# VA Appeal Deadlines

Appealing an unfavorable decision from the VA regarding your entitlement to service-connected benefits or the rating that may have been assigned can be a difficult process. Missing appeal deadlines can result in the loss of your appellate rights, and in some cases, leave you with an unappealable decision.

**Q. How long do I have to appeal my initial VA decision?**

When you receive a decision packet from the VA, it should include two documents: A Notice of Action Letter and a Rating Decision. These two documents should both be dated, though the dates may not be the same. *You have one year from the date on the Notice of Action Letter to appeal the VA’s decision.*

In order to appeal your initial disability benefit decision, you must submit a [**Notice of Disagreement (NOD)**](https://cck-law.com/blog/5-tips-for-filing-your-notice-of-disagreement/) to the [**VA Regional Office**](https://www.benefits.va.gov/benefits/offices.asp) processing your claim. If you miss this deadline, your claim is considered closed (unless you reopen it using [**new and material evidence**](https://cck-law.com/blog/new-and-material-evidence-how-to-use-it-to-your-advantage/)).

If upon review of your NOD the VA continues its denial you will receive an [**SOC (Statement of the Case)**](https://cck-law.com/veterans-law/what-is-a-statement-of-the-case-soc-2/). An SOC should outline the specific laws and regulations the VA relied on to make its decision, the list of evidence the VA used to reach its determination, and should clearly state and explain why it denied your claim.

If you still wish to appeal the VA’s denial, you can file a VA [**Form 9**](https://cck-law.com/glossary/form-9-legal-definition/), also known as a substantive appeal, indicating to the VA that you would like your appeal to go before the [**Board of Veterans’ Appeals (The Board, or the BVA)**](https://cck-law.com/veterans-law/what-is-the-board-of-veterans-appeals-bva/).

**Q. After I receive my SOC, how long do I have to submit a Form 9?**

*You have 60 days from the date on your SOC to file an appeal (using VA Form 9) with your VA Regional Office.* If you do not include any new evidence with your VA Form 9, your case will be sent directly to the Board of Veterans’ Appeals for Review.

If, however, you opt to submit new evidence with your VA Form 9, your Regional Office will review that new evidence and issue another decision before certifying your appeal to the Board of Veterans’ Appeals. This new decision is called a  [**Supplemental Statement of the Case, or SSOC for short**](https://cck-law.com/veterans-law/what-is-a-supplemental-statement-of-the-case-ssoc/).

You can submit a response to the SSOC, but it is not required in order for your case to go before the Board of Veterans’ Appeals. If you opt to submit a response for the record, you should know that any new evidence has to be reviewed by the Regional Office before your case will be sent to the Board.

**Q. After submitting VA Form 9, what is the next date I should be aware of?**

After you file your VA 9 appeal, you should be on the lookout for a letter in the mail notifying you that your appeal has been certified to the board. Certification should happen within about 30 days, though VA is not bound by a timeline. Your certification letter should include the docket number assigned to your appeal. From here, appeals before the board wait in docket order to be reviewed by a Veterans’ Law Judge.

**Q. The Board of Veterans’ Appeals denied my claim. Can I appeal?**

If the board of Veterans’ Appeals denies your claim, you may be able to appeal in [**the Court of Appeals for Veterans Claims (CVAC)**](https://cck-law.com/veterans-law/what-is-the-cavc-or-veterans-court/). In order to appeal to the Court, a veteran or their attorney must be able to argue that the Board committed legal error in its decision.

You have 120 days from the date of the Board’s decision to appeal to the Court. Board decisions are considered final and binding, so this is an extremely important deadline.

If you need assistance filing your appeal for VA benefits, enlist the help of experienced legal counsel to ensure you receive all benefits to which you are entitled.