

Expedited Claims Adjudication Initiative:
Agreement and Waiver of Rights

I agree to participate in the VA Expedited Claims Adjudication (ECA) Initiative, which is designed to speed up the processing of my claim(s) for (detail all compensation issues you want included)

so that I can obtain a final VA decision on my claim(s) as soon as possible.

In furtherance of this objective, I agree to the following:

Period to File this Agreement and Waiver of Rights. I agree to return the signed Agreement and Waiver of Rights to the participating VA regional office (RO) that sent it to me within **30 days** of the date of the notice that accompanied it.

Identification of Claims. I understand that this Agreement and Waiver of Rights applies to all claim(s) listed above, including any downstream element of such claim(s), (such as assignment of a disability rating and effective date), and to any claim(s) that is reasonably related to such claim(s).

Period to Respond to VA Requests for Information and Evidence. As an ECA participant, I agree to respond to VA requests regarding the information and evidence necessary to substantiate my claim(s) within **30 days** of the date such request is mailed by doing any of the following: (1) identifying all relevant evidence in support of my claim; (2) providing the requested evidence; or (3) notifying VA that no such evidence exists. I also agree that I will respond to additional VA requests for information and evidence within **30 days** of the date the request is mailed. If I require assistance from VA in obtaining any identified records, I will provide VA the appropriate release form so that VA may attempt to promptly obtain the records on my behalf. VA must receive the necessary information and evidence requested from the participant within one year of the date of the request. 38 U.S.C. § 5103(b)(1); 38 C.F.R. §§ 3.159(b)(1), 20.1503(d); 20.1504(a)(1)-(2).

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Period to File Notice of Disagreement. When I receive a VA decision on my claim(s), I understand that I have one year from the date of the notice of that decision to initiate an appeal by filing a Notice of Disagreement (NOD). As an ECA participant, I agree to waive the right to this one-year period and instead file an NOD with a VA decision on my claim(s) within **60 days** from the date of notice of such decision. 38 U.S.C. § 7105(b)(1); 38 C.F.R. §§ 20.302(a), 20.1504(a)(4).

This limits the time a veteran has to file an appeal.

Review by Decision Review Officer. As an ECA participant, if I am dissatisfied with a decision on my claim(s), and I file an NOD with an initial adverse VA decision, I agree to have the decision reviewed by a VA Decision Review Officer (DRO). 38 C.F.R. §§ 3.2600, 20.1505.

Hearing Before Participating VA Regional Office. I understand that I have the right to a hearing at any time on any issue involved in a claim pending before the participating RO. As an ECA participant, I agree that if I decide to request a hearing, that I will only have one hearing on my claim(s) before the participating RO, that the hearing will be conducted by a DRO, and that no hearing will be held until after the participating RO makes an initial decision on my claim. 38 C.F.R. §§ 3.103(c), 3.2600(c), 20.1507(a).

This limits the number of appeals that a veteran can file on their claim.

Period to File Substantive Appeal. I understand that if I continue to pursue an appeal in my case, I have 60 days from the date of the mailing of the Statement of the Case (SOC) in which to file a Substantive Appeal, or the remainder of the one-year appeal period, whichever period is longer. As an ECA participant, I agree to waive the right to this longer time period, and instead file any Substantive Appeal within **30 days** from the date of the mailing of the SOC. 38 U.S.C. § 7105(d)(3); 38 C.F.R. §§ 20.303(b), 20.1504(a)(5).

Certification of Appeal to the Board. As an ECA participant, I acknowledge that the participating RO will certify an appeal and transfer the appellate record to the Board of Veterans' Appeals (Board) within **30 days** of the receipt of my Substantive Appeal, or within 30 days of receipt of any additional submission by me or my representative following receipt of my Substantive Appeal, but, with a limited exception, no later than 60 days from the receipt of the Substantive Appeal. I agree that if my representative or I submit or identify new evidence or information following the issuance of an SOC that requires VA to conduct additional development in order to comply with its duty to assist, there will be an exception to the 60-day time limit for certification. In such cases, VA will certify and transfer the appellate record to the Board within 60 days after the requisite action is completed. 38 C.F.R. §§ 19.35, 19.36, 20.1504(b).

