

AR-1

Accountability Review Findings

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

Office Reviewed: Seattle 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):	92
Number of cases reviewed:	14
Number of errors in category:	5
Acceptable rating:	85%
Rating for review:	96%

FINDINGS: Describe Findings.

The Response to Hearing Requests Category measures whether hearings are scheduled and conducted according to established policy and procedure. The Seattle Final Adjudication Branch had a very good rating of 96% for this Category. When examining cases for this Category, there was only one significant trend noted. There were 3 errors found where hearing transcripts were mailed to claimants beyond 7 calendar days.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

In one case, the reviewer noted that the Hearing Representative did an excellent job with the history of the claim and interacting with the employee. The hearing was well-conducted.

REVIEWER(s):	DATE:
Cyril Pratt, John Davidson, Deborah Rinella	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):	69
Number of cases reviewed:	26
Number of errors in category:	0
Acceptable rating:	85%
Rating for review:	100%

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.

The Seattle Final Adjudication Branch received a perfect score of 100% in this Category.

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<u>Standard:</u>	<u>Category Name:</u> Final Decisions	<u>Category #:</u> 3
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Sample Size (total # of indicators in the category that were reviewed):	1688
Number of cases reviewed:	104
Number of errors in category:	139
Acceptable rating:	85%
Rating for review:	91%

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 Seattle FAB office performed very well in this Category, with a rating of 91%. 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.

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

In this Element there were 13 deficiencies noted. The trends noted in this Element include the issuance of Final Decisions to individuals who had withdrawn their claim under a particular Part type and instances where the cover letters did not include the file number or did not advise claimants of the deferred conditions. In one case, the FD was

written in both first and third person, making the decision difficult to read. In one case, the docket number is incorrect.

Element #2: FD - Statement of the Case.

In this Element there were 40 deficiencies. The FD Statement of the Case (SOC) either lacked personally identifying information (i.e., job category, date of death, marital status), or contained incorrect information (i.e., wrong medical condition, file date, marriage date). There were FDs that did not include claimants who had filed as survivors, and lacked discussion on potential survivors to that claim. FDs were also missing explanations on the use of and verification of Site Exposure Matrices searches, Occupational History Questionnaire information, and/or NIOSH information that was used in the development of the claim. In addition, some FDs cited a Special Exposure Cohort (SEC) designation in the SOC, but failed to define SEC. Finally, in some cases, the SOC was written in the first and third person, making the decisions difficult to understand.

Element #3: FD - Findings of Fact.

For this Element, there were 42 deficiencies noted. Some trends found in the Findings of Fact (FOF) include the omission of relevant facts, such as the claimed condition, diagnosis dates, the employee's death, and Percentage of Causation. FOF sections also incorrectly discussed toxic substance exposure or radiation exposure and dose reconstruction when the acceptance is based on a SEC. Causal links are also listed in the FOF, but should be made in the COL section.

Element #4: FD - Conclusions of Law.

44 deficiencies were found for this Element. Of most significance in this area of review is the lack of explanation on the criteria needed to be a member of the SEC, a covered employee, and Part B and Part E causation standards. In some cases, irrelevant citations were used as the basis of denial such as providing a citation on cancer when a cancer condition was not claimed, or referencing the claimant's burden of proof when the reference was not necessary. Furthermore, some cases include citations, but there was no follow-up explanation on how the criteria supporting the citation was met. In some cases where this attempt was made, the citations and explanations became duplicative.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

In one case, the reviewer noted that the Final Decision was very detailed and well-written.

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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):	62
Number of cases reviewed:	16
Number of errors in category:	2
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 16 cases reviewed for this Category and 1 case was identified with 2 errors. In this case, the Remand Decision stated that there was a remand of two Part E claims; however, one claimant previously stated that he was ineligible and did not wish to pursue the claim under Part E. This error was noted for Indicator 1 and Indicator 3.

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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>	50
<u>Number of cases reviewed:</u>	14
<u>Number of errors in category:</u>	0
<u>Acceptable rating:</u>	85%
<u>Rating for review:</u>	100%

FINDINGS: Describe Findings.

The review of reconsideration requests measures whether the formal request and receipt of new evidence are provided an appropriate response. The Seattle Final Adjudication Branch had an outstanding rating of 100% for the Reconsiderations Category.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

In two cases, the reviewers noted that the reconsideration decisions were good, informative, and succinct.

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