

Office of Administrative Review

Claim Accuracy Request Pilot Job Aid for Representatives



Purpose

This Job Aid provides guidance to VA-accredited representatives on the submission of Claim Accuracy Requests (CAR) for VA benefits.

VA is launching **Phase IV** of the CAR pilot program. The guidance contained within this job aid is effective October 1, 2024 and supersedes all previous CAR job aids.



Audience

All VA-accredited representatives designated by individuals to prepare, present, and prosecute claims for VA benefits.



References

- VA Form 20-0996, *Decision Review Request: Higher-Level Review*
- 38 CFR 3.2601, *Higher-level review*
- M21-1, Part III, Subpart ii, Chapter 5, Section A, Topic 1, *Jurisdiction of Claims*, Blocks b and c (III.ii.5.A.1.b and c)
- Claim Accuracy Request Pilot Standard Operating Procedure and Frequently Asked Questions (FAQs)

Instructions

When a prior compensation or pension related decision contains an obvious and significant error/omission that requires a new decision:

- Representatives must submit a CAR on VA Form 20-0996, *Decision Review Request: Higher-Level Review*, with the phrase “Claim Accuracy Request” or “CAR” prominently noted on the application. Please see screenshot example below.



- Representatives must submit a CAR within 30 days of the decision



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notification letter.

- Informal conferences will not be allowed for eligible CAR submissions.
 - When a CAR is found to be ineligible, it will be processed as a non-expedited higher-level review (HLR) and an informal conference will be allowed as part of that process.
 - If you would like the opportunity for an informal conference, complete Section IV, *Optional Informal Conference*, so VBA can contact you if the CAR claim is determined ineligible.
- Specify the obvious error in Part VI, *Issues for Higher-Level Review*, or on a separate page.
 - Describe the alleged error(s) of fact or law with enough specificity to persuade the reviewer that the result would have manifested differently, but for the alleged error.
 - Mere allegations disputing the judgment of decision makers are insufficient for a CAR.
- Complete Part VII and VIII, *Certification and Signature* and *Authorized Representative Signature*
 - Upload the form to the Centralized Mail Portal or mail it to Janesville according to current practice.
 - VBA will review the CAR and will attempt to complete in an average of 30 days.
- The CAR decision notice will:
 - Confirm if VBA found that the application contained a valid CAR
 - Contain standard decision review rights (VA Form 20-0998, *Your Right to Seek Review of Our Decision*)

Note: If the application does not qualify for the CAR pilot program but meets all other HLR criteria, VA will proceed with the claim as a standard HLR, following the usual processing timelines.

Important Reminders

Timelines

Representatives will have 30-calendar days after the date of VBA decision notice to request a one-time, expedited CAR based on an obvious and significant error that requires a new decision.



If the CAR is received outside of the 30-calendar-day time limit, the claim will be processed as a normal HLR. A *CAR-Untimely* special issue will be added to the claim in the Veterans Benefits Management System (VBMS).

CAR Criteria

OAR will review a decision based on “obvious error of fact or law,” which is an undisputable error that, by its significance, must change the decision affecting a



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compensation or pension award. Such CARs would include the erroneous removal of dependents, incorrect withholdings, missed issues, etc. Participants who simply disagree with the judgment of the decision maker or the weight assigned to certain evidence, must contest the decision using the current review system.

The CAR pilot includes the following special mission issues:

- Foreign,
- Manila (except Filipino Scout),
- Camp Lejeune Contaminated Water (CLCW), and
- Radiation.

Exclusions: VBA excludes from this pilot the following types of issues:

- Legacy appeals
- Blue Water Navy claims
- *Nehmer* issues
- Integrated Disability Evaluation System (IDES) claims
- Restricted Access Claim Center (RACC) claims
- HLR decisions, and
- Minor administrative or technical errors (such as misspellings, incorrect dates of service, etc.)

VBA will not accept a CAR of a CAR decision or an HLR of a CAR. Since CAR functions as an expedited HLR, an HLR cannot be requested to contest a CAR decision directly.

Representatives cannot combine CARs and HLRs on the same form, regardless of the issues. Otherwise, VBA will process the entire form as an HLR. If an HLR and CAR are simultaneously requested for the same issue but using different forms, VBA will process the HLR but decline to process the CAR.

If a CAR is deemed ineligible for the CAR program because it did not meet the eligibility requirements, a CAR-ineligible special issue will be added to the claim in VBMS and will continue to be processed under normal HLR procedures.

Whether the decision is processed as a CAR or an HLR will be indicated in the notification letter and in VBMS.



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CAR Criteria Examples

This chart is provided to illustrate CAR eligibility and non-eligibility. It is not intended as an all-encompassing list of possible scenarios.

Scenario	Is the CAR valid?	Why?
VBA decides a supplemental claim, granting a 50% combined evaluation. Though dependency information is of record, VBA does not add the Veteran's dependents to the award. A CAR is requested 20 days after notification.	Yes	The CAR was filed within 30 days of notification. With all the needed information of record, VBA is obligated to add dependents to the award as a downstream issue. Not doing so is an "obvious error" that impacts payment.
An intent-to-file (ITF) is received on March 1, 2021. A VA Form 21-526EZ for a knee condition is received on April 1, 2021. VBA grants service connection in a decision dated April 21, 2021 with April 1, 2021 as the effective date. A CAR is received on May 1, 2021, noting that VA should have used the ITF date as the effective date.	Yes	The CAR was filed within 30 days of notification. Assuming the evidence of record shows that the date entitlement arose was not later than the date the ITF was received, the issue of the effective date reflects an "obvious error" that impacts payment.
VBA grants service connection for two conditions; one evaluated at 100% and the other at 60%. However, the decision does not address special monthly compensation (SMC) at the statutory housebound rate. A CAR is filed within 30 days of notification of the decision, noting that SMC should have been granted as a downstream issue.	Yes	SMC at the housebound rate is a downstream issue that should be inferred by the decision maker. This is an "obvious error" by VA, and not a disagreement of judgment.
VBA grants disability(ies) that are permanent and totally	Yes	DEA is a downstream issue that should be inferred by the



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disabling (rated 100-percent disabling based on the rating schedule or by reason of individual unemployability(IU)) but does not award Dependents Educational Assistance (DEA). A CAR is filed within 30 days of the notification requesting entitlement to DEA.		decisionmaker. This is an “obvious error” by VA, and not a disagreement of judgment.
VBA issues a decision on an initial claim, denying service connection on April 20, 2021. The notification letter is dated April 21, 2021. The VSO files a CAR on June 15, 2021 citing several instances of in-service of treatment for the condition and noting that VA failed to order an exam to consider a nexus.	No	CARs must be filed within 30 days of the notification letter. In this example, the CAR is untimely. Additionally, this is not a valid CAR, as failures in the duty to assist do not qualify as obvious errors that impact payment. The record is incomplete. Therefore, the CAR will be processed under normal HLR procedures.
VBA grants service connection for residual disabilities caused by exposure to ionized radiation but fails to recognize the date an ITF was received. A CAR is subsequently requested to correct the effective date.	Yes	Special mission issues, such as radiation exposure, are now included as Phase IV of the CAR pilot. The request will be processed as a CAR, subject to the other CAR criteria.
VBA grants service connection for PTSD with an evaluation of 50%. A CAR is submitted within 20 days, noting that the evidence of record supported a higher evaluation.	No	Disagreements with the judgment of the decision maker, such as the weight assigned to the evidence of record, particularly when it pertains to subjective rating criteria, do not qualify for the CAR pilot.