan to the Secretary in January 2002. The plan called for a 25 percent increase in productivity over its historical average. Board members and attorneys have risen to the challenge to do their fair share in support of the plan. We have every expectation that we will meet the business plan goal. Each team continues to upgrade and present internal training programs for attorneys and Board

members. They also continue to provide training by videoconference to regional offices upon request.

CUSTOMER SERVICE

The American Customer Satisfaction Index (ACSI) released its survey in December 2001 that measured satisfaction as it related to the Board's decision process, customer service, consumer information, and hearings. The survey results revealed that BVA customers perceived that we should: improve our decision-processing time; provide better explanations of the appeal process; show increased courtesy and knowledge when handling complaints and inquiries; and demonstrate greater familiarity with individual cases during hearings.

The Board's response was swift and comprehensive:

- The Board reconstructed and improved case-handling processes and initiated strict accountability for case control and movement.
- BVA produced a reader-friendly pamphlet titled, *How Do I Appeal?* to provide additional explanation of the appeal process (VA Pamphlet 01-02-02A, April 2002). The pamphlet is provided to appellants, is available upon request, and may be viewed on the Board's webpage at www.va.gov/vbs/bva/.
- We established an Ombudsman position to coordinate responses to customer complaints, and to oversee the Board's efforts to show appropriate courtesy to its customers. The Ombudsman handles complaints and suggestions for improved service, and provides follow-up responses. The BVA Ombudsman may be reached at 202-565-9969, by writing to BVA Ombudsman, Board of Veterans' Appeals (01), 810 Vermont Avenue, N.W., Washington, DC 20420, or by sending an e-mail to bvaombudsman@mail.va.gov.
- The Board produced a Chairman's video that explains the hearing process. The information video is available to every appellant before his or her hearing.
- Finally, the Board developed a comment card in response to the ACSI survey that is presented to every appellant at the conclusion of their hearing. The card may be anonymously completed and submitted to BVA. We will analyze the information extracted from the comment cards to improve our service.

The Board of Veterans' Appeals is a professional group of dedicated civil servants determined to improve our service to veterans and their families. Our number one priority is putting them first.

PART II –STATISTICAL DATA

Fiscal Year 2002 Information

The following information is required by 38 U.S.C. §7101 (d)(2):

38 U.S.C. §7101 (d)(2)(A)

Number of cases received at the Board during 2002: **28,158**

Number of cases added to BVA docket during 2002: **21,047**

38 U.S.C. §7101 (d)(2)(B)

Cases pending before the Board at the start of fiscal year 2002: **7,731***

Cases pending before the Board at the end of fiscal year 2002: **18,658***

*Includes certified appeals pending in the field awaiting hearings, as well as cases pending at BVA.

38 U.S.C. §7101 (d)(2)(C)

Number of cases which were filed during each of the 36 months preceding fiscal year 2002

| Month | Cases Received at BVA | | | | New Appeals (VA Form 9) Filed | | | |
|-----------------|-----------------------|---------------|---------------|---------------|-------------------------------|---------------|---------------|---------------|
| | FY 99 | FY00 | FY01 | FY02 | FY 99 | FY00 | FY01 | FY02 |
| October | 3,122 | 2,945 | 2,622 | 1,392 | 2,885 | 2,447 | 2,287 | 1,236 |
| November | 3,312 | 3,265 | 1,629 | 688 | 2,853 | 2,450 | 2,095 | 1,275 |
| December | 3,655 | 2,839 | 1,570 | 1,020 | 3,018 | 2,446 | 1,635 | 1,821 |
| January | 2,958 | 2,587 | 1,780 | 1,620 | 3,048 | 2,576 | 1,727 | 2,026 |
| February | 3,201 | 3,383 | 1,396 | 1,867 | 2,876 | 2,761 | 1,481 | 2,132 |
| March | 3,798 | 3,501 | 1,155 | 3,040 | 3,200 | 3,268 | 1,488 | 2,181 |
| April | 3,105 | 2,612 | 1,315 | 1,930 | 2,632 | 2,807 | 1,264 | 2,474 |
| May | 3,354 | 3,364 | 1,827 | 3,544 | 3,721 | 3,051 | 1,328 | 2,348 |
| June | 3,533 | 3,265 | 971 | 2,843 | 2,883 | 2,939 | 1,167 | 2,514 |
| July | 2,900 | 2,675 | 1,737 | 3,620 | 2,843 | 2,489 | 1,168 | 1,102 |
| August | 3,537 | 3,560 | 1,669 | 3,441 | 2,921 | 2,938 | 1,139 | 993 |
| September | 2,686 | 2,504 | 1,096 | 2,753 | 2,848 | 2,385 | 943 | 945 |
| FY Total | 39,161 | 36,500 | 18,767 | 28,158 | 35,728 | 32,555 | 17,720 | 21,047 |

