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 PROVISION OF SUPPLEMENTAL INFORMATION

Pursuant to this Court's ruling in *Solze v. Shinseki*, 26 Vet. App. 299, 302 (2013), Respondent Denis McDonough, Secretary of Veterans Affairs, provides the following update relevant to the instant matter.

Pursuant to the Notice Plan approved by the Court on August 19, 2021, the Secretary is due to begin sending notices on November 17, 2021. The Secretary reports that, on November 17, 2021, the Secretary began phased mailings of the notice letter. That letter contains nominal edits from the version submitted to the Court on August 5, 2021, that have been jointly agreed to by the parties. A copy of the letter is attached.

Respectfully submitted,

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November 17, 2021

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

[redacted]

Dear [redacted]

If you received a decision under the VA Program of Comprehensive Assistance for Family Caregivers (PCAFC) that you disagree with, you can appeal to the Board of Veterans' Appeals.

You are receiving this letter because VA's records show that you received one or more decisions from VA concerning PCAFC. As the result of a class-action lawsuit, *Beaudette v. McDonough*, the U.S. Court of Appeals for Veterans Claims recently ordered that anyone who has ever received a decision under PCAFC can now appeal that decision to the Board of Veterans' Appeals (Board). Before the Court's order, PCAFC decisions were appealable only through the Veterans Health Administration clinical process.

These letters are being issued in phases, so everyone who received one or more decisions from VA concerning PCAFC will not receive this notice at the same time.

This letter explains how you can appeal a PCAFC decision to the Board. It does not matter how long ago you received a PCAFC decision. You are still allowed to appeal that decision to the Board. If you are successful in your Board appeal, you may be eligible for reinstatement of benefits and/or back-pay of monetary stipend benefits.

How to Appeal to the Board

If you disagree with a VA decision under PCAFC, you can now appeal directly to the Board. To appeal, you need to know the specific issue or issues that you would like to appeal. You also need to know the date of the decision. You can appeal more than one decision, but you need to identify each decision you are appealing.

Instructions for how to appeal depend on when VA made its decision. Please read these instructions carefully.

For a PCAFC decision dated 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) and sending it directly to the Board. The information and detailed instructions on that form explain what information you need and where to send the form. The deadline on VA Form 10182 that states you must appeal within one year (365 days) from the date of VA's decision does not apply to PCAFC decisions issued by VA before September 28, 2021. This is because those PCAFC decisions were issued without appeal rights to the Board. You can access VA Form 10182 at www.va.gov/vaforms/va/pdf/VA10182.pdf.

For a PCAFC decision dated before February 19, 2019: You can appeal to the Board by filling out VA Form 10-307 - Program of Comprehensive Assistance for Family Caregivers (PCAFC) Notice of Disagreement (NOD). The information and detailed instructions on that form explain what information you need and where to send the form. You can access it at www.va.gov/find-forms/about-form-10-307/. After you submit the form, but before the Board considers your appeal, VA will send you a Statement of the Case summarizing the reasons for the PCAFC decision you are appealing. The Statement of the Case will provide further information for how to continue your appeal to the Board.

Please make sure to use the correct form based on the date of the decision you are appealing and send the form to the address indicated on that form.

Get More Information About Your PCAFC Decisions

If you would like to appeal but do not have enough information to fill out the Notice of Disagreement form, you can ask VA for your PCAFC decisions. You can do this by filling out a request on VA Form 10-306 - Request for Information About Program of Comprehensive Assistance for Family Caregivers (PCAFC) Decisions. The information and detailed instructions on that form explain what information you need and where to send the form. A copy of VA Form 10-306 is enclosed. You can also access it at www.va.gov/find-forms/about-form-10-306/. If you need information about PCAFC decisions in your case, we encourage you to complete and send the form to VA within a year of the date of this letter.

Please keep a copy of any written request for information for your records. If you request a copy of the PCAFC decision and VA cannot find it, we will try to give you the information needed to file an appeal.

Information or Assistance

If you have questions about the Caregiver Support Program, 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, or visit www.caregiver.va.gov. For specific information about individual PCAFC decisions, please complete and submit VA Form 10-306 - Request for Information About Program of Comprehensive Assistance for Family Caregivers (PCAFC) Decisions, as described above.

If you have questions about your appeal rights, please visit the *Beaudette* Class Counsel website at www.VACaregiverClassAction.com. Class Counsel represents the class in the *Beaudette* lawsuit but does not represent you in your individual PCAFC claim or appeal.

You can also 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 that are authorized to help with VA benefit claims, visit www.va.gov/ogc/apps/accreditation/index.asp.

Apply or Reapply for PCAFC

If you are not currently participating in PCAFC and would like to be, VA encourages you to reapply. On October 1, 2020, regulatory changes went into effect that could impact your eligibility. Individuals who wish to be considered for designation by VA as Primary or Secondary Family Caregivers must submit a joint application, along with the Veteran or Service member. You are allowed to reapply for PCAFC benefits and also appeal your past PCAFC decisions to the Board at the same time.

For more information on how to apply or reapply for PCAFC, visit www.caregiver.va.gov/. Individuals may also call the Caregiver Support Line at 855-260-3274 for more information or assistance with the application.

Very Respectfully,

Dr. Colleen M. Richardson
Executive Director
Caregiver Support Program
Veterans Health Administration