# Higher-Level Review (HLR) Flowchart

## Post Decision

### CM issues notification letter on final VR&E decision letter.

### V/SM has one year from the date of the notification letter to make a request for a HLR.

### V/SM can obtain representation at this point.

### V/SM submits request for a HLR via VA Form 20-0996.

### If the decision is overturned at any point in the process, the case is returned to the CM to address those issues and grant the benefit, as appropriate.

## HLR Review at RO Level

### VR&E staff member takes following action:
- Date stamps HLR form.
- Enters request into Caseflow.

### Is the same issue under review at another RO or under appeal at BVA?

### Yes

### VR&E staff member:
- Stops all action on HLR.
- Sends V/SM notification letter that he/she must elect which option to pursue, either HLR or BVA appeal.
- Updates Caseflow.

### No

### If within one year of the VR&E notification letter, proceed with the HLR.

### VR&E employee higher than the employee who made the original decision completes the HLR, as long as that person was not involved in the original decision.

### Selection of employee to complete the HLR is at VA’s discretion.

### V/SM may request HLR to be completed at an alternate RO.

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### Informal conferences are an option.

### Goal to complete within 90 days.

### If decision is upheld, higher-level reviewer:
- Sends V/SM a letter outlining the findings and decision.
- Letter also informs V/SM that he/she has one year from date of the letter to either:
  - Request a SC if the V/SM has additional information for consideration (see Appendix DC), or
  - File a NOD directly to BVA.

### VR&E staff member updates Caseflow.

### If decision is overturned:
- Higher-level reviewer sends V/SM a letter outlining the findings and decisions and returns the case to the CM for immediate action.
- VR&E staff member updates Caseflow.

### If higher-level reviewer identifies a duty to assist error and cannot overturn the original decision, he/she:
- Returns the case to the VRC of record to request the new information and to readjudicate the claim within 30 days, and
- Informs the V/SM of the action.

### Triggers SC (see Appendix DC).

### VR&E staff member updates Caseflow.

## Definitions & Citations

### Higher Level Review:
A claimant may request a review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the agency of original jurisdiction. 38 U.S.C. §5104B.

### Informal Conference:
Contact with V/SM and his/her representative, if applicable, via telephone, or as otherwise determined by VA, for the sole purpose of allowing the V/SM or representative to identify any errors of law or fact in the prior decision based on the record at the time. VR&E will conduct one informal conference during a review. No new evidence may be provided. 38 CFR 21.416(b)(3)(iii).

### New and Relevant Evidence:
These terms mean evidence that tends to prove or disprove a matter in issue. 38 U.S.C. §101 (35).