38 U.S.C. §7101 (d)(2)(D)

The average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the preceding fiscal year:

| Time Interval | Responsible Party | Average Elapsed Processing Time |
|--|--------------------------|--|
| Notice of Disagreement Receipt to Statement of The Case | Field Station | 110 days |
| Statement of the Case Issuance to Substantive Appeal Receipt | Appellant | 60 days |
| Substantive Appeal Receipt to Certification of Appeal to BVA | Field Station | 790 days |
| Receipt of Certified Appeal To Issuance of BVA Decision | BVA | 115 days |
| Average Remand Time Factor | Field Station | 130 days |

38 U.S.C. §7101 (d)(2)(E)

The number of members of the Board at the end of FY 2002: **55** members

The Number of Professional, Administrative, Clerical, Stenographic, and Other Personnel employed by the Board at the end of FY 2002: **460** employees

38 U.S.C. §7101 (d)(2)(F)

Number of acting members of the Board at the end of FY 2002: **83**

Number of cases in which such members participated: **1,208**

38 U.S.C. §7101 (c)(2) requires BVA to report the number of acting members of the Board in terms of full-time employee equivalents: **2.8**

Projections for Fiscal Year 2003 and 2004

The following information is required by 38 U.S.C. §7101 (d)(3):

38 U.S.C. §7101 (d)(3)(A)

Estimated number of cases that will be appealed to BVA:

| | | |
|-------------------|----------------------------|---------------|
| Fiscal Year 2003: | Cases received at BVA: | 34,600 |
| | Cases added to BVA Docket: | 25,000 |
| Fiscal Year 2004: | Cases received at BVA: | 38,200 |
| | Cases added to BVA Docket: | 26,000 |

38 U.S.C. §7101 (d)(3)(B)

Evaluation of the ability of the Board (based on existing and projected personnel levels) to ensure timely disposition of such appeals as required by 38 U.S.C. §7101(a):

Background on BVA Timeliness Projections

The indicator used by the BVA to forecast its future timeliness of service delivery is BVA “response time” on appeals. By taking into account the Board’s most recent appeals processing rate and the number of appeals that are currently pending before the Board, BVA response time projects the average time that will be required to render decisions on that group of pending appeals. For response time computation, the term “appeals pending before the Board” includes appeals that have been certified for BVA review but are held in the field pending BVA action.

BVA response time is computed by first determining the Board’s average daily appeals processing rate for a recent given time period (one year in this example). This is determined by dividing the number of appeals decided by the calendar-day time period over which those appeals were dispatched. The response time is then computed by dividing the number of appeals pending before the Board by the average daily appeals processing rate. As an example, BVA’s estimated response time for fiscal year 2003 is computed as follows:

Estimated 24,630 Decisions in fiscal year 2003 divided by 365 days equals 67.48 decisions per day.

28,628 Appeals Pending before the BVA (end of FY 2003) divided by 67.48 Decisions per Day equal 424 Days Response Time of Appeals (end of fiscal year 2003).

BVA Response Time Projections

Based upon existing and projected levels of resources, the estimate of BVA response time is 424 days for fiscal year 2003. These response time projections are contingent upon BVA's original appeal receipts estimate for fiscal year 2003 and fiscal year 2004 shown in part (A) above.

Estimate

Based on current and projected case receipts and projected FTEE with a 25 percent productivity increase, we will develop a backlog of 6,000 to 8,000 appeals per year, starting with fiscal year 2003.

