

AR-1

Accountability Review Findings

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

Office Reviewed: National Office Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

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

Standard:	Category Name _ Response to Hearing Requests Category # <u>1</u>
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Sample Size (total # of indicators in the category that were reviewed):	446
Number of cases reviewed:	42
Number of errors in category:	49
Acceptable rating:	85%
Rating for review:	90%

FINDINGS: Describe Findings.

The Response to Hearing Requests Category measures whether hearings are scheduled and conducted according to established policy and procedure. The FAB National Office exceeded the rating in this category with a score of 90%.

There were 49 deficiencies noted. The deficiencies in the category included the hearing acknowledgement, hearing notice, or transcript enclosure letters not being in the claim file or OIS; hearing notice letter did not have the claimant's name or address on it; hearing notice letter not sent to the authorized representative; and acknowledgement letters being sent out late.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

REVIEWER(s):	DATE:
Anthony Zona, Gregg Knapp, Anna Navarro, Anna DePasquale, Ramona Franks, Patricia DiLeo, Angela Eaddy	August 22, 2014

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Standard:	Category Name _ Addressing Claimant Objections Category # _ 2 _
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Sample Size (total # of indicators in the category that were reviewed):	135
Number of cases reviewed:	45
Number of errors in category:	1
Acceptable rating:	85%
Rating for review:	99%

FINDINGS: Describe Findings.

The Addressing Claimant Objections Category 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 rating for this category is 99%.

The reviewers noted one deficiency in this category, which was that the response to an objection stated that the records submitted by the claimant would not change the outcome of the claim, but an explanation as to why was not provided.

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OTHER SIGNIFICANT FINDINGS:

REVIEWER(s):	DATE:
Anna DePasquale, Gregg Knapp, Anna Navarro, Anthony Zona, Ramona Franks, Patricia DiLeo, Angela Eaddy	August 22, 2014

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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):	901
Number of cases reviewed:	53
Number of errors in category:	42
Acceptable rating:	85%
Rating for review:	95%

FINDINGS: Describe Findings.

This FAB Decisions category measures whether final decisions (FD), and medical/monetary benefits issued by the FAB, are written in the proper format with correct content 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 a final outcome that is appropriate.

The elements for this category include: (1) Decision Correspondence, FD Introduction, Written Quality & Formatting; (2) Statement of the Case; (3) Findings of Fact; and (4) Conclusions of Law.

The National Office FAB performed well in this category, with an overall rating of 95%. The following trends were noted in each Element of the FAB Decision Category:

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

Overall, results in this Element were good, but several deficiencies were noted. These were largely formatting issues that included several instances in which a cover letter and/or an FD did not indicate a correct file number or docket number, or appropriately differentiate between Part B and Part E. In one case, there were no attachments to the FD in the paper file or OIS. Two cases listed the incorrect amount being awarded in the cover letter, which was different from the (correct) amount awarded in the FD itself. In another case, the cover letter did not indicate the amount of the tort surplus that was being applied (this was also missing from the Findings of Fact and Conclusions of Law sections).

Element 2: Statement of the Case

In this Element, we identified relatively few deficiencies, but these tended to be on substantive issues. Most were deficiencies of omission, in which significant aspects of the case history were not adequately discussed. One case did not mention the medical conditions being denied. In two other cases, it was not clear how the specific period of employment was verified. In another final decision, the Statement of the Case did not address a court order submitted by a surviving grandchild of the employee, who sought to establish coverage as the employee's child.

Element 3: Findings of Fact:

The deficiencies identified in this Element fell into 2 categories: those that made unnecessary or incorrect findings, and those that omitted findings that were necessary to support the Conclusions of Law. Incorrect or unnecessary findings included an "EN-16" statement that was an exact duplicate of the one listed in the Statement of the Case; a final decision affirming a recommended decision that applied a tort offset/surplus, but the Findings of Fact did not list the offset; and findings that concerned conditions that had been withdrawn. In one case, necessary findings concerning CMC or IH opinions were omitted.

Element 4: Conclusions of Law.

Most of the deficiencies in this category were substantive and involved final decisions that lacked a complete or adequate discussion of the evidence. In one case, a claim was denied despite having previously been withdrawn and administratively closed. Several deficiencies were noted due to the final decision containing legal citations without any discussion of how the evidence met (or did not meet) the standard being cited. In one case, there was no mention at all of the tort offset/surplus that was being applied. In this case, the file lacked a copy of the complaint from the employee's suit (which is required), and there were discrepant gross settlement figures in the record that were never explained. This decision lacked any analysis of whether the offset was appropriate or how the amount was determined. One deficiency was noted because the Conclusions of Law in the final decision stated that the survivor was not an eligible child (because he was over 18), but did not clearly explain why the 6 credits the survivor was taking at college was not adequate for him to be considered a full-time student (which would make him eligible).

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:**OTHER SIGNIFICANT FINDINGS:**

Overall the final decisions were well-written and addressed all relevant issues in a thorough and well-reasoned manner.

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Anna DePasquale, Greg Knapp, Anna Navarro, Anthony Zona, Ramona Franks, Patricia DiLeo, Angela Eaddy	August 22, 2014

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Standard:	Category Name _ Remands	Category # __4__
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Sample Size (total # of indicators in the category that were reviewed):	235
Number of cases reviewed:	46
Number of errors in category:	18
Acceptable rating:	85%
Rating for review:	92%

FINDINGS: Describe Findings.

The review of the Remand Category 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.

The National Office Final Adjudication Branch (FAB) exceeded the acceptable rating for this Category with a rating of 92%.

18 deficiencies were identified in this category, including remand orders that were issued when the cases could have been administratively closed, not consulting program resources before granting a remand; deficiencies in the cover letter, such as not including the authorized representative, not stating that the decision was a remand order instead of a final decision, and incorrectly stating whether it related to Part B or E. In one case, the reviewer noted the same error multiple times, and also did not provide an explanation as to why the remand was being granted.

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Standard:	Category Name <u>Reconsiderations</u>	Category # <u>5</u>
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Sample Size (total # of indicators in the category that were reviewed):	164
Number of cases reviewed:	41
Number of errors in category:	6
Acceptable rating:	85%
Rating for review:	95%

FINDINGS: Describe Findings.

Review of the Reconsideration Category measures whether the formal request and receipt of new evidence are provided an appropriate response. The National Office Final Adjudication Branch (FAB) exceeded the acceptable rating for this Category with a rating of 95%.

There were 6 deficiencies identified in this category. The deficiencies included the lack of sufficient evidence to warrant a reconsideration; and the Recon to Deny was too brief and did not address all of the arguments made by the authorized representative.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

REVIEWER(s):

Anna DePasquale, Gregg Knapp, Anna Navarro Anthony Zona,
Ramona Franks, Patricia DiLeo, Angela Eaddy

DATE:

September 5, 2014