

# Office of Administrative Review

## Rating Foreign Cases Tip Sheet



### Purpose

This Tip Sheet provides guidance on ordering and determining examination sufficiency for foreign cases.



### Audience

Veterans Service Representatives (VSR), Rating Veterans Service Representatives (RVSR), and Decision Review Officers (DRO).



### References

- 38 C.F.R. § 3.202, *Evidence from foreign countries*
- 38 C.F.R. § 3.653, *Foreign Residence*
- M21-1, X.i.3.B, *Adjudication Procedures for Foreign Claims*
- M21-5, *Appeals and Reviews*

### Tips

Click on a link to navigate to the desired topic:

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- [Non-VES Contracted Countries \(SSSCE-Single and AME-Alternate\)](#)
- [Disability Benefits Questionnaire Sufficiency](#)
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### Foreign Examination Procedures

- Tab all medical evidence with Medical Bookmark Icon in the Veterans Benefits Management System (VBMS).
- VSRs send a foreign examination notification to Veterans who will have an in-person or telehealth examination via VBMS Subsequent Development Letter
  - Verify the letter package was sent, especially if examinations were not received or a no-show notification was received.
- Options if Veterans Evaluation Services (VES) is not available in Veteran's country of residence:
  - Veterans can travel to a country with VES facilities, Acceptable Clinical Evidence (ACE)/Telehealth, Single Source Subcontracted Examination (SSSCE) process, Alternative Medical Evidence (AME) process, Private Provider Disability Benefits Questionnaire (DBQ) (non-reimbursable).



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- VSRs will send applicable foreign exam notification letters.
- Input **ALL** exams, except private provider DBQs obtained by the Veteran, through Examination Management System (EMS).

### VES Contracted Countries

- Treat exam requests for VES contracted locations like any U.S. contractor exam request and enter in VBMS via EMS.

### Non-VES Contracted Countries (SSSCE-Single and AME-Alternate)

- SSSCE-Single process:
  - VES attempts to find an examiner that will complete a one-time contract exam for the Veteran.
- AME-Alternate Process:
  - When no subcontractor can be found, the Veteran will need to find an examiner to complete the needed DBQs and submit to VA within 60 days.
  - If Veteran submits DBQ, it will be sent to VES to review for accuracy and to obtain any missing information or complete a folder review when mandatory for that type of DBQ.
  - If the Veteran
    - has cited COVID-19 as a reason for not returning exams, email the template from the training and extend the suspense 7 days for email and 30 days for written correspondence
    - has **not** cited COVID-19 as an exemption and DBQs are not received after 60 days, treat the exam as a failure to report (FTR)

### Disability Benefits Questionnaire Sufficiency

- Review privately completed foreign DBQs and ensure they contain the examiner qualifications and signature, excluding National Provider Information (NPI) numbers, which are not required for foreign providers.
- Do not return the DBQ if:
  - the required review of the claims folder was not accomplished as a medical opinion can be requested through VES for any missing information.
  - there is missing information in the exam report that does not in and of itself make the DBQ insufficient.

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- a missing diagnosis statement of a service-connected condition can be sent to VES for review and opinion.
- the DBQ may not have answered whether it is possible to differentiate post traumatic stress disorder (PTSD)/traumatic brain injury (TBI) and occupational impairment between the two conditions, as this can also be sent to VES for review and an opinion.
- The provider must meet the specialty requirement for mental examinations, TBI examinations, and audiology examinations

### Insufficient Private Disability Benefits Questionnaire

- If the private DBQ has missing or insufficient information, the development team sends a letter to the Veteran requesting the Veteran send clarifying information within 45 days
- If no response within 45 days, rate solely on the evidence of record that is sufficient. Do not rate using the insufficient evidence.
- Include the following paragraph at the beginning of each issue affected by the insufficient DBQ:
  - On [DATE], you submitted a private disability benefits questionnaire (DBQ) for [INSERT ISSUE]. We notified you in letter dated [XXXXXXXX] that the private DBQ needed clarification of [XXXXXXXX]. You had 45 days to respond.
  - As of the date of this rating decision, we have not received your response. As such, we are making a decision based on any available sufficient evidence of record. If you are able to obtain the necessary clarification, and wish to have VA review it, please submit the medical evidence along with VA Form 20-0995, *Decision Review Request: Supplemental Claim*, at your earliest convenience.

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### Other Resources



#### Additional Training Courses:

- Foreign Development Overview (VA 4626187)
- Foreign Exam Requests in EMS (VA 4626189)
- Foreign Medical Opinion Requests in EMS (VA 4626190)