ADDITIONAL INFORMATION

Notices of Disagreement

The following graph shows the receipts of new notice of disagreements received by the regional offices. This information is retrieved directly from the information contained in the Veterans' Appeals Control and Locator System (VACOLS) at the end of the fiscal year. Many of the cases in which a notice of disagreement is filed are resolved at the regional offices and never reach the Board.

| Month | FY99 | FY00 | FY01 | FY02 |
|--------------------|---------------|---------------|---------------|---------------|
| October | 4,480 | 4,963 | 5,119 | 4,768 |
| November | 4,055 | 4,736 | 4,066 | 4,468 |
| December | 4,298 | 4,526 | 3,225 | 4,534 |
| January | 4,450 | 4,723 | 3,747 | 5,564 |
| February | 5,254 | 5,171 | 3,270 | 5,629 |
| March | 6,837 | 5,865 | 3,490 | 6,707 |
| April | 6,191 | 4,851 | 3,159 | 7,321 |
| May | 5,850 | 5,240 | 3,526 | 7,683 |
| June | 5,063 | 5,205 | 3,542 | 7,197 |
| July | 4,554 | 5,157 | 3,507 | 8,162 |
| August | 4,888 | 5,224 | 4,021 | 8,556 |
| September | 4,398 | 4,381 | 3,168 | 7,551 |
| FY 02 Total | 60,318 | 60,042 | 43,840 | 78,140 |

BVA Decisions

During fiscal year 2002, BVA issued 17,231 decisions. This total represents a 45.4 percent decrease from fiscal year 2001 when we issued 31,557 decisions. This decrease is primarily the result of an increased number of final decisions (non remands), VA-wide adjustment to new law and procedures, and a marked reduction in cases received from the Veterans Benefits Administration. The following charts are provided to give additional information about the Board's decisions.

BOARD OF VETERANS' APPEALS BVA DISPOSITIONS BY VA PROGRAM FY 2002

| APPEAL PROGRAM | ALLOWED | | REMANDED | | DENIED | | OTHER | | TOTAL | |
|---------------------------|-------------|--------------|--------------|--------------|--------------|--------------|------------|-------------|---------------|---------------|
| | No. | Percent | No. | Percent | No. | Percent | No. | Percent | No. | Percent |
| Burial Benefits | 2 | 8.7% | 4 | 17.4% | 17 | 73.9% | 0 | 0.0% | 23 | 0.1% |
| Compensation | 4,558 | 28.7% | 3,063 | 19.3% | 7,834 | 49.3% | 432 | 2.7% | 15,887 | 92.2% |
| Education | 4 | 5.0% | 17 | 21.3% | 51 | 63.8% | 8 | 10.0% | 80 | 0.5% |
| Insurance | 4 | 16.0% | 3 | 12.0% | 18 | 72.0% | 0 | 0.0% | 25 | 0.1% |
| Loan Guaranty | 7 | 19.4% | 13 | 36.1% | 15 | 41.7% | 1 | 2.8% | 36 | 0.2% |
| Medical | 15 | 10.6% | 27 | 19.0% | 92 | 64.8% | 8 | 5.6% | 142 | 0.8% |
| Pension | 93 | 17.4% | 108 | 20.2% | 321 | 60.1% | 12 | 2.2% | 534 | 3.1% |
| VR&C | 9 | 17.6% | 11 | 21.6% | 31 | 60.8% | 0 | 0.0% | 51 | 0.3% |
| Other Programs | 1 | 10.0% | 2 | 20.0% | 6 | 60.0% | 1 | 10.0% | 10 | 0.1% |
| BVA Original Jurisdiction | 21 | 10.6% | 1 | 0.5% | 117 | 59.1% | 59 | 29.8% | 198 | 1.1% |
| Multiple Program Areas | 53 | 21.6% | 79 | 32.2% | 104 | 42.4% | 9 | 3.7% | 245 | 1.4% |
| GRAND TOTAL | 4767 | 27.7% | 3,328 | 19.3% | 8,606 | 49.9% | 530 | 3.1% | 17,231 | 100.0% |

