

Office of Administrative Review: Training Handout

Higher-Level Review Returns (VA 4571667)


Instructor Guide – Return Scenario 2



Training Scenario

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 | |
| | 02/10/2021 | 346 | |
| NAME OF CLAIMANT | | VA FILE NUMBER | |
| Mila Timothson | | TRA-89-0145 | |
| 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 | |
| evaluation of left shoulder | | 10/14/2020 | |
| | | | |
| | | | |
| | | | |
| 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 checked="" 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 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 shoulder exam. Veteran was scheduled for an RFE on the shoulder but contacted the VAMC prior to the rating decision to state she was out of town for school. No attempt was made to clarify the best location for the exam. Please contact the Veteran prior to scheduling the exam to verify her current location and reschedule the exam appropriately. | | | |



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Classroom Discussion

NOTE: Allow students to ask questions as needed about this exercise, outside the pre-determined discussion questions. This is an exercise to introduce students to real sample remands and development actions from actual claims. It is important that their questions and thoughts drive the discussion.

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

Instructor Discussion Point: *RFE is a routine future exam that is scheduled for a number of reasons to determine the current level of disability. Veteran provided good cause for the failure to report but no new exam was scheduled.*

2. Based on the higher-level review return, what is the first action the VSR should take?

Instructor Discussion Point: *Contact the Veteran to ask about current location to determine the appropriate location for the exam.*

3. Based on the initial action, what is the second action the VSR should take?

Instructor Discussion Point: *Request the exam based on the appropriate location for the Veteran; if the location is VHA, use Exam Request Builder and CAPRI; if the location is contractor, use Exam Request Builder.*

Once all development is completed in accordance with the DRO's instructions, the VSR should refer the claim to an RVSR as Ready for Decision. The RVSR should then review the claim and rate as with any other claim, if all development is complete. If additional development is needed, the RVSR should defer the claim back to the VSR with instructions.



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VA



U.S. Department of Veterans Affairs
Veterans Benefits Administration
Office of Administrative Review