

Office of Administrative Review

Rating Higher-Level Review (HLR) Returns



Purpose

This Job Aid provides instruction on how to rate HLR returns.



Audience

Rating Veterans Service Representatives (RVSR)

References



- [38 CFR 3.159, Department of Veterans Affairs assistance in developing claims](#)
- [38 CFR 3.2502, Return by higher-level adjudicator or remand by the Board of Veterans' Appeals](#)
- [38 CFR 3.2601, Higher-level review](#)
- [M21-1, V.i.1.C.2.b, Duty to Assist Review by the Rating Activity](#)
- [M21-5, 5.1.j, Difference of Opinion vs. Duty to Assist Error](#)
- [M21-5, 5.5.d, Returning DTA Errors for Correction](#)
- [M21-5, 5.5.e, Handling DTA Errors](#)

Instructions

Higher-Level Review Return Process




- The Decision Review Officer (DRO) completes VA Form 20-0999, *Higher-Level Review Return*, to return an HLR for additional development based on a duty to assist error (DTA) or difference of opinion (DOO).
- An end-product (EP) 040 with one of the following claim labels will be established to track the issue(s).
 - 040 - HLR DTA Error - Rating or
 - 040 - AMA Difference of Opinion - Rating (040)
- The Veterans Service Representative (VSR) completes development based on DRO's instructions on VA Form 20-0999, *Higher-Level Review Return*
 - When development is complete, the VSR marks the claim as ready for decision (RFD) for RVSR action.
- Once the EP 040 is distributed, the RVSR reviews the entire claim file and ensures all development is complete for each issue and rates the EP

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040. If additional development is required for individual issues, the RVSR will defer those issues.

Elements of VA Form 20-0999

 Department of Veterans Affairs		HIGHER-LEVEL REVIEW RETURN	
POA	DATE OF RETURN:	REGIONAL OFFICE NUMBER	
NAME OF CLAIMANT		VA FILE NUMBER	
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	
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 OPINIION <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>			
SECTION III			
FAVORABLE FINDINGS: LIST SPECIFIC FAVORABLE FINDINGS BY ISSUE <i>(Continue on additional page as necessary)</i>			
REVIEWER'S ID:		REVIEWER'S OFFICE:	

Identifying information for claimant

List of returned issues with date of VA decision notice

Categories of development required

Explanation of checked boxes and development

Favorable findings (could indicate these are on rating decision)

DRO information

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Additional information, i.e. continuation of development steps

Role of RVSR

- Ensure the claim is RFD prior to rating. The RVSR is responsible for reviewing the complete file and all evidence prior to making a decision.
- If additional development is needed for an issue based on the instructions provided by the DRO or through the review of the entire file, defer the issue back to development.
- If development is complete, rate as any other claim.

Important Reminder

The return of an HLR by the DRO concludes the HLR for that issue. Once returned, it is no longer an HLR. VSRs and RVSRs will then treat the claim like any other claim to develop and rate accordingly.



RVSRs must ensure all DRO-directed development, and any other necessary development for each issue, is completed prior to rating the HLR claim.

For example, if the DRO returns the HLR for additional service treatment records (STR) but the RVSR realizes another period of service is also missing records for which the DRO did not return, the RVSR should defer that claim to the pre-VSR for proper development.

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Other Resource

Training course: Higher-Level Review Returns (VA 4571667)



Questions

Discuss any questions on this Job Aid locally with peers, experts, quality staff, and/or management. Management may route any questions requiring OAR assistance to OARADMIN.VBAWAS@va.gov.