BOARD OF VETERANS' APPEALS BVA DISPOSITIONS BY REPRESENTATION FY 2002

| REPRESENTATION | ALLOWED | | REMANDED | | DENIED | | OTHER | | TOTAL | |
|------------------------------------|-------------|--------------|--------------|--------------|--------------|--------------|------------|-------------|---------------|---------------|
| | No. | Percent | No. | Percent | No. | Percent | No. | Percent | No. | Percent |
| American Legion | 1052 | 29.0% | 700 | 19.3% | 1785 | 49.2% | 93 | 2.6% | 3630 | 21.1% |
| AMVETS | 50 | 31.7% | 42 | 14.8% | 140 | 49.3% | 12 | 4.2% | 284 | 1.6% |
| American Red Cross | 10 | 21.3% | 13 | 27.7% | 23 | 48.9% | 1 | 2.1% | 47 | 0.3% |
| Disabled American Veterans | 1,559 | 29.7% | 1011 | 19.2% | 2541 | 48.4% | 144 | 2.7% | 5255 | 30.5% |
| Military Order of the Purple Heart | 38 | 29.0% | 22 | 16.8% | 66 | 50.4% | 5 | 3.8% | 131 | 0.8% |
| Paralyzed Veterans of America | 80 | 27.8% | 65 | 22.6% | 133 | 46.2% | 10 | 3.5% | 288 | 1.7% |
| Veterans of Foreign Wars | 314 | 26.4% | 223 | 18.7% | 610 | 51.2% | 44 | 3.7% | 1191 | 6.9% |
| Vietnam Veterans of America | 94 | 43.3% | 43 | 19.8% | 71 | 32.7% | 9 | 4.1% | 217 | 1.3% |
| State Service Organizations | 648 | 27.6% | 426 | 18.1% | 1212 | 51.6% | 62 | 2.6% | 2348 | 13.6% |
| Attorneys | 449 | 26.1% | 399 | 23.2% | 787 | 45.8% | 63 | 4.3% | 1718 | 10.0% |
| Agents | 6 | 23.1% | 2 | 7.7% | 17 | 65.4% | 1 | 3.8% | 26 | 0.2% |
| Other Representation | 74 | 28.1% | 55 | 20.9% | 124 | 47.1% | 10 | 3.8% | 263 | 1.5% |
| No Representation | 353 | 19.3% | 327 | 17.8% | 1097 | 59.8% | 56 | 3.1% | 1833 | 10.6% |
| GRAND TOTAL | 4767 | 27.7% | 3,328 | 19.3% | 8,606 | 49.9% | 530 | 3.1% | 17,231 | 100.0% |

BVA DECISIONS

| Fiscal Year | Decisions | Allowed* | Remanded** | Denied | Other |
|-------------|-----------|----------|------------|--------|-------|
| 1998 | 38,886 | 17.2% | 41.2% | 39.5% | 2.0% |
| 1999 | 37,373 | 22.1% | 36.3% | 39.8% | 1.8% |
| 2000 | 34,028 | 26.3% | 29.9% | 41.4% | 2.4% |
| 2001 | 31,557 | 22.3% | 48.8% | 27.0% | 1.9% |
| 2002 | 17,231 | 27.7% | 19.3% | 49.9% | 3.1% |

* BVA allowances do not necessarily connote regional office adjudicatory errors since BVA reviews regional office decisions on a "de novo" basis.

