

# AR-1

## Accountability Review Findings

Dates of Review: August 11, 2014 – August 15, 2014

Office Reviewed: Denver Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: April 1, 2013 – March 31, 2014

<b>Standard:</b>	Category Name _ <b>Response to Hearing Requests</b> Category # <u>1</u>
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Sample Size (total # of indicators in the category that were reviewed):	258
Number of cases reviewed:	43
Number of errors in category:	10
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 procedures. Element 1, Item #1, was not reviewed for FAD since this is a National Office function only.

The Denver FAB exceeded the acceptable rating in this category with a 96% rating. There were 10 deficiencies noted mostly involving the hearing transcript, such as not being included in the case file (hard copy or in OIS); no evidence showing the claimant was mailed a copy of the transcript; and the transcript being sent late. There was 1 instance of the HR not administering the oath, and 1 instance of only a partial transcript due to a hearing that ended due to technical difficulties, but was never rescheduled or completed

### **IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:**

### **OTHER SIGNIFICANT FINDINGS:**

<b>REVIEWER(s):</b>	<b>DATE:</b>
Tonya Fields, Karen McKnight, Joshua Murphy, Victoria Lewis, Hang Tung, Angela Eaddy, Patricia DiLeo	August 22, 2014

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<b>Standard:</b>	Category Name _ <b>Addressing Claimant Objections</b> Category # <u> 2 </u>
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Sample Size (total # of indicators in the category that were reviewed):	126
Number of cases reviewed:	41
Number of errors in category:	4
Acceptable rating:	85%
Rating for review:	97%

<b>FINDINGS: Describe Findings.</b>
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The Addressing Claimant Objections Category measures whether the Hearing Representative identifies every objection and provides a correct and thoroughly explained response. The Denver FAB exceeded the acceptable rating in this category with a 97% rating.

There were 4 deficiencies noted, including the objections raised by the claimants were not addressed; a RWR was conducted when the claimant requested a hearing to discuss the objections; and the findings to the objections were not made clear in the decision.

<b>IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:</b>
<b>OTHER SIGNIFICANT FINDINGS:</b>

<b>REVIEWER(s):</b>	<b>DATE:</b>
Tonya Fields, Karen McKnight, Joshua Murphy, Victoria Lewis, Hang Tung, Angela Eaddy, Patricia DiLeo	August 26, 2014

# AR-1

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<b>Standard:</b>	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):	867
Number of cases reviewed:	51
Number of errors in category:	88
Acceptable rating:	85%
Rating for review:	89%

### **FINDINGS: Describe Findings.**

The FAB Decisions category measured whether final decisions (FD), and medical /monetary benefits issued by the Denver FAB, were written in the proper format with correct content supported by the evidence of record. The review team evaluated whether a fair and independent assessment of the claim was performed and whether program policies and procedures were adhered to ensure an appropriate outcome.

Overall, the Denver FAB office performed satisfactorily in this Category, exceeding the acceptability rating. No major deficiencies were identified regarding final claim outcome. However, in total, 88 deficiencies were identified within the Category.

In this category, the following areas were reviewed:

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

Within this element, 17 deficiencies were noted. Of these, the majority concerned cover letters which contained incorrect addresses or poor summations of what conditions were being accepted and/or denied. In one case, an incomplete EN-20 was in the file.

**Element #2: FD – Statement of the Case:**

18 deficiencies were identified within this element. Trends were noted in decisions including information in the Statement of the Case (SoC) which was more appropriate in another section of the FD, in either the Objections or Conclusions of Law (CoL) section. Additionally, several decisions were noted to include irrelevant or superfluous information in the statement of the case, including facts and evidence pertaining to conditions which had previously been adjudicated and had no bearing on the issue for determination. Other deficiencies noted included an incorrect filing date and claimed medical condition, statements were not listed chronologically, and insufficient discussion about the claimed condition.

**Element #3: FD – Findings of Fact:**

20 deficiencies were noted within the Findings of Fact (FoF) section of the FDs reviewed under this Category. These included FoF restating verbatim information that was previously recounted within the SoC, as well as several FoF which were noted to be unclear, too wordy and/or confusing to the claimant, or the FoF did not support the CoL.

**Element #4: FD – Conclusions of Law:**

The largest share of deficiencies identified within this Category was identified in the CoL section of FDs reviewed, with 33 deficiencies noted within this element. The largest trend within this element was noted in COL which contained a series of legal and/or regulatory citations with little or no explanation or analysis as to how the evidence from the case applied to justify acceptance or denial. Additionally, decisions were noted to contain repetitive, unnecessary legal citations.

**IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:**

**OTHER SIGNIFICANT FINDINGS:**

<b>REVIEWER(s):</b>	<b>DATE:</b>
Tonya Fields, Karen McKnight, Joshua Murphy, Victoria Lewis, Hang Tung, Angela Eaddy, Patricia DiLeo	September 5, 2014

# AR-1

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<b>Standard:</b>	Category Name _ <b>Remands</b>	Category # ___4_____
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Sample Size (total # of indicators in the category that were reviewed):	225
Number of cases reviewed:	45
Number of errors in category:	13
Acceptable rating:	85%
Rating for review:	95%

### **FINDINGS: Describe Findings.**

The accountability review team evaluated cases to determine whether remand orders were correct based on a substantive defect in the recommended decision or the receipt of new evidence. The team also reviewed remands to ensure that remand orders contained historical content relevant to the remand topic; as well as language that clearly communicated the analysis of the writer in reaching the decision to the return the file to the district office. The team also reviewed remand orders to ensure that cover letters correctly advised claimants where the file was being returned (i.e.: correct district office).

The majority of the remand orders were correctly returned to the district office in accordance with program policies, procedures and regulations. In one case, FAD remanded it for an error in the RD that it could have corrected. Several remand orders contained a complete case history that was not relevant to the remand topic. In several instances, the cover letters did not identify the district office where the case file was returned.

**IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:**

**OTHER SIGNIFICANT FINDINGS:**

<b>REVIEWER(s):</b>	<b>DATE:</b>
Tonya Fields, Karen McKnight, Joshua Murphy, Victoria Lewis, Hang Tung, Angela Eaddy, Patricia DiLeo	August 26, 2014

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<b>Standard:</b>	Category Name <u>Reconsiderations</u>	Category # <u>5</u>
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Sample Size (total # of indicators in the category that were reviewed):	168
Number of cases reviewed:	42
Number of errors in category:	5
Acceptable rating:	85%
Rating for review:	97%

### **FINDINGS: Describe Findings.**

In reviewing the reconsideration element, the accountability team evaluated recon requests to ensure that a request was submitted within 30 days of the issuance of the final decision; and whether an acknowledgement letter was sent to the claimant. The team also reviewed cases to determine if the response to the reconsideration request was correct in accordance with policies, procedures and programmatic guidelines.

FAD performed exceeding well in this category. The deficiencies included incorrect information communicated to the claimant; and the claimant's request for reconsideration was not found in the physical file or in OIS. Therefore, the reviewer was unable to determine if the reconsideration request was submitted timely or if the response to the reconsideration request was correct.

<b>IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:</b>	
<b>OTHER SIGNIFICANT FINDINGS:</b>	
<b>REVIEWER(s):</b>	<b>DATE:</b>
Tonya Fields, Karen McKnight, Joshua Murphy, Victoria Lewis, Hang Tung, Angela Eaddy, Patricia DiLeo	August 22, 2014