

Office of Administrative Review (OAR)

Quality Call Bulletin

February 2021

TABLE OF CONTENTS

National Error Examples	1
Question From the February 2021 Quality Call	2

NATIONAL ERROR EXAMPLES

Target Audience: DROC QRTs and Management

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National Authorization Error Example:

Error: Were all required withholdings/reductions correctly implemented?

OAR cited the following error:

The Veteran requested to waive military pay in lieu of VA compensation. The HLR decision was correct, however the award was incorrect.

M21-1 III.v.4.C.4.c, *Action to Take When a Veteran Chooses to Waive Military Pay*, states, in part:

- Prepare and send a decision notice to the Veteran. In the notice:
 - identify the fiscal year for which the Veteran elected to waive his/her military pay, and
 - inform the Veteran that, based on his/her election, VA will not adjust the Veteran's award to reflect the receipt of drill pay during that fiscal year.

- Prepare an encrypted email addressed to Compensation Service's Military Pay Staff:
 - in the body of the email:
 - type "Veteran elects to waive military pay and allowances for the days indicated in order to retain VA compensation. Please forward the form to the appropriate service department finance center."

Regulations and policy require VA to pay compensation to a Veteran when the Veteran waives military pay in order to receive VA compensation. In this case, the authorizer should have released the entire amount of VA compensation to the Veteran and followed the procedures to notify Compensation Service.

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National Rating Error Example:

Error: Was the decision documentation correct?

OAR cited the following error:

The Supplemental Statement of the Case (SSOC) did not identify the basis for the denial of service connection (SC) on a secondary basis for scars/tightness. The SSOC only stated that “service connection on a secondary basis is not warranted” for this issue. Prepare an SSOC in the same format as a Statement of the Case (SOC). The Reasons for Decision of the SOC explains how the evidence supports the underlying decision and states the analysis of the evidence of record under the applicable legal principles governing the decision and indicates why most of the evidence is against the claim.

38 C.F.R. § 3.103(f)(5), *Notification of decisions*, states, in part:

Written notification must include in the notice letter or enclosures or a combination thereof identification of the element(s) required to grant the claim(s) that were not met.

M21-5 7.D.3.c, *SOC Format*, states, in part:

- Reasons for Decision:
 - include the reasons for the decision
 - explain how the evidence supports the underlying decision
 - indicate why most of the evidence is against the claim

M21-5 7.D.4.b, *How to Prepare an SSOC*, states, in part:

Prepare an SSOC in the same format as an SOC.

Regulations and policy require VA to address the reason(s) for denial. In this case the SSOC should have included the reasons for the denial, which would include explaining how the evidence supported the denial and why most of the evidence was against the claim.

QUESTION FROM THE FEBRUARY 2021 QUALITY CALL

1. While the *Informal Conference* special issue is required, it's not listed as a critical error in the M21-4. Can you verify the lack of the special issue does not rise to the level of an error?

Response: OAR is coordinating with Compensation Service to update M21-4 to include *Informal Conference* among the special issues in M21-4 6.A.e, *Systems Compliance Errors – Special Issues* for VSRs, and critical errors for a VSR will be effective 30 days from the date it is included in the manual. This will rise to the level of a critical error for a Claims Assistant 30-calendar days after February 1, 2021.