** A remand by BVA to a regional office does not necessarily connote regional office error.

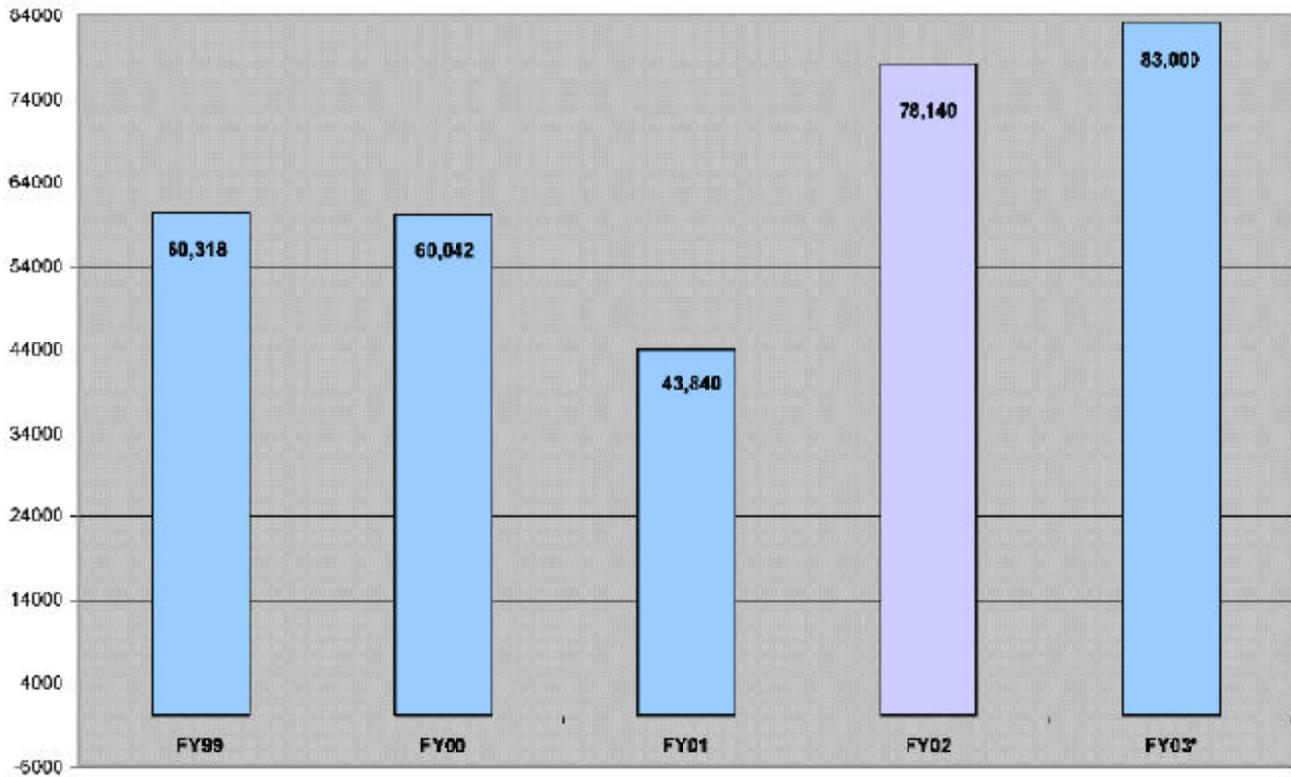
BVA OPERATING STATISTICS

| | FY99 | FY00 | FY01 | FY02 |
|--------------------------|---------|---------|---------|---------|
| Decisions | 37,373 | 34,028 | 31,557 | 17,231 |
| Case Receipts* | | | | |
| Added to Docket | 35,722 | 32,555 | 17,720 | 21,047 |
| Received at BVA | 39,161 | 34,537 | 18,767 | 28,158 |
| Cases Pending* * | 20,012 | 20,521 | 7,731 | 18,658 |
| Hearings - VACO | 917 | 599 | 916 | 470 |
| Video | 1,282 | 1,385 | 1,308 | 1,475 |
| Field | 3,512 | 2,505 | 3,336 | 2,556 |
| Medical Opinion Requests | 533 | 342 | 198 | 315 |
| Decisions per FTE | 78.2 | 72.8 | 69.3 | 38.4 |
| BVA FTE | 478 | 468 | 455 | 448 |
| Response Time | 196 | 220 | 90 | N/A |
| Cost per Case | \$1,062 | \$1,219 | \$1,401 | \$2,702 |
| BVA Cycle Time | N/A | N/A | N/A | 86 |

* Case Receipts composed of: (1) new cases added to BVA's docket; and (2) cases received at BVA, which consist of all cases physically received at the Board, including original appeals and cases returned to the Board's docket (i.e., cases returned following remand development, cases remanded by the Court, and cases received for reconsideration or vacate actions).

