

Office of Administrative Review (OAR)

Quality Call Bulletin

February 2022

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PROPER SELECTION OF YES VS. N/A FOR TASK 11 OF THE LOCAL RATING QUALITY REVIEW CHECKLIST

Target Audience: Decision Review Operations Center (DROC) Management and Quality Review Teams (QRT)

Presenter: Suzi Ribish, Management and Program Analyst, OAR Program Administration (PA)

References:

- M21-4 6.B.a, *RVSR Task Based Quality Review Checklist*
- M21-4 6.B.c, *Rating Review Elements*
- M21-5 3.A.12.a, *DRO Task Based Quality Review Checklist*
- M21-5 3.A.12.c, *DRO Review Elements*

Task 11 of the RVSR or DRO Quality Review Checklists asks: “Were all systems updates completed when needed?” Each of the error descriptors for this Task involve the Codesheet. As stated in M21-4 6.B.c, *Rating Review Elements* and M21-5 3.A.12.c, *DRO Review Elements*, “This task question applies only to the rating decision Codesheet.” Based upon these references, if the transaction under review does not involve a Codesheet, then this task is not applicable, and the appropriate answer is NA.

INTERNAL ELECTRONIC COMMUNICATIONS BETWEEN THE VETERANS BENEFIT ADMINISTRATION (VBA) AND THE BOARD OF VETERANS' APPEALS (BOARD)

Target Audience: DROC Management, QRT, Decision Review Officers (DRO), Rating Veterans Service Representatives (RVSR), and Veterans Service Representatives (VSR)

Presenter: Christina Ngom, Management and Program Analyst, OAR PA

OAR has identified instances of internal communications between OAR and the Board, or other inquiring entities, regarding case-related matters being uploaded to Veterans'

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claims files in the Veterans Benefit Management System (VBMS) by decision review operations center (DROC) personnel. This practice is problematic as the names, titles, and direct-contact information of VA employees are associated with the e-folder which can be viewed by external stakeholders (Veterans Services Officers, attorneys, claims agents, etc.) and disseminated.

Generally, correspondence regarding internal processing matters related to case-specific issues should **not** be uploaded to claims files as it is neither evidence nor official VA correspondence. A permanent note in VBMS should be added to the claims file when clarification of procedural action/history is warranted. This way, there is clear documentation in the c-file outlining any corrective action that is available to adjudicators and quality review.

REQUIREMENTS FOR A VALID HIGHER-LEVEL REVIEW (HLR) REQUEST

Target Audience: DROC Management, QRTs, DROs, RVSRs, VSRs, and Claims Assistants (CA)

Presenter: Christina Ngom, Management and Program Analyst, OAR PA

References:

- 38 CFR §3.2500, *Review of Decisions*
- 38 CFR §3.2601, *Higher-Level Review*
- M21-5 4.2.a, *Review Lanes of the AMA*
- M21-5 4.2.c, *Acceptable Forms for Seeking Review*
- M21-5 4.2.d, *Time Frames*
- M21-5 4.2.e, *Placing Review Elections Under Control*
- M21-5 4.2.f, *Ineligible HLR Reasons*
- M21-5 5.2.a, *Definition: Complete Request*
- M21-5 5.2.b, *Initial Actions to Take With HLR Requests*
- [Centralized Mail Portal \(CMP\) User's Manual](#)

Requirements for a Valid HLR Request

Claimants or their representatives must submit a request for a Higher-Level Review (HLR) by submitting a completed VA Form 20-0996, *Decision Review Request: Higher-Level Review*. For HLRs of decisions issued on or after February 19, 2019, the claimant, or his/her authorized representative, must seek review in writing by submitting a VA Form 20-0996, *Decision Review Request: Higher-Level Review*. VBA will not accept review requests in any format other than the prescribed form.

To preserve the earliest effective date, VA will generally accept review requests from any eligible claimant, or the authorized representative, who requests a review within one year of the date of the decision. VA must receive an HLR request within one year of the

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contested decision.

VA receives HLRs for compensation and pension issues through the Centralized Mail (CM) Portal.

A *complete request* for an HLR includes the following:

- name of the claimant and the relationship to the Veteran, if applicable,
 - signature of the claimant, or a person legally authorized to sign for the claimant,
 - date of the underlying decision for which review is requested, and
 - specific issues for which review is requested.
- Note: VA's HLRs forms are enterprise-wide and can be used to seek review of any VA claims decision. Accordingly, VA Form 20-0996 contains box 15 for the claimant to select the benefit type. If the claimant requests a benefit type other than "compensation," re-route the mail package to the office of jurisdiction in accordance with the [Centralized Mail Portal \(CMP\) User's Manual](#).

