

AR-1

Accountability Review Findings

Dates of Review: August 1 – 5, 2016
Office Reviewed: Jacksonville Final Adjudication Branch
Reviewing Office: Policy, Regulations and Procedures Unit
Review Period: June 1, 2015 – May 31, 2016

| | |
|------------------|--|
| Standard: | Category Name <u>Response to Hearings Requests</u> Category # <u>1</u> |
|------------------|--|

| | |
|---|-----|
| Sample Size (total # of indicators in the category that were reviewed): | 246 |
| Number of cases reviewed: | 41 |
| Number of errors in category: | 5 |
| Acceptable rating: | 90% |
| Rating for review: | 98% |

FINDINGS: Describe Findings

The Response to Hearing Requests Category measures whether hearings are scheduled and conducted according to established policy and procedure. The FAB Jacksonville Office exceeded the acceptable rating of 90% for this category, with an overall score of 98%.

There were five (5) errors noted in the 41 cases reviewed. These errors were spread across the indicators without multiple errors in any one indicator and with no errors found for the indicator regarding whether the transcript showed that the HR was familiar with the decision and the claimants had an opportunity to fully present objections during the hearing. The errors that were found include (in one instance for each): the FAB had sufficient evidence to remand but held a hearing that did not result in any new relevant information; the HR's opening statement did not include mention of the objections provided in the claimant's objection letter; the HR did not communicate how impairment is rated or that the two year waiting period is waived for terminal claimants; the HR failed to advise the claimant that they would receive a copy of the transcript; and the transcript was not mailed within the seven (7) day time limit.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

| REVIEWER(s): | DATE: |
|---|-------------------|
| Marek Brustad, Susan Price, Victoria Lewis, Karoline Anders, Curtis Johnson, Gregg Knapp, Melvin Teal | September 6, 2016 |

AR-1

Accountability Review Findings

Dates of Review: August 1 – 5, 2016
Office Reviewed: Jacksonville Final Adjudication Branch
Reviewing Office: Policy, Regulations and Procedures Unit
Review Period: June 1, 2015 – May 31, 2016

| | |
|------------------|---|
| <u>Standard:</u> | Category Name <u>Addressing Claimant Objections</u> Category # <u>2</u> |
|------------------|---|

| | |
|---|-----|
| Sample Size (total # of indicators in the category that were reviewed): | 135 |
| Number of cases reviewed: | 45 |
| Number of errors in category: | 13 |
| Acceptable rating: | 90% |
| Rating for review: | 90% |

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 overall rating for the FAB Jacksonville Office for this category is 90%.

The thirteen (13) errors noted here are spread across all three indicators in this category.

In Element 1, Indicator 1, four (4) errors were listed for omitting specific objections, and one (1) error for not addressing any objections after a claimant withdrew a hearing request.

In Element 1, Indicator 2, five (5) errors were found where an incorrect response was given in the final decision for the listed objections.

In Element 1, Indicator 3, three (3) errors were where the reviewers found that the FAB did not address the objections adequately.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

REVIEWER(s):

Marek Brustad, Susan Price, Victoria Lewis, Karoline Anders, Curtis Johnson, Gregg Knapp, Melvin Teal

DATE:

September 6, 2016

AR-1

Accountability Review Findings

Dates of Review: August 1 – 5, 2016
Office Reviewed: Jacksonville Final Adjudication Branch
Reviewing Office: Policy, Regulations and Procedures Unit
Review Period: June 1, 2015 – May 31, 2016

| | | |
|------------------|---|----------------------------|
| Standard: | Category Name <u>FAB Decisions</u> | Category # <u>3</u> |
|------------------|---|----------------------------|

| | |
|--|-----|
| Sample Size (total # of indicators in the category that were reviewed): | 884 |
| Number of cases reviewed: | 52 |
| Number of errors in category: | 73 |
| Acceptable rating: | 90% |
| Rating for review: | 92% |

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 92%. The following trends were noted in each Element of the FAB Decision Category:

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

52 cases were reviewed, 16 deficiencies were noted. Three claims did not include the AR cover letters and 1 AR cover letter was sent but the AR had been removed 6 months prior. Three cover letters did not indicate the outcome of the claim. One of the FDs should have been titled RWR instead of Notice of Final Decision. Docket numbers were wrong on 1 cover letter and 4 FDs. Three cases did not have either a medical benefits letter or indication of an ICD-9/10 or date of entitlement.

Element 2: Statement of the Case:

52 cases were reviewed, 18 deficiencies were noted. In 2 cases, an acceptance did not indicate that an EN-16 was completed. In 2 cases (one survivor and one employee) no filing date was listed. Six cases had employment issues, including 1 case where the proper development of Corp of Engineer employment was not developed. The FD treats this employment as though the employee worked directly for the DOE. The reviewer recommends that this case be remanded. In 1 case, the employee should have been identified as a DOE contractor employee, and 3 did not indicate that the facility was a DOE facility.

In 4 cases, the medical development was insufficient, including dates of diagnosis, why an audiologist report is insufficient to support a hearing loss diagnosis, and insufficient analysis in making the link for causation.

Element 3: Findings of Fact:

52 cases were reviewed, 19 deficiencies were noted. In 4 cases, there were issues with medical evidence, including missing or incorrect dates of diagnoses. In 2 cases the order was illogical. In 8 cases, there were issues with identifying the employee; i.e., identified under Part E as a DOE contractor employee (or erroneously called a "covered DOE contractor employee") and/or the facilities were not identified as DOE facilities. In 5 cases, the FOF did not correspond to the COL.

