

AR-1

Accountability Review Findings

Dates of Review: July 9 – July 13, 2012

Office Reviewed: Final Adjudication Branch – Jacksonville

Reviewing Office: Policy, Regulations and Procedures Branch

Review Period: May 1, 2011 – April 30, 2012

Standard:	Category Name: POST-RD OBJECTIONS	Category #: <u>1</u>
	Element Name: Hearings	Element #: <u>2</u>

Sample Size (total # of indicators in the element that were reviewed):	102
Number of cases reviewed:	17
Number of Indicator with Yes (passed)	96
Number of Indicators with No (errors)	1
Acceptable rating:	85%
Rating for review:	99%

FINDINGS:

The Jacksonville Final Adjudication Branch (FAB) performed very well on all indicators relating to the Element of Hearing. In the cases reviewed, the hearing representatives' displayed a thorough understanding of the facts and issues relevant to the claims under consideration. There was only one deficiency. In this instance, a hearing was conducted despite the fact that the case was already in posture to be remanded on the basis of new evidence received at the time of the initial objection/hearing request.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

REVIEWER(S):	DATE:
Greg Knapp, Tonya H. Fields, Jonathan Sprague, Joshua Murphy, Richard Koretz, John Vance	July 13, 2012

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Standard:	Category Name: FAB DECISIONS Element Name: Decision Correspondence; FD Introductions; Written Quality & Formatting	Category #: 2 Element #: 1
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Sample Size (total # of indicators in the element that were reviewed):	273
Number of cases reviewed:	38
Number of Indicator with Yes (passed)	195
Number of Indicators with No (errors)	3
Acceptable rating:	85%
Rating for review:	98%

FINDINGS:

The Jacksonville FAB office performed very well on all indicators within the Element of Decision Correspondence; FD Introductions; Written Quality and Formatting. Overall, the cover letters and introductory statements clearly and correctly explained the decision outcomes. The three deficiencies noted were the Introduction failed to mention one of the conditions that were being adjudicated; and two cover letters did not mention that a condition was deferred.

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Standard:	Category Name: FAB DECISIONS	Category #: <u> 2 </u>
	Element Name: FD - Statement of the Case	Element #: <u> 2 </u>

Sample Size (total # of indicators in the element that were reviewed):	342
Number of cases reviewed:	38
Number of Indicator with Yes (passed)	189
Number of Indicators with No (errors)	10
Acceptable rating:	85%
Rating for review:	95%

FINDINGS:

Overall, the Jacksonville FAB office did a great job in the Element of Statement of the Case. There were ten deficiencies. While there were no significant trends found, it is noted that in cases where multiple conditions (particularly skin cancers) were being adjudicated, the Final Decisions (FD's) tended to gloss over the history of the exact diagnoses/or diagnosis dates of the conditions. It is also noted that in claims where benefits were being awarded and/or if the award were being reduced, the Statement of Case's lacked clear explanations of the calculations used.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

It is also important to note that, for the most part, the Final Decisions were well written and free of typographical errors. The decisions were generally concise and easy for the average lay person to understand. The Jacksonville FAB definitely pays attention to the audience for whom they are writing.

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Standard:	Category Name: FAB DECISIONS	Category #: 2
	Element Name: Claimant response to the RD	Element #: 3

Sample Size (total # of indicators in the element that were reviewed):	69
Number of cases reviewed:	23
Number of Indicator with Yes (passed)	48
Number of Indicators with No (errors)	5
Acceptable rating:	85%
Rating for review:	91%

FINDINGS:

Overall, the Jacksonville FAB did a good job on this Element of Claimant Response to the Recommended Decision (RD). There were only five deficiencies. While there were no consistent trends noted in these deficiencies, it appears that in some cases, a thorough review of the objection letter was not done; or placement of responses to objections caused a bit of confusion. In one case where multiple conditions were being adjudicated, the Final Decision (FD) did not fully document or address all of the conditions listed in the objections. In another case, the FD stated that certain evidence was not received, and although the information was in the file and it was not addressed in the objection section. In another case, the claimants objection was not addressed anywhere except in the Conclusions of Law (COL).