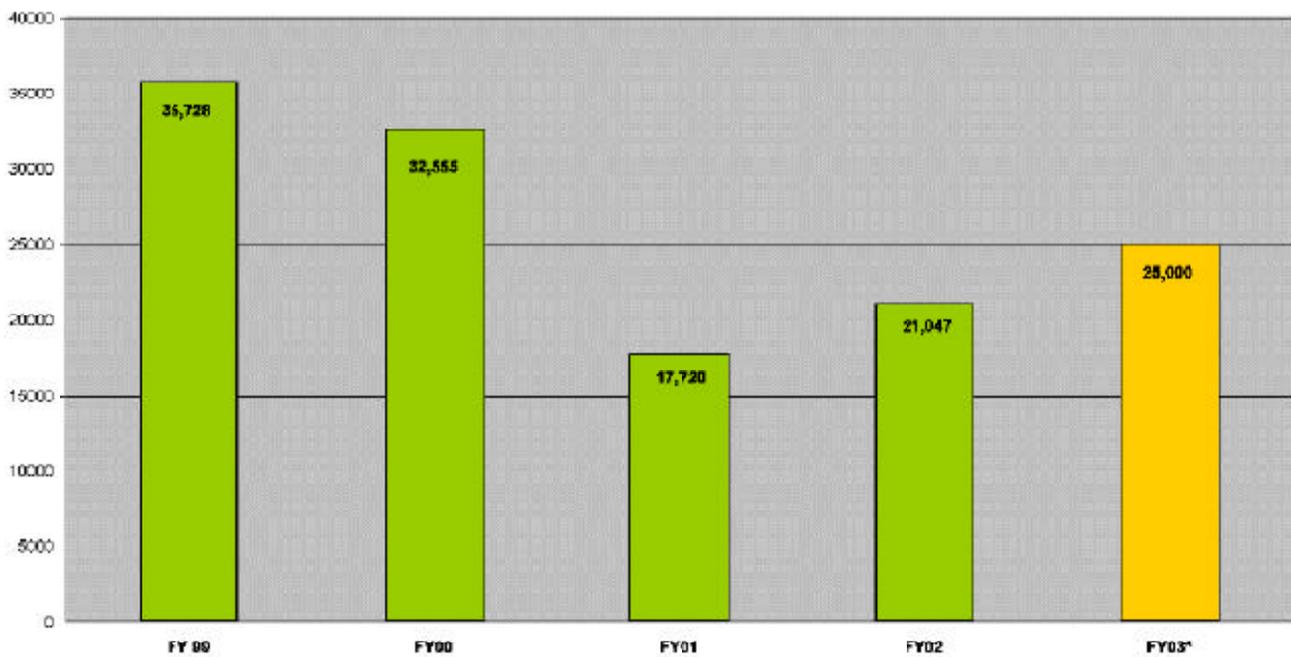
** Pending figures include certified appeals pending in the field awaiting BVA hearings, as well as cases pending at the Board.

