

**REHABILITATION RESEARCH AND DEVELOPMENT SERVICE
MERIT REVIEW APPEAL PROCESS**

1. PURPOSE OF THE APPEAL PROCESS

To ensure the fairness of the Merit Review process, the Rehabilitation Research and Development (RR&D) Service has a mechanism for formal appeal of the recommendation of a Merit Review Subcommittee if the Principal Investigator (PI) has evidence of serious flaws in the review of a Merit Review proposal. The appeal process is designed to uncover factual errors through reexamination by individuals not involved in the initial decision. The appeal process is entirely separate from the Merit Review process. The appeal must be in regard to a decision that precluded funding. It is not intended to resolve differences of scientific opinion between the applicant and the original reviewers, adjust funding decisions, or circumvent the peer review process.

2. BASIS FOR AN APPEAL

The Merit Review consensus as presented in the final Summary Statement (which includes the summary of discussion [if applicable] and individual reviewer critiques) is the basis for an appeal.

NOTE: A proposal may not be appealed more than once.

- a. An appeal may be made if the PI believes it can be demonstrated that the Subcommittee showed *any* of the following:
 - (1) Clear bias in the review process.
 - (2) Conflict of interest.
 - (3) Lack of expertise.
 - (4) Significant factual errors.
- b. The issue(s) upon which the appeal is based must appear in the Summary Statement.
- c. All information forming the basis of the appeal must have been part of the original proposal. Data obtained since the original submission of the proposal, additional information not included in the original proposal, explanation of materials not clearly presented in the original proposal, and letters of support may not be included.
- d. All appeals will be administratively reviewed to determine whether the basis clearly meets one or more of the criteria described above in 2a. If it is determined that the criteria are not met, the appeal may be administratively denied by the Director of the RR&D Service. Further, conflict of interest issues will be administratively adjudicated and not subjected to external review.
- e. The appeals process is completely separate from the Merit Review application process. The PI's decision to submit a revised application needs to be made separately from the decision to appeal.

3. APPEAL DOCUMENTATION

- a. The appeal must be reviewed and approved by the local Research and Development (R&D) Committee, the Associate Chief of Staff (ACOS) for R&D, and the medical center Director.
- b. Appeal documentation must include—
 - (1) A letter of approval from the medical center Director.
 - (2) A letter of approval from the R&D Committee.
 - (3) The appeal letter signed by the PI and the ACOS for R&D. The appeal letter can be no longer than five single-spaced pages. All text must be prepared with at least 11-point sans serif font, with no more than 15 characters per inch and no more than six lines per inch. Page margins must be a minimum of 1 inch at each edge. Submissions failing to comply with these instructions will not be accepted or reviewed.
 - (4) If necessary, documentation to support a claim of bias, e.g., reprints of published work, if referenced.

NOTE: The Director and R&D approvals may be provided in a single letter with both signatures.

4. SUBMISSION OF AN APPEAL

- a. An appeal must be submitted by the local research office to Central Office within 6 months of the PI receiving the Summary Statement that contains the issue(s) upon which the appeal is based.
- b. The appeal package must be saved as a single PDF file. Name the file as follows: PI's last name_project number_APPEAL (e.g., Jones_B1220R_APPEAL). Submit the appeal package electronically to rdreviews@va.gov. Use the following text in the email "Subject:" line: [insert PI last name] APPEAL for Merit Review [insert project number].
- c. The RR&D Service will provide a written determination of the appeal status to the local research office and PI within 60 days after receipt of the formal appeal.

5. REVIEW OF AN APPEAL

The appeal letter, Summary Statement, and original proposal are considered in the review of an appeal.

- a. The review of an appeal will focus on the validity of the issues in the appeal letter. Reviewers who were not part of the original scientific review will be instructed to consider only the appeal issues. The PI will receive copies of the written reviews.
- b. In considering the appeal review, the RR&D Service has the following options:
 - (1) **Sustain the PI's appeal.** If the recommendation of at least two external reviewers is to uphold the appeal, the proposal will be forwarded for review by three new reviewers from the same Merit Review Subcommittee at the next review meeting. Reviewers who originally reviewed the proposal will be asked to recuse themselves during the review.
 - (2) **Deny the appeal.**