

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

JEREMY AND MAYA BEAUDETTE,)

Petitioners,)

v.)

Vet. App. No. 20-4961

DENIS McDONOUGH,)
Secretary of Veterans Affairs,)

Respondent.)

**RESPONDENT'S STATUS REPORT SUBMITTED PURSUANT TO THE
COURT'S SEPTEMBER 9, 2021, ORDER**

Pursuant to this Court's September 9, 2021, Order, Respondent Denis McDonough, Secretary of Veterans Affairs, provides the following Status Report.

VA has created a new form for inclusion with Program of Comprehensive Assistance for Family Caregivers (PCAFC) decisions. (See attached VA Form 10-305). VA began including the new notice with all PCAFC decisions issued as of September 28, 2021. PCAFC decisions shall include the new notice going forward.

Respectfully submitted,

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YOUR RIGHTS TO SEEK FURTHER REVIEW OF PROGRAM OF COMPREHENSIVE ASSISTANCE FOR FAMILY CAREGIVERS (PCAFC) DECISIONS

If you disagree, in whole or in part, with a Department of Veterans Affairs (VA) decision under the Program of Comprehensive Assistance for Family Caregivers (PCAFC), the following options are available for you to appeal or request Veterans Health Administration (VHA) review the decision:

Veterans Health Administration (VHA) Review Options

- Supplemental Claim (only available for PCAFC decisions provided by VA on or after February 19, 2019)
- Higher-Level Review (only available for PCAFC decisions provided by VA on or after February 19, 2019)

Appeal to the Board of Veterans' Appeals (Board) (available for all PCAFC decisions regardless of the date the decision was provided)

NOTE: VHA's current clinical review process (also referred to as the VHA Clinical Appeals Process) will also continue to be available. This process will work in tandem with the two additional VHA review options noted above (Supplemental Claim and Higher-Level Review). Please contact the Patient Advocate at your local VA medical facility for more information on the clinical review process.

PCAFC Review and Appeal Options

Supplemental Claim and Higher-Level Review are only applicable to PCAFC decisions provided by VA on or after February 19, 2019. To provide additional choices to Veterans and caregivers, VHA is also continuing to offer its clinical review process.

It is important to note, ALL PCAFC decisions may be appealed to the Board. This includes decisions provided by VA prior to February 19, 2019 and on or after February 19, 2019. Decisions that result from a Supplemental Claim, Higher-Level Review, or the VHA clinical review process are also appealable to the Board.

Of the three options below – a Supplemental Claim, a Higher-Level Review, or an appeal to the Board of Veterans' Appeals – you can only pursue one of these three options at a time for each specific decision with which you disagree. For example, if you submit a Supplemental Claim to VHA based on a denial of the VA Form 10-10CG application, you must receive a decision on that Supplemental Claim, or elect to withdraw the claim, before filing an appeal with the Board of Veterans' Appeals.

Supplemental Claim

If you have new and relevant evidence that was not considered when VA made its prior PCAFC decision, you can file a VA Form 20-0995, *Decision Review Request: Supplemental Claim*. New evidence is evidence not previously part of the record VA considered. Relevant evidence is information that tends to prove or disprove a matter at issue in a claim. When you submit this form, include any new and relevant evidence that you believe supports your claim. A Supplemental Claim may be filed at any time.

The form for a Supplemental Claim can be found at: <https://www.vba.va.gov/pubs/forms/VBA-20-0995-ARE.pdf>. For Supplemental Claims concerning a PCAFC decision, please submit your completed request form (VA Form 20-0995) to:

**Veterans Affairs Evidence Intake Center
PO Box 5154
Janesville, WI 53547**

Submission of this form to any other location may result in delay in processing your Supplemental Claim request.

Higher-Level Review

If you would like your decision reviewed by a higher-level decision maker within VHA without submitting additional evidence, you can file a VA Form 20-0996, *Decision Review Request: Higher-Level Review*. A Higher-Level Review must be requested within one year of the date PCAFC provided notice of the decision.

The form for a Higher-Level Review can be accessed at: <https://www.vba.va.gov/pubs/forms/VBA-20-0996-ARE.pdf>. For requests for Higher-Level Review concerning a PCAFC decision, please submit your completed request form (VA Form 20-0996) to:

**Veterans Affairs Evidence Intake Center
PO Box 5154
Janesville, WI 53547**

Submission of this form to any other location may result in delay in processing your Higher-Level Review request.

Appeal to the Board

If you disagree with your PCAFC decision, you can appeal to the Board of Veterans' Appeals. For more information on the Board of Veterans' Appeals, visit <https://www.bva.va.gov/>.

For a PCAFC decision provided by VA on or after February 19, 2019, you can appeal to the Board by filling out VA Form 10182, *Decision Review Request: Board Appeal (Notice of Disagreement)* (available at <https://www.va.gov/vaforms/va/pdf/VA10182.pdf>) and sending it directly to the Board at:

**Board of Veterans' Appeals
P.O. Box 27063
Washington, DC 20038
Fax: 844-678-8979**

A Notice of Disagreement on VA Form 10182 must be filed within one year from the date VA mailed notice of the PCAFC decision.

Please note that the law requires a different process for appealing to the Board for any PCAFC decisions issued prior to February 19, 2019. A Notice of Disagreement must first be sent to VHA for VHA to provide both you and the Board a detailed statement of reasons for VHA's decision, known as a "Statement of the Case." Updates on the process to appeal a PCAFC decision issued before February 19, 2019 will be posted to www.caregiver.va.gov as they become available.

When deciding whether to appeal to the Board, please be aware that decisions made by the Board are VA's final determination on an issue.

Information or Assistance

If you would like more information about the Caregiver Support Program, including your decision under PCAFC, you may contact the Caregiver Support Line at 1-855-260-3274 toll free, Monday–Friday, 8:00 a.m.–10:00 p.m. ET and Saturday, 8:00 a.m.–5:00 p.m. ET.

You can receive help with your individual claim or appeal from a Veterans Service Organization representative, an attorney, or agent accredited by VA. For a list of VA-recognized organizations and VA-accredited individuals who are authorized to help with VA benefit claims, visit <https://www.va.gov/ogc/apps/accreditation/index.asp>.