**Office of Administrative Review**

**Level II Assessment**

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| **Lesson Title** | Legacy Appeals: DRO Review Process |
| **TMS Item Number** | VA 4551266 |
| **Pass Score** | Unlimited attempts, can miss one question |
| **Last Updated** | September 2022 |

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| **Question #** | **Question and Distractors** | **Learning Objective** |  **Feedback** | **Slide** |
| 1 | DRO duties include \_\_\_\_\_\_\_\_\_\_. Select all that apply.1. establishing end products for Notices of Disagreement
2. **holding informal conferences** **(correct)**
3. **issuing Statements of the Case (SOC)** **(correct)**
4. **contacting appellants and representatives** **(correct)**
 | Duties, jurisdiction, authority | The DRO duties include holding informal conferences, issuing statements of the case (SOC), and contacting appellants and representatives. M21-5, 7.C.2.a. | 6 |
| 2 | When a DRO issues a favorable decision on an appealed issue, the DRO assumes jurisdiction and decides any downstream issues, including \_\_\_\_\_\_\_\_. Select all that apply.* 1. **disability evaluation (correct)**
	2. supplemental claims
	3. **effective date (correct)**
	4. **any inferred or ancillary issues encompassed by that favorable decision (correct)**
 | Duties, jurisdiction, authority | A downstream issue arises when a DRO issues a favorable decision, including disability evaluation, effective date, and any inferred or ancillary issues encompassed by that favorable decision. M21-5, 7.A.1.f. | 7 |
| 3 | The DRO does not have jurisdiction over \_\_\_\_\_\_\_\_.1. downstream issues
2. *de novo* review
3. pension issues
4. **loan guaranty (correct)**
 | Duties, jurisdiction, authority | A DRO does not have jurisdiction over issues that arise out of loan guaranty. M21-5, 7.C.3.b. | 8 |
| 4 | True or False? A DRO can bargain with an appellant to withdraw a claim or take action in exchange for the grant of a benefit. 1. True
2. **False (correct)**
 | Duties, jurisdiction, authority | A DRO cannot bargain with an appellant or a representative by requesting or requiring them to withdraw a claim or take any action in exchange for granting a benefit. M21-5, 7.C.3.f. | 10 |
| 5 | The *de novo* review is a \_\_\_\_\_\_\_\_\_ review of the appealed issue. 1. higher-level
2. supplemental
3. **new and complete (correct)**
4. new and concise
 | De novo review | A *de novo* review is a new and complete review of the appealed issue with no deference given to the decision being appealed. M21-5, 7.A.1.e. | 15 |
| 6 | True or False? During *de novo* review, the reviewer may also reverse or revise the decision, even if disadvantageous to the claimant, on the grounds of a clear and unmistakable error (CUE).1. **True (correct)**
2. False
 | De novo review | During the *de novo* review, the reviewer may reverse or revise a decision, even if the revision or reversal is disadvantageous to the claimant. M21-5, 7.C.4.c. | 15 |
| 7 | An appellant has the right to *de novo* review if the Notice of Disagreement (NOD) is filed timely and they request review \_\_\_\_\_\_\_\_. Select all that apply.1. **at the time of NOD submission (correct)**
2. within one year of a Statement of the Case (SOC)
3. within 30 days of the date that the VA sends notice of right to *de novo* review
4. **within 60 days of the date the VA sends notice of right to *de novo* review (correct)**
 | De novo review | An appellant has the right to *de novo* review if requested at the time of the NOD submission or within 60 days of the date VA sends the appeal election letter. M21-5, 7.C.4.a. | 13 |
| 8 | One purpose of an informal conference is to \_\_\_\_\_\_\_\_\_\_.1. explain why the appellant should withdraw the appeal
2. **clarify the issues the appellant wishes to appeal (correct)**
3. obtain the appellant’s statements under oath
4. certify the appeal to the Board of Veterans’ Appeals
 | Informal conferences | During an informal conference, the DRO can clarify the issues the appellant wishes to appeal. M21-5, 7.C.5.a. | 18 |
| 9 | If the issue is the evaluation of an existing service-connected disability, a full grant occurs when \_\_\_\_\_\_\_\_\_\_. 1. the evaluation is increased
2. special monthly compensation is granted
3. **the maximum benefit allowed by law is granted (correct)**
4. individual unemployability is granted
 | DRO decisions | A full grant occurs when the maximum benefit allowed by law is granted for the entire period under appeal. M21-5, 7.A.1.h. | 24 |
| 10 | For any issues that cannot be fully granted or denied, the DRO should initiate \_\_\_\_\_\_\_\_\_.1. **development action (correct)**
2. due process
3. informal conference procedures
4. a higher-level review
 | DRO decisions | When the DRO cannot fully grant or deny an issue, then the DRO should initiate development action on that issue. M21-5, 7.D.2.c. | 25 |