Office of Administrative Review: Training Handout Higher-Level Review Returns (VA 4571667) Student Guide – Return Scenario 1

Training Scenario



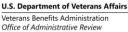
Veteran has two periods of service. Veteran filed a claim for service connection for sleep apnea and was denied without an examination because service treatment records did not show any complaints related to sleep. Veteran received the notification letter on January 4, 2021, and filed a higher-level review request on June 1, 2021. Decision Review Officer (DRO) issued the following decision to return for duty to assist error.

Higher-Level Review Return

Department of Veterans Affairs HIGHER-LEVEL REVIEW RETURN		
POA	DATE OF RETURN:	REGIONAL OFFICE NUMBER
American Legion	06/04/2021	317
NAME OF CLAIMANT		VA FILE NUMBER
John Anderson		TRA-12-3456
SECTION I		
THE HIGHER-LEVEL REVIEW BEING RETURNED RELATES TO THE FOLLOWING ISSUES:		
LIST ALL SPECIFIC ISSUES BEING RETURNED (Continue on additional page	ze as necessary)	DATE OF VA DECISION NOTICE
sleep apnea		01/04/2021
SECTION II		
THE HIGHER-LEVEL REVIEW HAS BEEN RETURNED FOR THE FOLLOWING REASONS:		
DUTY TO ASSIST ERRORS (Select all that apply) PRIVATE MEDICAL FEDERAL MEDICAL OTHER MEDICAL EXAMINATION OR OTHER RECORDS RECORDS RECORDS RECORDS COTHER MEDICAL OPINION COTHER MEDICAL OPINION COTHER MEDICAL OPINION COTHER RECORDS		
REQUIRED DEVELOPMENT - DIFFERENCE OF OPIINION (Select all that apply)		
FEDERAL RECORDS OTHER RECORDS EXAMINATION OR OTHER DEVELOPMENT		
EXPLANATION FOR ITEMS CHECKED (Continue on additional page as necessary)		
STRs from the Veteran's 2nd period Army service (1/5/90-9/5/97) are not of record. Only the records from the 1st period Air Force service are of record. Please develop for the STRs from the 2nd period of service. III.iii.2.B.2.e. After those are obtained, please review for the need for an exam and medical opinion based on those records.		







Veterans Benefits Administration

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Classroom Discussion

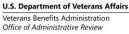
1. Why did the DRO determine there was a duty to assist error in this claim?



- 2. Review the M21 reference cited by the DRO. What are the steps the VSR should undertake to obtain the missing records?
- 3. VSR receives the missing STRs. What should the VSR do next?

Last Updated: January 2024





Last Updated: