

AR-1

Accountability Review Findings

Dates of Review: July 9 – July 13, 2012
Office Reviewed: Final Adjudication Branch – National Office
Reviewing Office: Policy, Regulations and Procedures Branch
Review Period: May 1, 2011 – April 30, 2012

Standard:	Category Name: POST-RD OBJECTIONS Element Name: Hearing Pre-Scheduling	Category # <u> 1 </u> Element # <u> 1 </u>
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Sample Size (total # of indicators in the element that were reviewed):	155
Number of cases reviewed:	31
Number of Indicator with Yes (passed)	93
Number of Indicators with No (errors)	29
Acceptable rating:	85%
Rating for review:	76%

FINDINGS:

The National FAB did not fair very well in the Element of Hearing Pre-Scheduling. Twenty nine deficiencies were notated. The most significant trend is that the acknowledgment and hearing scheduling letters notifying the claimant/representative(s) of the date, time, and location of the hearing and whether it was a live, videoconference or a telephone hearing were either sent late or not sent at all. In others, the receipt of the hearing request was not responded to within 5 business days of receipt in the Nat'l FAB Office and hearings were not scheduled within 40 days from the date of receipt of the objection in Nat'l FAB Office.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

REVIEWER(s): Manny Mejia-Rodriguez, Ramona Franks, Anna Navarro	DATE: 7/13/2012
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Standard:	Category Name: POST-RD OBJECTIONS Element Name: Hearing	Category # <u> 1 </u> Element # <u> 2 </u>
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Sample Size (total # of indicators in the element that were reviewed):	186
Number of cases reviewed:	31
Number of Indicator with Yes (passed)	152
Number of Indicators with No (errors)	4
Acceptable rating:	85%
Rating for review:	97%

FINDINGS:

The National FAB did very well in the Element of Hearing. Four deficiencies are noted. In one situation the hearing transcript was mailed late, in two others the case should have been remanded based on need evidence received but instead the hearing was convened. And lastly, it appears that the hearing representatives are not allowing themselves adequate time to review the cases prior to the hearing because there is no prior discussion with the claimant/representatives of new evidence that is received.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

A review of case file hearing transcripts indicates that many of the hearing representatives were very knowledgeable of the decision and addressed all required topics during the course of the hearing (i.e. opening statement, oath administration, purpose of hearing and process, discussion of objections and presentations). They conducted the hearings in an appropriate manner and the

claimant/representative(s) were fully allowed to present objections. At the end of the hearings, the hearing representatives explained that the claimant/representative(s) would be sent a copy of the transcript and discussed the time frames for comment and the submission of additional evidence.

Overall, the review shows that copies of the transcript with a post hearing cover letter were generally sent within 7 calendar days of receipt of the hearing transcript in the FAB Nat'l Office.

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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:	47
Number of Indicator with Yes (passed)	193
Number of Indicators with No (errors)	2
Acceptable rating:	85%
Rating for review:	99%

FINDINGS:

The National FAB excelled in the Element of Decision Correspondence; FD Introductions; Written Quality and Formatting. Two deficiencies are noted. One FD cover letter did not specify that a medical condition was being deferred and another was a bit contradictory as the FD stated that the denial was for non-covered employment under Part E, but commenced with a “denial for prostate cancer.”

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

Overall, the cover letters correctly identified each claimant who was party to the decision and the heading properly listed the correct address, file number, and date issued. The summary of the cover

letters and the FD introductions were consistent with the outcomes described in the Conclusions of Law. If the claim was accepted for benefits, the cover letter and introductory section of the Final Decision outlined the correct amount of lump sum compensation and/or medical benefits being awarded.

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Standard:	Category Name: FAB DECISIONS	Category #: 2
	Element Name: FD - Statement of the Case	Element #: 2

Sample Size (total # of indicators in the element that were reviewed):	342
Number of cases reviewed:	47
Number of Indicator with Yes (passed)	216
Number of Indicators with No (errors)	0
Acceptable rating:	85%
Rating for review:	100%

FINDINGS:

The National FAB mastered the Element of Statement of the Case. No deficiency is noted.

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Standard:	Category Name: FAB DECISIONS	Category #: <u> 2 </u>
	Element Name: Claimant response to the RD	Element #: <u> 3 </u>

Sample Size (total # of indicators in the element that were reviewed):	99
Number of cases reviewed:	33
Number of Indicator with Yes (passed)	55
Number of Indicators with No (errors)	1
Acceptable rating:	85%
Rating for review:	98%

FINDINGS:

The National FAB excelled in the Element of Claimant Response to Recommended Decisions (RD). There was only one deficiency was noted where a thorough explanation was not provided in response to an objection made at a hearing.

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Standard:	Category Name: FAB DECISIONS Element Name: FD - Findings of Fact	Category #: <u> 2 </u> Element #: 4
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Sample Size (total # of indicators in the element that were reviewed):	190
Number of cases reviewed:	47
Number of Indicator with Yes (passed)	158
Number of Indicators with No (errors)	1
Acceptable rating:	85%
Rating for review:	99%

FINDINGS:

The National FAB excelled in the Element of Finding of Fact. There was only one deficiency where the FD unnecessarily discussed the findings of prior impairment awards for conditions other than the ones that were being denied by the current FD.

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Standard:	Category Name: FAB DECISIONS Element Name: FD - Conclusions of Law	Category #: <u> 2 </u> Element #: 5
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Sample Size (total # of indicators in the element that were reviewed):	228
Number of cases reviewed:	47
Number of Indicator with Yes (passed)	139
Number of Indicators with No (errors)	2
Acceptable rating:	85%
Rating for review:	99%

FINDINGS:

The National FAB did a fantastic job in the Element of Conclusions of Law. It shows the FAB has attained mastery over this element. Two deficiencies were noted where the status effective date of medical benefits was incorrect and the NIOSH processes citation was missing. The minor issues should not overshadow the outstanding effort and demonstrated proficiency in this element.

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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 #: 6

Sample Size (total # of indicators in the element that were reviewed):	162
Number of cases reviewed:	27
Number of Indicator with Yes (passed)	73
Number of Indicators with No (errors)	7
Acceptable rating:	85%
Rating for review:	91%

FINDINGS:

The National FAB did a good job in the Element of Remands. Seven deficiencies were noted. The cover letters for two remands were not in the case file. One cover letter indicated that the case was being returned to the incorrect district office. In another, the FAB should have developed for a complete birth certificate rather than remand the case. And lastly, the FAB did not clearly delineate the actions to be taken by the district office on two remands.

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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):	40
Number of cases reviewed:	20
Number of Indicator with Yes (passed)	13
Number of Indicators with No (errors)	2
Acceptable rating:	85%
Rating for review:	87%

FINDINGS:

The National FAB did well in the Element of Benefits Procedures. Two deficiencies were noted; one where the EN-20 was missing from the case file and another where the EN-20 did not have the correct SSN.

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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)	30
Number of Indicators with No (errors)	0
Acceptable rating:	85%
Rating for review:	100%

FINDINGS:

The National FAB mastered the Element of Reconsiderations. There is no deficiency.

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