Element 4: Conclusions of Law:

52 cases were reviewed. 20 deficiencies were noted. In 1 case, a NIOSH acceptance, the Conclusions of Law lists the wrong number of skin cancers. In 1 case there was a wrong cancer (ovarian instead of bladder). In 1 case, the Part E condition was previously adjudicated, and not re-opened. Reviewer felt that case should have been remanded. In 11 cases there were issues with citations. Of these, in 4 cases, the reviewers noted that the citations were confusing because of the excessive number of unnecessary or duplicative citations. In 7 cases, the citations were wrong or too vague.

IMPROVEMENTS SINCE LAST ACCOUNTABILITY REVIEW:

OTHER SIGNIFICANT FINDINGS:

REVIEWER(s):

Marek Brustad, Susan Price, Victoria Lewis, Karoline Anders, Curtis
Johnson, Gregg Knapp, Melvin Teal

DATE:

September 6, 2016

AR-1

Accountability Review Findings

Dates of Review: August 15, 2016 – August 19, 2016

Office Reviewed: Jacksonville FAB

Review Period: June 1, 2015 – May 31, 2016

| | | |
|------------------|----------------------|----------------------|
| Standard: | Category #4 : | Remand Orders |
|------------------|----------------------|----------------------|

| | |
|--|-----|
| Sample Size (total # of indicators in the element that were reviewed): | 220 |
| Number of cases reviewed: | 44 |
| Number of errors in element: | 3 |
| Acceptable rating: | 90% |
| Rating for review: | 99% |

Describe Findings:

Review of the Remand Category measures whether Jacksonville FAB remands were correct and based on file evidence, communicated relevant historical information, whether the response is correct pursuant to EEOICPA regulations, policies and procedures, contains clear language, and the remand has been returned to the correct district office (DO). The Jacksonville FAB exceeded the acceptable rating for this Category with a rating of 99%.

The three errors identified in this category included claims (last four) 2707 and 0508, which were found to be deficient due to the remand orders in question not containing the appropriate reference to the Code of Federal Regulations (CFR) or Procedure Manual (PM); and claim 974 contained a deficiency due to the cover letter not advising the claimant that the claim was being returned to the a specific DO.

| | |
|---------------------|-----------------|
| REVIEWER(s): | DATE: |
| ANTHONY FIX | August 18, 2016 |

AR-1

Accountability Review Findings

Dates of Review: August 15, 2016 – August 19, 2016

Office Reviewed: Jacksonville FAB

Review Period: June 1, 2015 – May 31, 2016

| | |
|------------------|--|
| Standard: | Category # 5: Reconsideration Requests |
|------------------|--|

| | |
|--|-----|
| Sample Size (total # of indicators in the element that were reviewed): | 164 |
| Number of cases reviewed: | 41 |
| Number of errors in element: | 1 |
| Acceptable rating: | 90% |
| Rating for review: | 99% |

Describe Findings:

The review for the reconsideration category measures FAB's response to requests for reconsiderations and whether those responses are clearly explained and follow the guidance of the EEOICPA and relevant procedures and policies. The Jacksonville FAB exceeded this category with only one error found and a rating of 99%. Specifically, in claim (last four) 7775, the reconsideration denial failed to address the claimant's timely request for a hearing.

| | |
|---------------------|-----------------|
| REVIEWER(s): | DATE: |
| Rodney Alston | August 18, 2016 |

AR-1

Accountability Review Findings

Dates of Review: August 15, 2016 – August 19, 2016

Office Reviewed: Jacksonville FAB

Review Period: June 1, 2015 – May 31, 2016

| | |
|------------------|--------------------------|
| Standard: | Category #6 : ECS Coding |
|------------------|--------------------------|

| | |
|--|-----|
| Sample Size (total # of indicators in the element that were reviewed): | 260 |
| Number of cases reviewed: | 52 |
| Number of errors in element: | 7 |
| Acceptable rating: | 90% |
| Rating for review: | 94% |

Describe Findings:

This category reviews the accuracy of the coding in the Energy Compensation System (ECS) as it related to Final Adjudication Branch (FAB) determinations, final decisions (FD) and remands. The indicators (elements) reviewed included did the decision coding recorded in ECS match the written FD; is the correct denial reason recorded in ECS; is the most accurate remand reason recorded in ECS; are the conditions approved for medical benefits correctly coded in ECS; and are the ICD codes and Eligibility Begin Dates accurately recorded in ECS based on the FD and FD cover letter. The Jacksonville FAB exceeded the acceptable rating for this category with a rating of 94%.

There were 7 deficiencies noted. The errors were of various types so no trend was identified. Specific errors identified included claim (last four) 3206, in which two deficiency indicators were noted. The FD in these claims stated that the claim was denied under Part B based on maximum benefits paid. However, in ECS the claim was coded as a Part B acceptance. In claim 5651, two deficiency indicators were noted. Specifically, ECS coding reflected denial of the claim based on negative causation while the FD denied the claim based on insufficient medical evidence.

With regard to claim 5809, the claimant claimed cardiovascular disease, and while the FD refers to medical information for cardiovascular disease, the FAB rendered no determination with