OMB Control No. 2900-0862
Respondent Burden: 15 minutes
Expiration Date: 4/30/2024

VA DATE STAMP
DO NOT WRITE IN THIS SPACE

Department of Veterans Affairs
DECISION REVIEW REQUEST: HIGHER-LEVEL REVIEW

INSTRUCTIONS: Before completing this form, read the Privacy Act and Respondent Burden on page 5. Use this form to request a Higher-Level Review of a decision you received. A Higher-Level Review is a new review of an issue(s) previously decided by VA based on the evidence of record at the time of the prior decision. For more information call us toll-free at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal relay number is 711. VA forms are available at www.va.gov/vaforms.

SECTION I - VETERAN'S IDENTIFICATION INFORMATION

NOTE: You may complete the form online or by hand. If completed by hand, print the information requested in ink, neatly and legibly, insert one letter per box, and completely fill in each applicable circle to help expedite processing of the form.

1. VETERAN'S NAME (First, Middle Initial, Last) _____

2. SOCIAL SECURITY NUMBER _____ 3. VA FILE NUMBER (if applicable) _____ 4. DATE OF BIRTH (MM/DD/YYYY) _____

5. VA INSURANCE POLICY NUMBER (if applicable) _____

6. CURRENT MAILING ADDRESS (Number, street or rural route, City or P.O. Box, State and ZIP Code and Country)
No. & Street _____
Apt./Unit Number _____ City _____
State/Province _____ Country _____ ZIP Code/Postal Code _____

I AM HOMELESS OR AT RISK OF HOMELESSNESS

7. TELEPHONE NUMBER (Include Area Code) _____ Enter International Phone Number (if applicable) _____

8. E-MAIL ADDRESS (Optional) _____

When VA receives an HLR for compensation in the CM portal, follow these steps to place the claim under control.

Intake personnel should review the VBMS eFolder to determine if the claimant has a prior decision eligible for processing as an HLR. Review prior VA Notification Letters and/or Rating Decisions within the VBMS eFolder for the issues listed on VA Form 20-0996. VBA may have issued multiple decisions within one year, so it is important to review all Notification Letters/Decisions to determine if the HLR is valid.

Identify the issues on the decision review form. When mail is received and the specific

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issues for which review is requested is unclear, make at least one attempt to call the claimant and/or authorized representative to clarify them. Document all results on VA Form 27-0820, *Report of General Information* and upload to the eFolder. All steps required for the control of eligible HLRs can be found in M21-5 Chapter 4, Section 2. e – *Placing Review Elections Under Control*.

After identifying at least one clear eligible issue, use Caseflow Intake to establish an EP 030 with the appropriate claim label (Higher-Level Review Non-Rating or Higher-Level Review Rating).

Note: VA's HLRs forms are enterprise-wide and can be used to seek review of any VA claims decision. Accordingly, VA Form 20-0996 contains box 15 for the claimant to select the benefit type. If the claimant requests a benefit type other than "compensation," re-route the mail package to the office of jurisdiction in accordance with the [Centralized Mail Portal \(CMP\) User's Manual](#).

SECTION VI - ISSUES FOR HIGHER-LEVEL REVIEW	
19. INDICATE EACH ISSUE DECIDED BY VA FOR WHICH YOU ARE REQUESTING A HIGHER-LEVEL REVIEW. Refer to your decision notice(s) for a list of adjudicated issues. For each issue, identify the date of VA's most recent decision on the issue. You may attach additional sheets, if necessary - include your name and file number on each additional sheet. IMPORTANT: You may only list issues for the benefit type selected in Section III. A separate form is required for each benefit type.	
19A. SPECIFIC ISSUE(S) OF DISAGREEMENT (REQUIRED)	19B. DATE OF VA DECISION NOTIFICATION LETTER (REQUIRED)
Example 1: Service connection for left knee Example 2: Earlier effective date for hearing loss Example 3: Reimbursement for non-VA emergency care Example 4: Denial of entitlement to VR&E benefits and services Example 5: Entitlement to Service-Disabled Veterans Insurance	MM/DD/YYYY MM/DD/YYYY MM/DD/YYYY MM/DD/YYYY
	<input type="text"/> - <input type="text"/> - <input type="text"/>
	<input type="text"/> - <input type="text"/> - <input type="text"/>

It is important to review the VBMS eFolder to determine if the claimant has a prior decision eligible for processing as an HLR. Issues on VA Form 20-0996 are found on VA Notification Letters as well as Rating Decisions within the VA eFolder.