NOTICE OF DISAGREEMENT RECEIVED FY 99 - 02



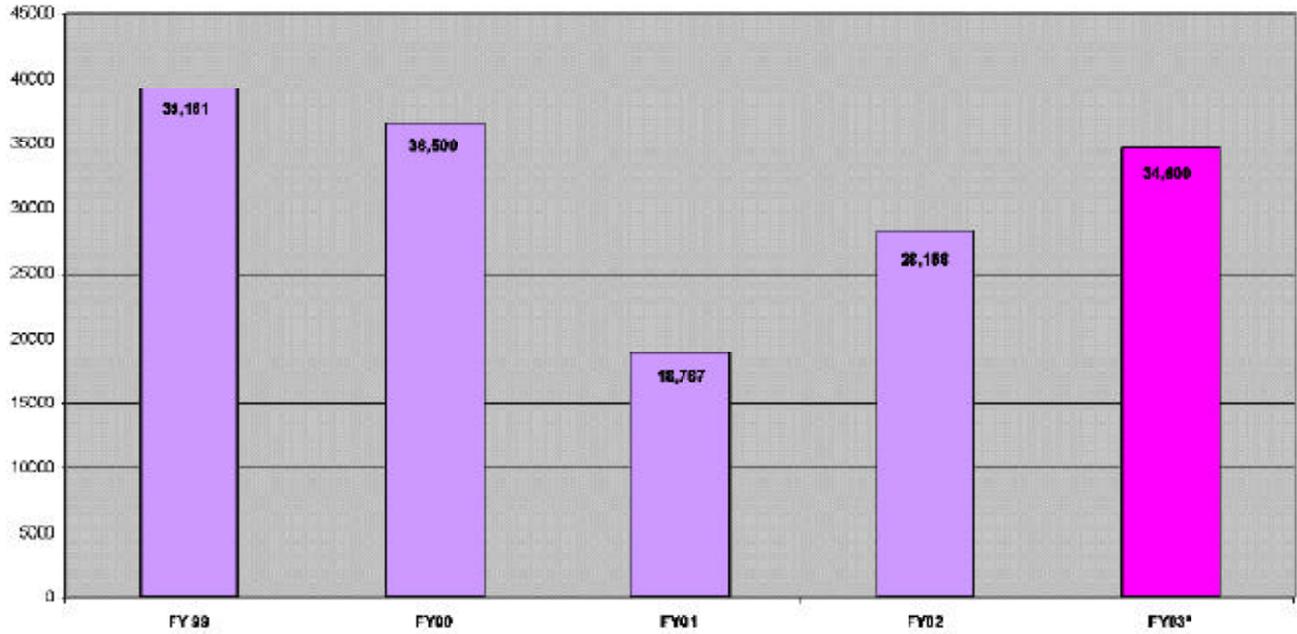
*FY 03 Estimated

NEW APPEALS (VA Form 9) FILE FY 99 - FY 02



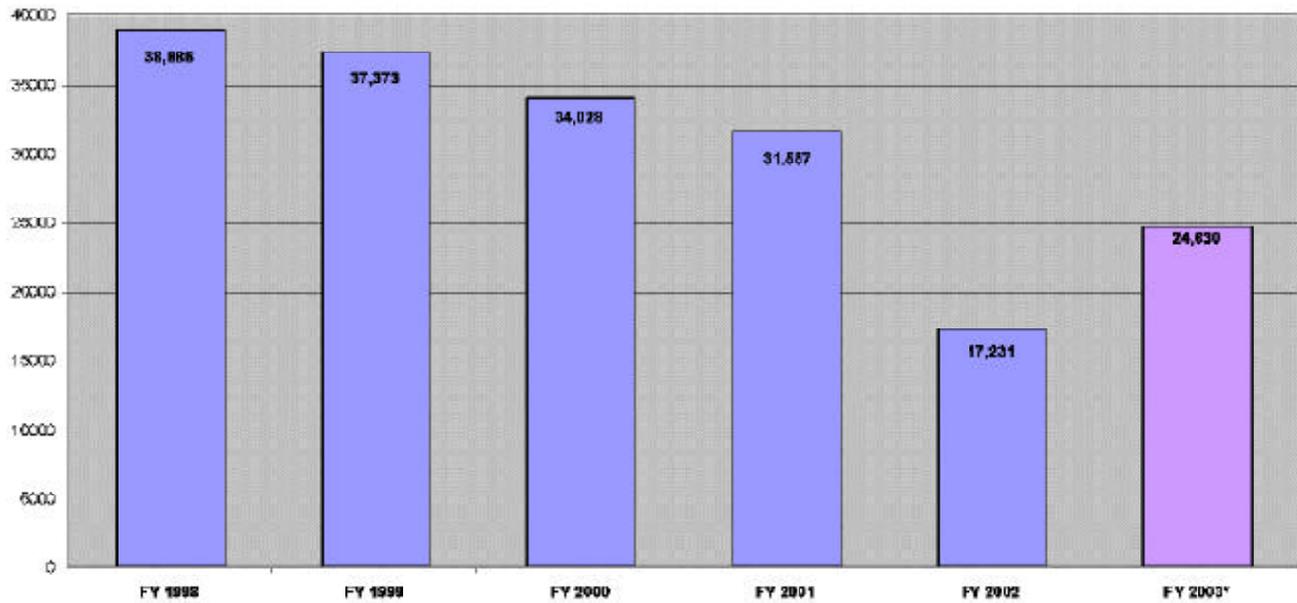
*FY 03 Estimated

Cases Received at BVA FY 99 - FY 02



*FY03 Estimated

BVA DECISIONS FY 98 - 02



*FY 2003 Estimated

Development Unit Receipts By Month - FY 2002

