

AR-1

Accountability Review Findings

Dates of Review: August 12, 2013 to August 16, 2013

Office Reviewed: Cleveland Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: July 1, 2012 to June 30, 2013

Standard:	Category Name: <u>Response to Hearing Requests</u> Category #: <u>1</u>
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Sample Size (total # of indicators in the category that were reviewed):	76
Number of cases reviewed:	11
Number of errors in category:	1
Acceptable rating:	85%
Rating for review:	99%

FINDINGS: Describe Findings.

The Response to Hearing Requests Category measures whether hearings are scheduled and conducted according to established policy and procedure. There was one error noted in this Category, where the Hearing Representative did not inform the claimant that a copy of the transcript would be mailed. The Cleveland Final Adjudication Branch exceeded the acceptable rating in this Category with a rating of 99%.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

REVIEWER(s):	DATE:
Ed Feeny, Sonya Todd, Anna Navarro	August 16, 2013

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Standard:	Category Name: <u>Addressing Claimant Objections</u>	Category #: <u>2</u>
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Sample Size (total # of indicators in the category that were reviewed):	63
Number of cases reviewed:	21
Number of errors in category:	3
Acceptable rating:	85%
Rating for review:	96%

FINDINGS: Describe Findings.

Review of Addressing Claimant Objections measures whether every objection is identified and provided a response. It also measures if the response is correct pursuant to EEOICPA regulations, policies and procedures, as well as clearly explained.

Of the 21 cases reviewed, there were 3 errors noted in this Category. In one case, a specific response to objections was not clear. The response was implied by stating statutes and regulations in other sections of the final decision.

One case revealed that new evidence was submitted in support of objections, but the Remand Order did not discuss why the evidence should be considered.

In one case, the Hearing Representative discussed non-covered employment, but did not address the employee's claimed exposures during her employment at a Department of Energy facility.

Overall, the Cleveland Final Adjudication Branch performed very well in this Category with a rating of 96%.

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Standard:	Category Name: <u>FAB Decisions</u>	Category #: <u>3</u>
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Sample Size (total # of indicators in the category that were reviewed):	1637
Number of cases reviewed:	98
Number of errors in category:	35
Acceptable rating:	85%
Rating for review:	98%

FINDINGS: Describe Findings.

The Final Decisions Category measures whether final decisions (FD), and medical/monetary benefits issued by the Final Adjudication Branch (FAB) are written in the proper format and that the content is correct and supported by the evidence of record. The FD must be a fair and independent assessment of the claim, and must correctly apply program policies and procedures to ensure an appropriate final outcome.

Overall the Cleveland FAB office performed very well in this Category, with a rating of 98%. In this category, the following areas were reviewed: (1) Decision Correspondence; FD Introduction; Written Quality & Formatting; (2) FD - Statement of the Case; (3) FD - Findings of Fact; and (4) FD - Conclusions of Law.

There were 35 errors found in this Category.

Element #1: Decision Correspondence, FD Introduction, Written Quality & Formatting.

In this Element, 5 errors were noted. The errors involved cover letter issues which include a cover letter with an incorrect date; the cover letter not indicating whether the claim was an acceptance or denial; the denied portion of the FD was not addressed and appeal rights were not stated; and two instances of the Authorized Representative not being provided a copy of the FD.

Element #2: FD – Statement of the Case.

There were 7 errors noted in this Element, 5 of which will be discussed. In one instance, an incorrect name of the employee was used.

In one case, there was an incorrect medical conditions discussed (i.e., cervical cancer for a male.).

One case found that the CMC report contained a generic discussion rather than including specific, useful information. This resulted in two errors for this Element.

In one instance, the Statement of the Case includes discussion about an employment facility when the Final Decision is based on an ineligible survivor.

Element #3: FD – Findings of Fact.

The reviewers found 8 errors in this Element. In one case, an error was noted because the ineligibility of a surviving child was not mentioned. This resulted in 3 errors for this Element.

There were two errors noted because the Findings of Fact did not contain a finding regarding how causation was determined.

The remaining deficiencies did not reveal any specific trend in this Element.

Element #4: FD – Conclusions of Law.

Of the 15 errors found, there were no specific trends noted.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

There were many positive comments provided stating that the FDs were very detailed, well written, clear, and concise.

There were some FDs that did not state anywhere that the claimant designated an Authorized Representative. It was noted that a copy of the FD was mailed to persons other than the claimant, and these people were listed on the certificate of service, but you cannot

tell why when reviewing the FD. The persons were not identified as a representative anywhere in the FD.

One FAC CE was commended for taking the time to call the claimant to explain why the information submitted was not sufficient to support her claim.

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Standard:	Category Name: <u>Remands</u>	Category #: <u>4</u>
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Sample Size (total # of indicators in the category that were reviewed):	71
Number of cases reviewed:	18
Number of errors in category:	3
Acceptable rating:	85%
Rating for review:	96%

FINDINGS: Describe Findings.

Review of remands measures whether a remand was necessary and appropriate based on the evidence in the file. It also measures if the basis of the remand and further action to be taken are accurately and clearly described.

There were 18 cases reviewed for this Category and 3 errors were found. In one case, the Remand Decision did not discuss why the new information that was submitted warranted remanding the case to the district office for further consideration.

In one instance, the case was remanded because the district office did not solicit a claim from another survivor, but the evidence of record established that the district office had actually solicited a claim from the survivor.

One case was found to have a cover letter that did not identify the office where the case was being returned. The Hearing Representative listed his telephone number as contact information rather than the district office information.

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<u>Standard:</u>	<u>Category Name:</u> <u>Reconsiderations</u>	<u>Category #:</u> <u>5</u>
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<u>Sample Size (total # of indicators in the category that were reviewed):</u>	40
<u>Number of cases reviewed:</u>	11
<u>Number of errors in category:</u>	1
<u>Acceptable rating:</u>	85%
<u>Rating for review:</u>	97%

FINDINGS: Describe Findings.

The review of reconsideration requests measures whether the formal request and receipt of new evidence are provided an appropriate response. The Cleveland FAB performed very well in the Category, with only 1 error found. The error involved an instance of the claimant's objections not being acknowledged or considered.

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