

MERIT REVIEW APPEAL PROCESS
for Biomedical Laboratory Research & Development (BLR&D)
and Clinical Science Research & Development (CSR&D)

1. PURPOSE OF THE APPEAL PROCESS. To ensure the fairness of the Merit Review process, BLR&D and CSR&D have a mechanism to formally appeal the recommendation of a Merit Review Subcommittee if the Principal Investigator (PI) has evidence of serious flaws in the review of a Merit Review application. 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 regarding a decision that precluded funding. It is not intended as a means to resolve differences of scientific opinion between the applicant and the original reviewers, to adjust funding decisions, or to circumvent the peer review process.

2. BASIS FOR APPEAL. The Merit Review consensus as presented in the final Summary Statement is the basis for an appeal. (*Note: An application 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, or
 - (2) Conflict of interest, or
 - (3) Lack of expertise, or
 - (4) Significant factual errors
- b. 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 application, additional information not included in the original application, explanation of materials not clearly presented in the original application, and letters of support may not be included.
- d. All appeals will be administratively reviewed to determine if 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, BLR&D/CSR&D. 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 investigator's decision to submit a revised application needs to be made separately from the decision to appeal.

3. 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 receives copies of the written reviews.

b. In considering the appeal review, BLR&D and CSR&D Services have the following options:

(1) **Sustain the investigator'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 or another appropriate 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.**

4. 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. The Director's and R&D's letters may be combined as long as the Director and Chair, R&D sign the letter, the ERA Commons ID number must be fully identified within this letter, along with the full title of the project being appealed and full investigator name.

(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, using only letter-quality print. All text must be prepared with at least 11-point font, with no more than 15 characters per inch and no more than six lines per inch. Page margins must be a minimum of one inch at each edge. Submissions failing to comply with these instructions will be withdrawn without review.

(4) The application Summary Statement (if available).

(5) If necessary, documentation to support a claim of bias, e.g., reprints of published work, if referenced.

5. SUBMISSION OF AN APPEAL

(new) a. Deadlines for receipt of appeals in BLR&D/CSR&D are **30 days** from receipt of a funding decision to the station. Funding decision memos are usually sent in January for the Fall round and July for the Spring round. Appeals may be submitted, but will not be considered, before funding decisions have been made regarding the application in question.

b. The completed appeals package (with scanned signatures) should be forwarded electronically to the BLR&D/CSR&D Appeals Program Manager at VHABLRD-CSR@va.gov with the word APPEAL in the subject line. Original signed copies of the appeal package should be held in the research office until the appeal has been reviewed and a letter of determination has been received.