**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 |