

# Office of Administrative Review (OAR)

## Quality Call Bulletin

### December 2020

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## NATIONAL ERROR EXAMPLES

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**Target Audience:** DROC QRTs and Management

**Presenter:** James Fogg, Program Analyst, OAR

**National Authorization Error Example:**

Error: Dependent spouse established, denied, or removed incorrectly.

OAR cited the following error:

The Veteran reported multiple divorce dates on multiple forms for two previous spouses. The HLR informal conference did not clarify the divorce dates.

M21-1 III.iii.5.B.4.a, *Determining Whether Documentary Evidence of Termination of a Marriage is Necessary*, states, in part:

VA accepts the entries a claimant makes on a completed and signed VA Form 21-686c (or other prescribed form listed in the last row of the table in M21-1, Part III, Subpart II, 2.B.1.b) as proof of termination of a marriage in the absence of contradictory evidence of record.

M21-5 5.5.a, *Definition: DTA Errors*, states, in part:

A DTA error is a failure during the processing of the reviewed decision to properly apply the provisions of 38 C.F.R. §3.159 for gathering evidence. The reviewer must return the issue(s) for development.

VA regulations and policy require VA to obtain complete marital history prior to adding a new spouse. Clarification for the marital history was required to determine if the decision made was accurate.

**National Rating Error Example:**

Error: Incorrect effective date for all other situations (general).

OAR cited the following error:

HLR RD assigned an incorrect effective date for the grant of service connection for tinnitus. VA previously denied service connection for tinnitus. VA received an intent to file more than one year following this denial. VA then received a VA Form 20-0995, *Decision Review Request: Supplemental Claim*, less than one year following

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receipt of the intent to file. VA granted service connection for tinnitus, with the effective date being the date VA received the supplemental claim. The Veteran subsequently submitted a VA Form 20-0996, *Decision Review Request: Higher-Level Review*, requesting review of the assigned effective date. The HLR RD assigned an effective date based upon the date of receipt of the intent to file.

M21-1 III.ii.2.D.1.g, *ITF and Supplemental Claims*, states, in part:

Do not associate an intent to file (ITF) with a supplemental claim.

VA regulations and policy do not allow the decision maker to assign the date of receipt of an intent to file as the effective date when VA previously denied service connection for the condition and now submits a supplemental claim requesting review of the previous denial. In this case, assigning an effective date based upon the receipt of an intent to file with a subsequent claim to review a previous denial was erroneous. The HLR RD should have confirmed the previous effective date for the grant of service connection for tinnitus.

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## **BACKFILLING RATING DECISIONS FOR MISSING RATINGS**

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**Target Audience:** RVSRs, DROs, DROC QRTs and Management

**Presenter:** Lauren Sylvia, Senior Management and Program Analyst, OAR

A system issue has been identified in Caseflow Intake when establishing a Higher-Level Review or Supplemental Claim for older ratings. Intake personnel are presented with a list of past rating decisions displayed as “Unidentified Issues.”

In order to correct the missing rating data, a Rating Veterans Service Representative (RVSR) or Decision Review Officer (DRO) must populate the missing data into the Corporate Database by backfilling the issue within VBMS Rating. Once the backfill is complete, the unidentified issue will display in Caseflow with the correct rating data.

OAR created a job aid providing instructions on how to backfill historical data in rating decisions so claims can be properly established in Caseflow Intake. This process should be utilized for all backfilled ratings. OAR also created a Caseflow Intake Tip Sheet that can be found with the job aid on the [OAR Training page](#).