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Standard:	Category Name: FAB DECISIONS	Category #: <u> 2 </u>
	Element Name: FD - Findings of Fact	Element #: <u> 4 </u>

Sample Size (total # of indicators in the element that were reviewed):	190
Number of cases reviewed:	38
Number of Indicator with Yes (passed)	145
Number of Indicators with No (errors)	16
Acceptable rating:	85%
Rating for review:	90%

FINDINGS:

The Jacksonville FAB did a good job in the Element of Findings of Fact. There were sixteen deficiencies. The general trend for this category is the lack of adequate discussion in the Findings of Fact (FOF) to agree with the totality of evidence in the case file or to appropriately support the Conclusions of Law (COL). In some cases where medical benefits were being awarded, the FOF glossed over the conditions being accepted and did not mention the diagnosis dates. This was especially noticeable in cases with multiple conditions were being adjudicated. In other cases, where both the Parts B and E conditions were being adjudicated, the FOF's were silent regarding one of the case part type.

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Standard:	Category Name: FAB DECISIONS	Category #: <u> 2 </u>
	Element Name: FD - Conclusions of Law	Element #: 5

Sample Size (total # of indicators in the element that were reviewed):	228
Number of cases reviewed:	38
Number of Indicator with Yes (passed)	134
Number of Indicators with No (errors)	3
Acceptable rating:	85%
Rating for review:	98%

FINDINGS:

The Jacksonville FAB did a great job in this element – Conclusions of Law (COL); with only three deficiencies. For two situations, the citations used were incorrect because they reference cancers when the conditions being adjudicated were asbestosis and benign tumor. In another there was a denial for insufficient medical evidence when in fact the case should have been denied for toxic exposure.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

Overall, the COL cases were relatively free of “canned” language and unnecessarily excessive “legalese.” An overwhelming majority of the cases reviewed arrived at a proper conclusion based on a reasonable interpretation of the case evidence available. For the most part, the citations were used correctly and there were excellent explanations on how the evidence of record applied to each citation. They also did a great job stating what benefits were being awarded, especially when calculating monetary benefits and / or explaining why benefits were being reduced.

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Standard:	Category Name: FAB DECISIONS	Category #: <u> 2 </u>
	Element Name: Remands, in any FAB decision which is, or includes, a remand	Element #: <u> 6 </u>

Sample Size (total # of indicators in the element that were reviewed):	114
Number of cases reviewed:	19
Number of Indicator with Yes (passed)	79
Number of Indicators with No (errors)	0
Acceptable rating:	85%
Rating for review:	100%

FINDINGS:

The Jacksonville FAB excelled in the Element of Remands. No deficiency is noted.

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Standard:	Category Name: FAB DECISIONS	Category #: 2
	Element Name: Benefit Procedures	Element #: 7

Sample Size (total # of indicators in the element that were reviewed):	16
Number of cases reviewed:	8
Number of Indicator with Yes (passed)	12
Number of Indicators with No (errors)	0
Acceptable rating:	85%
Rating for review:	100%

FINDINGS:

The Jacksonville FAB excelled in the Element of Benefit Procedures. No deficiency is noted.

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Standard:	Category Name: RECONSIDERATIONS	Category #: 3
	Element Name: Reconsiderations	Element #: 1

Sample Size (total # of indicators in the element that were reviewed):	55
Number of cases reviewed:	11
Number of Indicator with Yes (passed)	38
Number of Indicators with No (errors)	2
Acceptable rating:	85%
Rating for review:	95%

FINDINGS:

The Jacksonville FAB did a good job in the Element of Reconsiderations. Two deficiencies were noted. In one situation, all reasons for the reconsideration requests were not addressed. In the other, the reviewer determined reconsideration request should have been granted based on a procedural error in the final decision.

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