



BLBA BULLETIN NO. 16-02

Issue Date: MAR 21 2016

Expiration Date: When incorporated into the Black Lung Benefits Act Procedure Manual

Subject: Implementation of electronic hearing referrals from the Division of Coal Mine Workers' Compensation (DCMWC) to the Office of Administrative Law Judges (OALJ) using the Office of Workers' Compensation Program's Imaging System (OIS).

Background: In March 2015, DCMWC implemented a pilot initiative with OALJ in which DCMWC referred certain case files to OALJ using OIS. During this pilot, selected claims were prepared and transferred to OALJ as electronic case files. OALJ then processed the claims in the new electronic format after retrieving the case files from OIS.

Following successful completion of the pilot initiative, DCMWC now fully implements the following electronic hearing referral protocol. Initially, only fully-digital, first filings of living miner (LM1) claims will be included in the protocol. However, as the process evolves, other claim types may be included.

Applicability: All DCMWC Contract and Federal Staff

Purpose: To outline the policies and procedures pertaining to the DCMWC-OALJ electronic hearing referral protocol.

References: BLBA-PM Chapter 2-1500 Hearing Referrals

Actions:

1. District Office Actions for Creating and Transmitting the Electronic Hearing Referral Documents

- a. Prepare and create an electronic hearing referral document.**
 - i. The claims examiner/worker's compensation assistant (CE/WCA) verifies that all documents to be included in the hearing referral are designated with the 'Director's Exhibit' document class.
 - ii. The CE/WCA verifies that all documents are in the proper hearing referral order. Any needed re-ordering (i.e., certified cards), will be done manually in OIS by using a drag and drop method in the document list.

- iii. The CE/WCA verifies that the 'Description' of the document is correct and sufficiently detailed for inclusion in the Director's List of Exhibits. The Description is located in the Description column. The Descriptions must be as detailed as those written in the manually-created Director's Lists of Exhibits (i.e. each description must specify which party submitted the document—RO attorney, claimant, claimant's attorney, etc.). If a description is already in the field, preface the description with name of the party that submitted the document.
 - iv. CE's, SrCE's, Supervisors and District Directors with appropriate access will then click on the 'Turn on ALJ' link at the top of the screen. A 'Ready for Review' notification pop-up box will appear. Select 'Cancel' to close the box. Do not send a notification.
 - v. The case header will now display the following: 'Ready for ALJ: Yes'
 - vi. The CE clicks on the 'Advanced Filter' tab, checks the 'Director's Exhibits' box, then clicks the 'Apply' button. OIS will automatically reorder and display only documents with a Director's Exhibit document class.
 - vii. The CE clicks on the link 'Filtered Print with TOC' (Table of Contents). A pop up message labeled 'Other Document Save Verification will appear.' CE selects the 'No' button. A .pdf document will open and the first page displayed will be the Director's List of Exhibits.
- b. Create a .pdf version of the hearing referral and OCR (optical character recognition) it.**
- i. With the .pdf file open, the CE selects 'Tools' in the upper-right-hand corner of the screen.
 - ii. The CE selects 'Text Recognition' from the drop-down options, and then selects 'In This File.' The Text recognition box will appear with the radio button 'All Pages' selected.
 - iii. The CE selects 'OK' in order to OCR all the pages. This process may take a few minutes but a bar graph will appear showing the progress of each page as it is being converted to OCR.
- c. Save OCR'd hearing referral document using a universal naming convention and bronze it into the OIS 'Other' tab.**
- i. Once OCR conversion is complete, the CE will save the .pdf document using the following naming convention: Full Case Number, DX (Director's Exhibit), MMDDYY (date of hearing referral). For example: 2ABCD-2015357DX111015 (no spaces, hyphen should be included).
 - ii. Once the .pdf is saved, the CE selects the 'Other Documents' tab found in the case view. A bronzing screen will appear.

- iii. The CE bronzes the formal hearing referral document into the OIS. A category of 'Director' should be assigned to the document. The bronzed document will now display under the 'Other Documents' tab for viewing.
- d. **Transfer Hearing Referral document to OALJ and notify the OALJ docketing group.**
 - i. Send email to OALJ docketing group notifying them that a hearing referral document is in OIS for their review and compliance. The subject of the email should only have the full case ID (ex. 2ABCD-2015357). The body of the email will state the miner's full name (or survivor's full name, when applicable), and the contact information (name, email, phone, etc.) of the CE who was assigned to the claim prior to the OALJ referral. Copy the District Director and director's designees.
- e. **Complete appropriate actions in the Automated Support Package (ASP)**
 - i. Enter applicable Diary Action Codes in ASP in order to designate a referral to the OALJ.

Steps 1.a. through 1.e. must be completed for each case that is referred to the OALJ for hearing via OIS.

2. District Office Actions for Transmitting the Electronic Hearing Referral Documents to All Parties of the Case

- a. When a hearing referral is transmitted to the OALJ via OIS in all-electronic format, *no paper documents will be sent to the OALJ for that claim.*
- b. The CE/WCA will continue to print and send a copy of the hearing referral to all other appropriate parties of the case via certified mail.

Disposition: This bulletin should be retained until the BLBA Procedure Manual has been updated.



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Distribution: All DCMWC Staff and Regional Directors