



DATE: **SEP 23 2013**

MEMORANDUM FOR: Michael Chance
Branch Chief, Final Adjudication Branch
DEEOIC

FROM: *Rachel P. Leiton*
Rachel P. Leiton
Director, DEEOIC

SUBJECT: Accountability Review Findings
National, Cleveland and Seattle FABs
DEEOIC
Review Dates: August 12 - 16, 2013

This memorandum summarizes the findings of the National, Cleveland and Seattle Final Adjudication Branch (FAB, FAC and FAS) Accountability Review (AR) conducted August 12 - 16, 2013. Attached are copies of the final reports, which include the Accountability Review Findings (AR-1), Overall Summary Report, Indicator Remarks, Case Comments and Significant Claim Deficiency Report.

Since all three Final Adjudication Branch offices reviewed obtained ratings over the acceptable level of 85% in all five categories, no corrective action reports (AR-10) were required. Also, following edits to our reports made after comments offered at the close-out meeting, no formal objections were filed by the Final Adjudication Branch.

The findings from the AR show that the FAB significantly exceeded the acceptable rating of 85% in four of the five relevant categories for which it was rated, with ratings from 92% to 98%. In the category of Response to Hearing Requests, the FAB received a rating of 87%. The major reason the rating fell below 90% was due to several cases in which timeliness standards were not met in acknowledging hearing requests, scheduling hearings and sending a hearing notice or transcript. The FAB Branch Chief acknowledged this deficiency and stated that changes in management of the employees who performed these duties, as well as in procedures for forwarding hearing requests to the FAB, had been implemented which have already corrected these problems.

The AR findings also show that the FAC had exceptional ratings in all five categories, ranging from 96% to 99%. The FAS had 100% ratings in two categories (addressing claimant objections and reconsiderations) and 96% ratings in two others (hearings and remands).

The FAB and the FAS had ratings in the low 90s (92% for FAB, 91% for FAS) for the category FAB decisions. The review revealed no major trend of crucial mistakes in this category. There were various errors which made decisions (and accompanying letters) more difficult for a claimant, or other reader, to understand. Some decisions were inconsistently written in both the second and third person, some had missing or incomplete personal identification information or medical condition, some failed to adequately discuss how employment or toxic exposure had been determined, and some failed to describe development or to give factual findings necessary to support a conclusion of the decision. There were some conclusions which included SEC definitions or legal citations without some explanation as to how they applied to the particular case; some conclusions also included duplicative legal citations or citations not relevant to the outcome of the decision. In a few final decisions, a condition was denied after the claim had been withdrawn or a change from the recommended decision was not adequately explained.

These errors in the FAB and FAS decisions category were not excessive, as indicated by the ratings of over 90%. However, the FAB Branch Chief and the FAS District Manager confirmed that management guidance and training, including training through the FAB College program, were being pursued to further improve performance in FAB decisions.

In conclusion, I find that the FAB, FAC and FAS exceeded the acceptable rating in all categories. The FAB has already taken action to correct performance in the one category in which its rating fell under 90%. There is also ongoing management action to improve performance in the development and drafting of FAB decisions. I commend the FAB Branch Chief and the staff for a job well done. I would also like to thank you and your team for the assistance provided in preparing for the review. If you have any questions or concerns regarding this memorandum or the attachments, please contact me at 202-693-0081.

cc: Gary Steinberg, Acting Director, OWCP

Attachments:

- Accountability Review Findings (AR-1)
- Overall Summary Report
- Indicator Remarks by Category
- Case Comments
- Significant Claim Deficiency Report