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Period to Submit Requests for a Board Hearing, Change in Representation, or Additional Evidence. I understand that I have a period of 90 days from notification that my appeal has been certified and transferred to the Board in which to submit: (1) a request for a Board hearing; (2) additional evidence; or (3) a request for a change in representation. As an ECA participant, I agree to waive the right to this 90-day period and will submit any request for a Board hearing, additional evidence, or request for a change in representation to the Board within **30 days** after notification that my appeal has been certified and transferred to the Board. 38 C.F.R. §§ 20.1304(a)-(b), 20.1504(a)(6).

Board Hearing. I understand that I have options when choosing the location of a hearing before the Board: an in-person hearing at the Board's offices in Washington, DC; an in-person hearing before the Board at the local VA regional office; or a hearing before the Board through the use of videoconference technology. As an ECA participant,

I agree that if I appeal a decision on my claim(s) to the Board, (1) I will receive only one hearing before the Board; and (2) the Board, after consulting with me and my representative, will determine the type of hearing that I will have so as to schedule it in as short a time as reasonably possible. An in-person hearing will be conducted in Washington, DC, only if geographically convenient for you and your representative, or if you agree to travel to Washington, DC, at your own expense. 38 U.S.C. § 7107(d)-(e); 38 C.F.R. §§ 20.700(e), 20.702(a), 20.705, 20.1507(b).

Consideration of Evidence Submitted After Statement of the Case. I understand that I have the right to have the participating RO consider evidence submitted or received after issuance of an SOC. I also understand that I have the right to issuance of a Supplemental Statement of the Case (SSOC) if there are material changes in, or additions to, the information in the SOC (or any prior SSOC).

As an ECA participant, however, I agree that, if my representative or I submit additional evidence after the SOC is issued, and I continue to pursue my appeal by filing a timely Substantive Appeal, I will be deemed to have waived initial review of this evidence by the participating RO, including readjudication of my claim and issuance of any required SSOC, and will agree to have the Board review the evidence in the first instance. In agreeing to this waiver, I understand that my claim may be granted or denied based on the Board's consideration of this new evidence in the first instance. 38 U.S.C. §§ 7104(a), 7105(d); 38 C.F.R. §§ 19.9(a), (b)(3), 19.31, 19.37, 20.800, 20.903(b), 20.1304(c), 20.1508(b)(2).

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Moreover, I understand that if VA obtains new evidence following the issuance of the SOC, and my claim(s) is not otherwise granted in full based on such evidence, that VA will provide a copy of such evidence to me and my representative and request that I waive review of such evidence by the participating RO together with the issuance of any required Supplemental Statement of the Case. I agree that if I do not respond to the waiver request within **30 days** by waiving review by the participating RO of the new evidence obtained by VA, my participation in the ECA Initiative will be revoked and my claim(s) will be processed from that point forward in the same manner as if I had not elected to participate in the ECA Initiative (i.e., using VA's usual procedures). 38 U.S.C. §§ 7104(a), 7105(d); 38 C.F.R. §§ 19.9(a), (b)(3), 19.31, 19.37, 20.800, 20.903(b), 20.1304(c), 20.1504(a), 20.1504(c)(1), 20.1508(a).

This limits a veterans' rights to fair review of evidence.

As an ECA participant, I also agree that if my representative or I submit additional evidence or argument after the SOC is issued that would require VA to conduct additional development in order to comply with its duty to assist, there will be an exception to the 60-day time limit for certification. For these cases, VA will certify and transfer the appellate record to the Board within **60 days** after the requisite action is completed. 38 U.S.C. §§ 7104(a), 7105(d); 38 C.F.R. §§ 19.9(a), (b)(3), 19.31, 19.37, 20.800, 20.903(b), 20.1304(c), 20.1504(a)(3), 20.1508(b).

Board Review of Cases: I understand that the Board is statutorily required to consider appeals in the order in which they are placed on its docket (with limited exceptions). I acknowledge that as an ECA participant, if my case is appealed to the Board, the Board will screen my case to ensure that the record is adequate for decisional purposes. If the Board determines that the record is inadequate, the Board will take appropriate action, including but not limited to: soliciting a waiver from me permitting the Board to review new evidence obtained by VA in the first instance; seeking clarification from me of matters such as hearing requests and representation; and, where necessary, remanding the case for further development. 38 U.S.C. § 7107(f); 38 C.F.R. §§ 19.9, 20.1506.