If VA received the HLR request more than one year after the decision notification, then the HLR request is not timely. Intake personnel should review the Notification Letter(s) and the date of the issue claimant has identified on the submitted VA Form 0996 to ensure HLR request has been received within one year of the Notification Letter(s). If the HLR is not timely then Intake personnel should CEST an EP400 and send the *HLR Not Timely* letter in Letter Creator. After sending the letter clear the EP400.

If this is a request for an HLR of an HLR decision, then it is a request for an application. A claimant may not request an HLR of an HLR, or an HLR of a Board decision involving the same issue. VA must make at least one intervening supplemental claim decision in such circumstances. If the claimant requests an HLR of an HLR decision, then Intake

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personnel will send the *AMA Request for Application* letter and add the following verbiage: “We cannot process your request at this time because VA recently completed a higher-level review on this/these issue(s). Claimants may not request a higher-level review of a higher-level review decision.”

If the HLR is ineligible as VA has not yet decided on the issue then the analyst will send *Decision Review Against Pending Claim*, or *Decision Review Against a Proposal*, whichever one is most appropriate. VA may only accept HLR requests for decided claims and may not accept an HLR request for proposed action(s). Intake personnel will need to review the VA Notification Letter with the issues identified on the VA Form 20-0996 to ensure there are no proposed or pending action(s).

Do not establish an EP through Caseflow for ineligible HLR requests. Send the appropriate correspondence to the claimant to control these requests. Careful review of the eFolder and prior Notification Letters is important, as VA may not review an issue simultaneously pending in another AMA lane, or in any other benefit claim process include a rating, legacy appeal, or non-rating claim.

FISCAL YEAR (FY) 2021 PROFICIENCY ASSESSMENT (PA) RESULTS

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

Presenter: Wafa Abu-Salim, Program Analyst, OAR PA

The purpose of PAs is to identify employee knowledge gaps so that OAR can determine the most effective way of remediating those gaps to ensure claims processors are processing claims accurately.

In FY21, OAR administered eight PAs:

- 4 for non-rating
- 4 for rating

Each PA focused on a specific topic determined to be a strategic priority for improving claims processing accuracy. The topics covered in FY21 were:

- decision notification in February (non-rating and rating);
- development and notice requirements in March (non-rating and rating);
- effective dates in April (non-rating and rating); informal conferences, evidence;
- decision notification requirements in July for non-rating; and
- claims adjudication, general policy, and decision notification requirements in July for rating.

The overall compliance rate for FY21 was 87%, which represents an improvement over FY20 compliance of 76%. Rating personnel had a higher compliance rate than non-

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rating, 92% versus 82%.

OAR appraised proficiency assessment performance on both topic mastery and general topic knowledge. Topic mastery means the learner scored 100% on the PA. General topic knowledge looks at the average of the scores.

In FY21, 25% of test taking instances showed topic mastery. Rating personnel were more likely than non-rating personnel to show topic mastery in their assigned assessments.

The average of all scores was 75%. This was slightly lower than FY20 average of 79%. Rating personnel had an average score of 81% while non-rating had an average score of 64%.

Years of experience did not have a statistically significant influence on scores for either rating or non-rating.

The lowest average scores were on the PA covering informal conferences, evidence, and decision notification requirements for non-rating and effective dates for rating.

Each proficiency assessment included a feedback component, which asked participants to provide feedback on the following statements:

- “The ease of navigating through this training”
- “The value of this training for improving my job performance”
- “The overall lesson quality”
- “Would you recommend this training to your peers?”

Ratings based on positive feedback for training associated with the FY21 proficiency assessments averaged:

- 70% for the ease of navigating through the training
- 65% for the value to improve job performance
- 64% for lesson quality
- 57% on whether participants would recommend training to peers

OAR designs the PAs to be completed in 60 minutes. The overall average time spent on PAs was 35.2 minutes. Non-rating personnel spent an average of 38 minutes while rating personnel spent an average of 31.5 minutes.

Participants who scored 100% spent an average of 23.4 minutes, indicating that participants who were knowledgeable on a topic are completing an assessment quickly without having to spend extra time on the process.

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For FY22, OAR plans to again administer four proficiency assessments, each with a non-rating and a rating component. These will be administered in March, April, May, and June. OAR will administer the:

- March PA to DC personnel on Exam Sufficiency for Board Remands,
- April PA to St. Petersburg and Seattle personnel on HLR effective dates,
- May PA to St. Petersburg and Seattle personnel on AMA Decision Notification
- June PA to all DROC personnel on systems compliance, COD (NR) and SMC HB (R).

