

After careful and compassionate consideration, a decision has been reached on your claim. If we weren't able to grant some or all of the VA benefits you asked for, this form will explain what you can do if you disagree with our decision. If you don't agree with our decision, you may:

- appeal to the Board of Veterans' Appeals (the Board) by telling us you disagree with our decision
- give us evidence we don't already have that may lead us to change our decision

This form will tell you how to appeal to the Board and how to send us more evidence. You can do either one or both of these things.

### WHAT IS AN APPEAL TO THE BOARD OF VETERANS' APPEALS?

An appeal is your formal request that the Board review the evidence in your VA file and review the law that applies to your appeal. The Board can either agree with our decision or change it. The Board can also send your file back to us for more processing before the Board makes its decision.

### HOW CAN I APPEAL THE DECISION?

**How do I start my appeal?** To begin your appeal, write us a letter telling us you disagree with our decision. This letter is called your "Notice of Disagreement." If we denied more than one claim for a benefit (for example, if you claimed compensation for three disabilities and we denied two of them), please tell us in your letter which claims you are appealing. Send your Notice of Disagreement to the address at the top of our letter.

**What happens after VA receives my Notice of Disagreement?** We will either grant your claim or send you a Statement of the Case. A Statement of the Case describes the facts, laws, regulations, and reasons that we used to make our decision. We'll also send you a VA Form 9, "Appeal to Board of Veterans' Appeals," with the Statement of the Case. You must complete this VA Form 9 and return it to us if you want to continue your appeal.

**How long do I have to start my appeal?** You have one year to appeal our decision. *Your* letter saying that you disagree with our decision must be postmarked (or received by us) within one year from the date of *our* letter denying you the benefit. In most cases, you can't appeal a decision after this one-year period has ended.

**What happens if I don't start my appeal on time?** If you don't start your appeal on time, our decision will become final. Once our decision is final, you can't get the VA benefit we denied unless you either:

- show that we were clearly wrong to deny the benefit **or**
- send us new evidence that relates to the reason we denied your claim

**Can I get a hearing with the Board?** Yes. If you decide to appeal, the Board will give you a hearing if you want one. The VA Form 9 we'll send you with the Statement of the Case has complete information about the kinds of hearings the Board offers and convenient check boxes for requesting a Board hearing. The Board doesn't require you to have a hearing. It's your choice.

### Where can I find out more about appealing to the Board?

- You can find a "plain language" pamphlet, called "Understanding the Appeal Process," on the Internet at: <http://www.va.gov/vbs/bva/pamphlet.htm>. The Board will send you a printed copy of this pamphlet after you file your Notice of Disagreement. You can also write to the following address and ask for a copy of "Understanding the Appeal Process": Chief Bailiff (011), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC 20420.

You can find the formal rules for appealing to the Board in the Board's Rules of Practice at title 38, Code of Federal Regulations, Part 20. You can find the complete Code of Federal Regulations on the Internet at: <http://www.access.gpo.gov/nara/cfr>. A printed copy of the Code of Federal Regulations may be available at your local law library.

**Can I get someone to help me with my appeal to the Board?** Yes. You can have a veterans' service organization representative, an attorney-at-law, or an "agent" help you with your appeal. But you're not required to have someone represent you. It's your choice.

- Representatives who work for accredited veterans' service organizations know how to prepare and present claims and will represent you. You can find a listing of these organizations on the Internet at: <http://www.va.gov/vso>.
- A private attorney or an "agent" can also represent you. Your local bar association may be able to refer you to an attorney with experience in veterans' law. An agent is a person who isn't a lawyer, but who VA recognizes as being knowledgeable about veterans' law. Contact us if you'd like to know if there is a VA accredited agent in your area.

**Do I have to pay someone to help me with my appeal to the Board?** It depends on who helps you. The following explains the differences.

- Veterans' service organizations will represent you for free.
- Attorneys or agents can charge you for helping you under some circumstances. Paying their fees for helping you with your appeal to the Board is your responsibility. The Board's Rules of Practice also include detailed information about fees at section 20.609 title 38 of the Code of Federal Regulations. See "Where can I find out more about appealing to the Board," on the other side of this form, for information on where to get these Rules of Practice. If you do hire an attorney or agent to represent you, one of you must send a copy of any fee agreement to the following address within 30 days from the date the agreement is signed.

Office of the Senior Deputy Vice Chairman (012)  
Board of Veterans' Appeals  
810 Vermont Avenue, NW  
Washington, DC 20420

### **CAN I GIVE VA ADDITIONAL EVIDENCE?**

Yes. You can send us more evidence to support a claim whether or not you appeal to the Board. **If you want to appeal, though, don't forget the one-year time limit!**

If you have more evidence to support a claim, it's in your best interest to give us that evidence as soon as you can. We will consider your evidence and let you know whether it changes our decision. Please keep in mind that we can only consider new evidence that: (1) we haven't already seen and (2) relates to your claim. You may give us this evidence either in writing or at a personal hearing.

***In writing.*** To support your claim, you may send documents and written statements to us at the address on the top of our letter. Tell us in a letter how these documents and statements should change our earlier decision.

***At a personal hearing.*** You may request a local hearing with us at any time. This hearing is separate from any Board hearing you might ask for later if you appeal. We don't require you to have one. It's your choice. At this hearing, you may speak, bring witnesses to speak on your behalf, and hand us written evidence. If you want a hearing, send us a letter asking for a hearing. Use the address at the top of our letter. We will then:

- arrange a time and place for the hearing
- provide a room for the hearing
- assign someone to hear your evidence
- make a written record of the hearing

### **WHAT HAPPENS AFTER I GIVE VA EVIDENCE?**

We will review the record of the hearing and other new evidence, together with the evidence we already have. We will then decide if we can grant your claim. If we can't grant your claim and you appeal, we will send the new evidence and the record of any local hearing to the Board.