Extension of Time Limits. As an ECA participant, I understand that I can request an extension of any of the time limits outlined in this Agreement and Waiver of Rights, but that such request(s) may only be granted if I demonstrate on written motion that there is good cause for the extension request. I further understand that I must file any extension request before the expiration of the time period for which the extension is sought. I also understand that if my extension request is denied, or if it is not filed before expiration of the time period for which the extension is sought, that my participation in the ECA Initiative will be revoked and my claim(s) will be processed from that point forward in the same manner as if I had not elected to participate in the ECA Initiative (i.e., using VA's usual procedures). 38 C.F.R. §§ 3.109(b), 20.303, 20.1304(b), 20.1509(c)(3), (e).

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Waiver of Procedural Matters. When requested by VA, I agree to waive, in writing, identified procedural processing issues and actions. I understand that as part of the waiver process, VA will provide me with a clear written explanation as to what rights I may be waiving. I agree that if I do not respond to the waiver request within **30 days** by waiving the procedural processing issues and actions identified by VA, my participation in the ECA Initiative will be revoked and my claim(s) will be processed from that point forward in the same manner as if I had not elected to participate in the ECA Initiative (i.e., using VA's usual procedures). I also understand that if a hearing on appeal is conducted, the waiver may be formally and clearly entered on the record at the time of the hearing. 38 C.F.R. § 20.1508(a).

Express Revocation of ECA Participation. I understand that I can revoke my participation in the ECA Initiative at any time by submitting a revocation request in writing. I understand that the revocation request must be filed with the participating VA regional office unless the case has been certified and transferred to the Board, in which case the revocation request should be filed with the Board. As of the date of receipt of the revocation, my claim(s) will be processed in the same manner as if I had not elected to participate in the ECA Initiative (i.e., using VA's usual procedures). 38 C.F.R. § 20.1509(b).

Compliance with ECA Requirements/Implied Revocation of ECA Participation.

I understand that VA will process my claim(s) as described in this document. Should I (1) fail to comply with any of the time limits set forth above; (2) request an extension of any of the time limits set forth above (and such request is not granted); (3) fail to waive initial consideration by the participating RO of evidence obtained by VA that was not considered in the Statement of the Case; or (4) otherwise fail to substantially meet the terms of this Agreement and Waiver of Rights, as determined by VA, I understand that my participation in the ECA Initiative will be revoked and my claim(s) will be processed from that point forward in the same manner as if I had not elected to participate in the ECA Initiative (i.e., using VA's usual procedures). 38 C.F.R. § 20.1509(c).

Termination of ECA Initiative. I understand that VA may terminate the ECA Initiative at any time and that, in the event of such termination, VA will notify me and my representative in writing and inform us that my claim(s) will be processed from the date of termination in the same manner as if I had not elected to participate in the Initiative (i.e., using VA's usual procedures). 38 C.F.R. § 20.1510.

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I have designated (*insert name of recognized veterans service organization, or accredited service organization representative, agent, or attorney*)

_____ as my representative for the claim(s) listed above. I have consulted with my representative concerning my participation in the ECA Initiative, and we have concluded that it is in my best interest to participate.

Claimant's Signature:

_____ **Date:** _____

I certify that I have been designated by the above-named claimant to represent him or her with regard to the claim(s) listed above, and that prior to signing this Agreement and Waiver of Rights, I fully advised the claimant as to his or her procedural rights under the laws administered by VA. I further state that, in my opinion, the above waiver by the claimant of each of the listed rights was made knowingly and voluntarily. I recommend that VA accept this Agreement and Waiver of Rights.

Signature of Accredited Veteran's Service Organization Representative, Agent, or Attorney:

_____ **Date:** _____

Important Note: Please remember that if you decide to participate in the ECA Initiative, you must respond to VA requests regarding the information and evidence necessary to substantiate your claim(s) within **30 days** of such request by identifying all relevant evidence in support of your claim(s), providing the requested evidence, or notifying VA that no such evidence exists. If VA already sent you such request, that 30-day period may have already started to run. VA must receive the necessary information and evidence requested from you within one year of the date of the request.

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