

# AR-1

## Accountability Review Findings

Dates of Review: August 3, 2015 to August 7, 2015

Office Reviewed: Seattle Final Adjudication Branch (FAS)

Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: April 1, 2014 – March 31, 2015

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<b>Standard:</b>	Category Name _ <u>Hearings</u> _____ Category # <u>1</u> _____
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Sample Size (total # of indicators in the category that were reviewed):	252
Number of cases reviewed:	42
Number of errors in category:	3
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 were only 3 deficiencies noted. One deficiency involved the hearing representative not discussing a child's eligibility even though that was part of the Part E denial. The other deficiencies involved not sending the transcript on time or not telling the claimant at the hearing that the transcript will be mailed out.

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

The rating for this category improved from the prior review in 2013 of 96% to a current rating of 99%.

**OTHER SIGNIFICANT FINDINGS:**

Several reviewers noted that the Hearing Representatives did an excellent job of being in control of the hearings and addressing any questions. One reviewer wrote in a case comment that even in a contentious claim with the claimant and his attorney, the Hearing Representatives was “tactful and knowledgeable about the case.”

<b>REVIEWER(s):</b>	<b>DATE:</b>
Paula Rangoon, Matthew Fowler, Melvin Teal, Hang Tung	August 7, 2015

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<u>Standard:</u>	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):	123
Number of cases reviewed:	41
Number of errors in category:	7
Acceptable rating:	85%
Rating for review:	94%

### **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 94%.

The raters identified errors in 4 cases summarized as follows:

1. An irrelevant response to an objection. We noted the objection and in response just cited the statute, but not a pertinent section.
2. An objection was not addressed.
3. New evidence was not addressed. The FD said we didn't receive any new evidence.
4. New evidence was not sufficiently addressed in remand. The FD said 185 pages of medical evidence "potentially" show the employee was diagnosed with the claimed conditions.

<b>IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:</b>
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N/A

<b>OTHER SIGNIFICANT FINDINGS:</b>
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Although the rating for this category went down from 100% in the prior review in 2013 to 94% for this review period, the reviewers did not note any general trends.

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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:	29
Acceptable rating:	85%
Rating for review:	96%

### **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 rating for this category is 96%. The following trends were noted in each Element of the FAB Decision Category:

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

Though generally the decisions reviewed were well written and correctly delineated the relevant information, deficiencies were noted with specific trends. Of note were errors of omission, redundancy, and poor logic flow. In one such case the decision states the case is denied under Part E of the Act twice in the same paragraph.

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

Most cases stated the relevant steps taken in processing a claim in a clear and concise manner, but deficiencies were noted, especially in explaining why and how the district office arrived at a specific determination. Two decisions did not discuss how an offset figure was derived, nor were there offset worksheets in file. In another case, wage loss eligibility was not mentioned until the “Findings of Fact” section, and the money awarded to the survivor differs in the decision. The initial paragraph of the decision states the survivor is awarded \$125,000 under Part E, but a conclusion in the “Conclusions of Law” section awards the survivor \$150,000 under Part E.

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

Overall, the listed facts were appropriately limited by relevancy and were briefly stated. Further, those facts were a logical derivation of what was stated in the “Statement of the Case” section. However, some deficiencies were noted, particularly in omission of relevant information. One case did not list all the covered employment for a claimant, and another case stated a fact not addressed in the “Conclusions of Law” section. In a case regarding wage loss determination, neither the claimant’s age nor the SSA retirement age is mentioned.

### **Element 4: Conclusions of Law.**

The Legal conclusions were generally free of errors and almost always were logical ends to the previous sections. However, some deficiencies were noted. One case did not mention the SEC class under which the claimant was a part.

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

The rating for this category improved from the prior review in 2013 of 91% to a current rating of 96%. Of note are the strides made toward making decisions more readable to the claimants. Clear efforts have been made in the areas of brevity, relevancy, and logic flow.

### **OTHER SIGNIFICANT FINDINGS:**

Generally, as evidenced by the overall rating, final decisions were well written with a clear and concise logical flow.

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<b>Standard:</b>	Category Name <u>Reconsiderations</u>	Category # <u>4</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:	0
Acceptable rating:	85%
Rating for review:	100%

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

Review of the Reconsideration Category measures whether the formal request and receipt of new evidence are provided an appropriate response. There were no errors found in this category.

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

The Seattle FAB continues to excel in this category. The rating from 2013 review and the rating from this review period remain at 100%.

### **OTHER SIGNIFICANT FINDINGS:**

N/A

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Paula Rangoon, Matthew Fowler, Melvin Teal, Hang Tung, James Johnson	August 7, 2015