The FY22 PAs are more application based with eCases and scenarios for review, versus previous PAs which were more knowledge check based. We understand and expect these may take more time to complete but hope the results will provide valuable information as we continue to grow and develop our training program to better respond to employee needs.

FOLLOW-UP QUESTIONS AND ANSWERS

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

The DROCs asked questions during the February 2022 Quality Call, which OAR has addressed below.

Question: Concerning accepting HLRs requests when the request does not identify the rating decision and there are multiple rating decisions within a year that are eligible, if we cannot clarify this with the Veteran can we simply review the latest decision for the HLR, as it will include the most information available to the DRO?

Answer: No. We must make at least one attempt to contact the claimant and/or authorized representative to clarify the specific issues for which the review is requested. If contact is unsuccessful, document the attempts as a permanent VBMS note.

When an incomplete application is received, notify the claimant that a complete application is necessary by following the steps in M21-5 4.2.e, *Placing Review Elections Under Control*, and M21-1 II.iii.1.C.2.b, *Notification Requirements for an Incomplete Application*.

Question: Can OAR provide guidance directing how claims processors should list/edit contentions when a Veteran lists a higher evaluation and an earlier effective date for the same issue on VA Form 20-0996, “*Decision Review Request: Higher-Level Review*,” since Caseflow will only allow users to select a condition once?

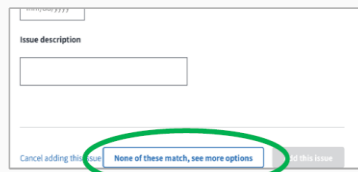
Answer: Caseflow allows users to add additional uncategorized issues when completing an intake. The user should select the “None of these match, see more options” button

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when adding issues to describe the additional request for the same issue.

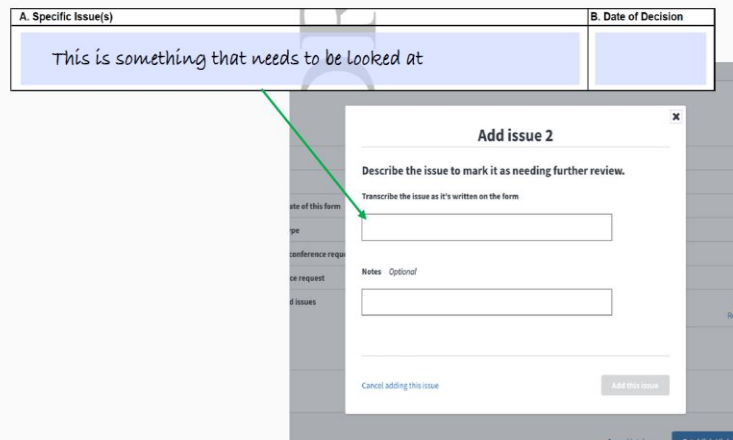
Issues that cannot be categorized

If the issue identified by the Veteran cannot be categorized, is difficult to understand, or has other problems, click “None of these match, see more options”



A screenshot of a web form titled "Add issue". It has a text input field for "Issue description". At the bottom, there are three buttons: "Cancel adding this issue", "None of these match, see more options" (circled in green), and "Add this issue".

Transcribe the issue as best as possible.



A screenshot showing a table with two columns: "A. Specific Issue(s)" and "B. Date of Decision". The first row in column A contains the text "This is something that needs to be looked at". A green arrow points from this text to a modal form titled "Add issue 2". The modal form has a text input field with the instruction "Describe the issue to mark it as needing further review. Transcribe the issue as it's written on the form". Below this is a "Notes Optional" section with another text input field. At the bottom of the modal are "Cancel adding this issue" and "Add this issue" buttons.

Transcribe the issue as best as possible.

If you can't intake issues based on the category options, write down what veteran wrote and add any notes you see pertinent.

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Review and submit the appeal

1. Select Form 2. Search 3. Review 4. Add Issues 5. Confirmation

Add / Remove Issues

Form	Decision Review Request: Higher-Level Review -- VA Form 20-0996
Veteran	Martin Merica (231439628)
Receipt date of this form	08/31/2018
Benefit type	Voc Rehab
Informal conference request	No
Same office request	No
Requested issues	1. Incarceration Adjustments - This is an issue Decision date: 08/31/2018 Remove
	2. Unidentified issue: no issue matched for "What the Veteran wrote" <i>Notes: any supportive information</i> Remove

[+ Add Issue](#)

[Cancel intake](#) [Establish Higher-Level Review](#)

2 issues