

Office of Administrative Review: Training Handout

Higher-Level Review Returns (VA 4571667)


Student Guide – Return Scenario 4



Training Scenario

Veteran claimed service connection for right knee. The issue was denied without an examination. Decision Review Officer (DRO) issued the following decision to return for difference of opinion development.

Higher-Level Review Return

 Department of Veterans Affairs		HIGHER-LEVEL REVIEW RETURN	
POA	DATE OF RETURN:	REGIONAL OFFICE NUMBER	
	03/09/2021	317	
NAME OF CLAIMANT		VA FILE NUMBER	
Freddie Harding		TRA-54-9872	
SECTION I			
THE HIGHER-LEVEL REVIEW BEING RETURNED RELATES TO THE FOLLOWING ISSUES:			
LIST ALL SPECIFIC ISSUES BEING RETURNED <i>(Continue on additional page as necessary)</i>		DATE OF VA DECISION NOTICE	
right knee		02/20/2021	
SECTION II			
THE HIGHER-LEVEL REVIEW HAS BEEN RETURNED FOR THE FOLLOWING REASONS:			
DUTY TO ASSIST ERRORS <i>(Select all that apply)</i>			
<input type="checkbox"/> PRIVATE MEDICAL RECORDS	<input type="checkbox"/> FEDERAL MEDICAL RECORDS	<input type="checkbox"/> OTHER MEDICAL RECORDS	<input type="checkbox"/> EXAMINATION OR MEDICAL OPINION
REQUIRED DEVELOPMENT - DIFFERENCE OF OPINION <i>(Select all that apply)</i>			
<input type="checkbox"/> FEDERAL RECORDS	<input type="checkbox"/> OTHER RECORDS	<input checked="" type="checkbox"/> EXAMINATION OR MEDICAL OPINION	<input type="checkbox"/> OTHER DEVELOPMENT
EXPLANATION FOR ITEMS CHECKED <i>(Continue on additional page as necessary)</i>			
Please request a knee exam with direct medical opinion for the right knee claim because Veteran had right knee pain in service.			



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Classroom Discussion

1. Was the HLR return a duty to assist error or difference of opinion? Does that affect how the VSR should proceed with development?
2. What action does the VSR need to undertake?
3. The DRO did not include medical opinion verbiage and did not indicate any tabbed evidence. What types of evidence should the VSR tab in developing this return? How should the VSR word the medical opinion request?

