

HLR DUTY-TO-ASSIST ERROR PATH

Understand what the error means, what VA corrects, and why the HLR closes before readjudication.



ERROR TIMING

Before the prior decision

HLR RESULT

Review closes

NEXT PHASE

VA gathers missing evidence

REVIEW FIRST

A Duty-to-Assist error is not simply disagreement with the evidence. It concerns VA's failure to make a required reasonable effort during an initial or Supplemental Claim before the reviewed decision.

EXAMPLES | DEVELOPMENT FAILURES

COMMON TYPES OF PREDECISIONAL ERROR

REC

Identified federal records not obtained

Service, VA medical, or other federal records were sufficiently identified but the required development was not completed.

PRI

Reasonable private-record efforts not made

The claimant identified records and supplied the required authorization, but VA did not make the applicable requests.

EXM

Needed examination or opinion not requested

The record met the applicable threshold for development, but the needed examination or opinion was not obtained.

BAD

Obtained opinion was inadequate

The opinion did not answer the required question, use the correct standard, or provide an adequate rationale.

PATH | ERROR TO NEW DECISION

WHAT HAPPENS AFTER THE FINDING

01

HLR decision identifies the error

The letter states that VA failed to complete required development before the reviewed decision.

Read the listed correction steps.

02

HLR closes

VA does not decide the merits from evidence that has not yet been gathered.

The error finding is not a grant.

03

A new development claim opens

VA requests records, schedules an examination, or obtains the missing opinion.

Respond to requests and attend examinations.

04

VA readjudicates the issue

The corrected record is considered and another decision notice is issued.

Review the result and new deadline.

CLAIMANT CONTROL | WHILE VA CORRECTS

WHAT TO TRACK

✓

The exact error VA agreed to correct

Compare the development action with the HLR decision instructions.

✓

Requests for releases or records

Return authorizations and identify custodians clearly.

✓

Examination scheduling

Confirm contact information and attend or promptly address conflicts.

✓

The new decision notice

Verify whether the ordered development was completed and how the result changed.

ERROR FOUND DOES NOT EQUAL BENEFIT GRANTED

A Duty-to-Assist finding requires corrective development. The later decision can grant, deny, or partially grant after considering the corrected record.



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Research-backed VA benefits education

Read VA's Duty-to-Assist guide

RateMyVSO.net/dc/hlr

Use the HLR decision letter to identify the specific corrective action.

VISUAL GUIDE 10
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