#### Department of Veterans Affairs M21-1, Part I, Chapter 5

**Veterans Benefits Administration June 5, 2015**

**Washington, DC 20420**

#### Transmittal Sheet

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| Changes Included in This Revision | The table below describes the changes included in this revision of Veterans Benefits Manual M21-1, Part I, “Appeals,” Chapter 5 “Decision Review Officer (DRO) Review Process.”  ***Notes***:   * The term “regional office” (RO) also includes pension management center (PMC), where appropriate. * Unless otherwise noted, the term “claims folder” refers to the official, numbered, Department of Veterans Affairs (VA) repository – whether paper or electronic – for all documentation relating to claims that a Veteran and/or his/her survivors file with VA. * Minor editorial changes have been made to * remove references to rescinded portions of M21-1 * update incorrect or obsolete hyperlink references * update obsolete terminology, where appropriate * renumber each topic based on the standard that the first topic in each section is Topic 1 * reassign alphabetical designations to individual blocks, where necessary, to account for new and/or deleted blocks within a topic * clarify block labels and/or block text, and * bring the document into conformance with M21-1 standards. |

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| Reason(s) for the Change | Citation |
| To clarify in the table the decision review officer’s (DRO) duty to work with the appellant to identify and clarify issues under appeal. | M21-1, Part I, Chapter 5, Section C, Topic 1, Block a (I.5.C.1.a) |
| To delete old Block a due to relocation of appeal term definitions to I.5.A.1. | I.5.C.2.a (old) |
| * To add language in the table to evaluate evidence obtained during conferences. * To add language in the table indicating that decisions must be made on the entire evidentiary record. * To delete language in the table regarding the DRO’s duty to perform duties now assigned to Quality Review Teams (QRTs). * To clarify in the table the DRO’s duty to certify and coordinate the transfer of appeals to the Board of Veterans’ Appeals (BVA). * To add a reference regarding the definition of DRO. | I.5.C.2.a |
| * To delete language in the table regarding Rating Veteran Service Representative (RVSR) duties. * To add language in the table regarding which work credit a DRO receives for preparing a statement of the case (SOC) or for issuing a full grant of the benefits sought on appeal. * To add language in the table clarifying which work credit a DRO receives when an informal conference is held and no further action is required. * To add a reference for the definition of *de novo* review. | I.5.C.2.d |
| To add language clarifying when an acting DRO may be appointed. | I.5.C.2.e |
| * To remove duplicate language regarding DRO jurisdiction over rating issues raised during a hearing. * To add language regarding DRO jurisdiction over benefits governed by 38 CFR Parts 3 and 4. * To add language regarding the requirement to address any issues that are inextricably intertwined with the issues under appeal. * To add a reference to the definition of inextricably intertwined. | I.5.C.3.a |
| * To add language clarifying when a DRO assumes jurisdiction over downstream issues. * To add language identifying when a DRO may not perform *de novo* review over a downstream issue. * To add references regarding the definition of downstream issues, when a downstream issue confers new appeal rights, considering subordinate issues, ancillary benefits, handling new issues raised on substantive appeal, and review of benefit claims decisions. | I.5.C.3.b |
| To add a new Block c with table identifying when a decision on a downstream issue confers new appeal rights. | I.5.C.3.c |
| To add language clarifying the jurisdiction of the visiting DRO and submission of written requests to Compensation Service for delegation of Veteran Service Center Manager (VSCM) or Pension Management Center Manager (PMCM) authority. | I.5.C.3.e |
| * The add language clarifying when a DRO may amend, reverse, or modify a decision. * To add language clarifying when VSCM signature is required for DRO decisions citing a clear and unmistakable error (CUE). | I.5.C.3.f |
| To add language identifying when a DRO is not bound by a BVA decision. | I.5.C.3.h |
| To add language to an example to clarify the prohibition on DRO bargaining. | I.5.C.3.i |
| To delete old Block a due to relocation of appeal term definitions to I.5.A.1. | I.5.C.4.a (old) |
| * To add language clarifying when an appellant has the right to a *de novo* review. * To add language clarifying the number of *de novo* reviews an appellant may have. * To add references for the definition of *de novo* review, definition of appellant, DRO jurisdiction and authority, and downstream issues | I.5.C.4.a |
| To delete language regarding DRO *de novo* review authority. | I.5.C.4.b |
| * To add language clarifying *de novo* review authority over contested claims involving multiple jurisdictions. * To add language to the table describing the process for uploading a transcript to the electronic claims folder (eFolder) and providing notification upon completion. * To add a reference to the Veterans Benefits Management System (VBMS) User Guide. | I.5.C.4.d |
| To delete old Block a due to the relocation of appeal term definitions to I.5.A.1. | I.5.C.5.a (old) |
| * To add language clarifying the purpose of an informal conference. * To add a reference to the definition of informal conference. | I.5.C.5.a |
| To add language clarifying documenting an oral request to have, cancel, or reschedule an informal conference. | I.5.C.5.c |
| * To add language clarifying which information in an *Informal Conference Report* to consider. * To delete language regarding the specific requirements of a DRO decision. | I.5.C.6.a |
| To add language clarifying when a VSCM or PMCM may direct a change in the DRO decision. | I.5.C.6.b |
| * To add language clarifying what must be included in the decision notice. * To add a reference to the definition of full grant. | I.5.C.6.c |

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| Rescissions | None |

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| Authority | By Direction of the Under Secretary for Benefits |

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| Signature | Thomas J. Murphy, Director  Compensation Service |

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