



WHEN HLR FITS AND WHEN IT DOES NOT



Choose HLR only when the existing record can support the requested correction.

GOOD FIT	POOR FIT	REVIEWER
Existing-record error	New proof is required	Higher-level VA adjudicator

REVIEW FIRST

The strongest HLR issue is specific: the claimant can name the error, identify the controlling rule, and point to the evidence that was already before the VA.

FIT CHECK | TWO COLUMNS

USE THE RECORD, NOT A GENERIC RECOMMENDATION

HLR MAY FIT WHEN

- The VA overlooked a record already listed or received.
- The decision misstated a date, fact, test result, or procedural history.
- The VA applied the wrong legal or rating standard.
- Favorable findings and the final reasoning do not align.
- A predecisional Duty-to-Assist error can be identified.

HLR MAY NOT FIT WHEN

- A new nexus opinion is needed.
- New treatment records or lay statements must be added.
- The condition worsened after the prior decision.
- The desired forum is a Veterans Law Judge.
- The issue already went through HLR or the Board in a way that makes another HLR unavailable.

ERROR STATEMENT | FOUR PARTS

A USEFUL HLR ERROR STATEMENT

1

Identify the issue

Name the condition, percentage, effective date, or other benefit question and the decision date.

2

State the error

Describe the factual or legal mistake without adding new facts as evidence.

3

Cite the existing record

Point to the document, page, test, examination, or date already in the file.

4

State the correction

Explain the result requested and the existing-record basis for it.

BOUNDARY | DIFFERENT PROCEDURES

DO NOT USE HLR AS A SUBSTITUTE FOR ANOTHER PROCEDURE

SC

Supplemental Claim

Use when new and relevant evidence is needed to address the prior decision.

INC

Claim for increase

Use when an already service-connected disability became worse after the prior rating evidence.

CUE

CUE request

Clear and unmistakable error is a separate, demanding standard. Do not label an ordinary disagreement as CUE.

Practical test: If every factual sentence in the HLR argument can be supported by the record as it existed at the prior decision, the closed-record lane may fit. If not, reassess the lane.

SPECIFIC BEATS ABSOLUTE

There is no rule that every denial should receive HLR. The correct lane depends on the actual reason, the record, and the evidence still needed.

