

Office of Administrative Review

Claim Accuracy Request Pilot

Job Aid for Representatives



Purpose

This Job Aid provides guidance to representatives who are accredited to prepare, present and prosecute claims for VA benefits and wish to submit Claim Accuracy Requests (CARs). VA is launching Phase III of the CAR pilot program to allow representatives to request an expeditious review and determination in accordance with the Appeals Modernization Act. The guidance contained within this job aid is effective October 1, 2022 and supersedes all previous CAR job aids.



Audience

All VA-accredited representatives designated by individuals to prepare, present, and prosecute their 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



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 within the application
- Representatives must submit a CAR within 30 days of the Veterans’ decision notification letter.

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CAR

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

Department of Veterans Affairs DECISION REVIEW REQUEST: HIGHER-LEVEL REVIEW <small>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.</small>	VA DATE STAMP DO NOT WRITE IN THIS SPACE
SECTION I - VETERAN'S IDENTIFICATION INFORMATION	
<small>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.</small>	
<small>1. VETERAN'S NAME (First, Middle Initial, Last)</small> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 30%; height: 15px;"></div> <div style="border: 1px solid black; width: 10%; height: 15px; text-align: center; margin: 0 5px;">○</div> <div style="border: 1px solid black; width: 50%; height: 15px;"></div> </div>	

- 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 HLR and an informal conference will be allowed as part of that process.
 - Should you wish to have the informal conference opportunity, complete Section IV, Optional Informal Conference for VBA to contact you in the event the CAR claim is deemed 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

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- Contain standard decision review rights (VA Form 20-0998, *Your Rights to Seek Further Review of Our Decision*)

Note: If the application is not applicable to the CAR pilot program, provided all other HLR criteria is met, VA will continue to decide the claim as an HLR, without prioritized treatment.

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 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.



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
 - Restricted Access Claims Centers, etc.
- HLR decisions, and

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- 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. The CAR constitutes an expedited HLR, so no one may request an HLR immediately to contest a CAR decision.

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 qualify under the program, 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.

CAR Criteria Examples

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,	Yes	The CAR was filed within 30 days.

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<p>2021. A 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.</p>		<p>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” in the decision that impacts payment.</p>
<p>VBA grants service connection for two conditions, one evaluated at 100% and the other at 60%. However, the decision does not address 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.</p>	<p>Yes</p>	<p>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.</p>
<p>VBA grants disability(ies) that are permanent and totally 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.</p>	<p>Yes</p>	<p>DEA 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.</p>
<p>VBA issues a decision on</p>	<p>No</p>	<p>CARs must be filed</p>

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<p>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 15th, 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.</p>		<p>within 30 days of the notification letter. In this case, the CAR is untimely. This was also not a valid CAR, because failures in the duty to assist do not constitute obvious errors that impact payment. The record is incomplete. Therefore, the CAR will be processed under normal HLR procedures.</p>
<p>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.</p>	<p>No</p>	<p>Special mission issues, such as radiation exposure, are currently excluded from the CAR pilot. The request will be processed as an HLR.</p>
<p>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.</p>	<p>No</p>	<p>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.</p>

Note: OAR provides this chart to illustrate CAR eligibility and non-eligibility. It is not intended as an all-encompassing list of possible scenarios.