



NATIONAL ORGANIZATION OF VETERANS' ADVOCATES, INC. (NOVA)
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Maribel Aponte
Office of Enterprise and Integration
Data Governance Analytics (008)
1717 H Street NW
Washington, D 20006

February 18, 2022

RE: OMB Control No. 2900-0674

**Agency Information Collection Activity
Under OMB Review: Notice of
Disagreement: Appeal
to the Board of Veterans' Appeals**

Dear Ms. Aponte:

The National Organization of Veterans' Advocates, Inc., (NOVA) provides these comments in response to the notice of agency information collection activity regarding an updated *VA Form 10182*. 87 FR 4718 (January 29, 2022). These comments were previously submitted to the Department of Veterans Affairs pursuant to the November 21, 2021, notice.

NOVA is a not-for-profit 501(c)(6) educational membership organization incorporated in the District of Columbia in 1993. NOVA represents more than 700 attorneys and agents assisting tens of thousands of our nation's military veterans, their widows, and their families seeking to obtain their earned VA benefits. NOVA works to develop and encourage high standards of service and representation for all persons seeking VA benefits. NOVA members represent veterans before all levels of VA's disability claims process, as well as before the United States Court of Appeals for Veterans Claims and United States Court of Appeals for the Federal Circuit.

NOVA submits the following list of comments for consideration:

1. **Form, Item 6:** The form should also include a check box for "I am seriously ill" and another for "I am under severe financial hardship." It would be reasonable for the form's instructions to state that an explanation is required if the appellant were to check either box. NOVA understands that the Board of

Veterans' Appeals (Board) automatically prioritizes cases based on advanced age; if that is not accurate, a check box should be included for that category as well.

2. **Form, Items 10A, 10B, and 10C:** The parenthetical notes about timing should be revised to state that choosing Item 10B or 10C “may” extend the time for the Board to decide the appeal.
3. **Form, Item 10B:** “I have additional evidence in support of my appeal that I will submit” should be revised to “I want to submit additional evidence in support of my appeal.” There is no legal requirement that the appellant already “have” the additional evidence to submit when the appellant files the Form 10182. In fact, the draft instructions use the “want to submit” language. The Form 10182 should use that same language.
4. **Form, Item 10B:** This item should also include a check box for the appellant to waive the 90 days if he or she is submitting evidence with the form and additional time is not needed.
5. **Form, Item 11:** The opt-in check box needs to be reinstated. Statements of the Case or Supplemental Statements of the Case remain outstanding in a significant number of legacy appeals. Eliminating the opt-in check box is premature.
6. **Form, Item 11.B:** This item should be retitled from “Date of Decision” to “Date of Decision Notice” for accuracy.
7. **Form, Item 11.C:** This item should be renumbered to Item 12 and retitled from “Additional Issue(s)” to “Additional Sheet(s),” to make clear that the Additional Sheet(s) may pertain to issues other than merely listing additional issues. A line should also be added to this item for the appellant to indicate how many pages have been added.
8. **Instructions, Note:** The instructions should not represent that the Form 10182 is to be used “ONLY if the VA decision is dated on or after February 19, 2019.” At a minimum, this instruction needs qualification, perhaps to distinguish between a Form 10182 and Form 9, and the role of opt-in.
9. **Instructions:** The instructions should clarify that Item 8 is optional unless the appellant selects Hearing Review with a Virtual Telehearing. This addition would clarify that there is no legal basis for the Board to reject a Form 10182 if the appellant does not use email or does not desire to do so for communicating with the Board. The form should also indicate that there is no travel reimbursement for claimants who choose to appear in DC or at a RO.
10. **Instructions, Review Option Blocks:** In the block for Evidence Submission, the sentence “After 90 days, any additional evidence added to your claim will not be considered by the Board” should be clarified. Also, the sentences in the blocks for

Evidence Submission and Hearing Request stating selection of one of these options “will extend the time” for a decision should be edited to “may extend the time.”

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.

Sincerely,

/s/

Diane Boyd Rauber
Executive Director