

AR-1

Accountability Review Findings

Dates of Review: June 26 – 30, 2017

Office Reviewed: Jacksonville Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: June 1, 2016 – April 30, 2017

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Standard:	Category # 1 - Response to Hearing Requests Element # 1- Hearing Pre-Scheduling Element # 2- Hearings
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Sample Size (total # of indicators in the element that were reviewed):	246
Number of cases reviewed:	41
Number of errors in element #1:	N/A
Rating for element #1	N/A
Number of errors in element #2	3
Rating for element #2	99%
Acceptable rating:	90%
Rating for review:	99%

Describe Findings:

The Response to Hearing Requests category measures whether hearings are scheduled and conducted according to established policy and procedure.

There were 3 errors noted in the 41 cases reviewed in element 2, Hearings.

In one hearing, the hearing representative did not ask any questions or become involved in any way after reading the history of the claim.

The other two errors relate to not sending the hearing transcript to the claimant within seven (7) calendar days. In both cases, the transcript was sent 10 days after receipt in the FAB.

Improvements Since Last Accountability Review:

Other Significant Findings:

REVIEWER(s):	DATE:
Kristina Green, Rodney Alston, Tonya Fields, Lawrence Ricci	June 30, 2017

AR-1

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Dates of Review: June 26 – 30, 2017

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Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: June 1, 2016 – April 30, 2017

Standard:	Category # 2 Category Name: Addressing Claimant Objections
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Sample Size (total # of indicators in the element that were reviewed):	123
Number of cases reviewed:	41
Number of errors in element:	1
Acceptable rating:	90%
Rating for review:	99%

Describe Findings:

This category measures whether the HR identifies every objection and measures if the response is correct pursuant to EEOICPA regulations, policies and procedures, as well as clearly explained.

When reviewing the cases for this element, we looked to see if the final decision appropriately addressed the distinct objections raised by the claimant either in writing or presented during an oral hearing. For each objection addressed in the final decision, we looked to see if the response was correct given the evidence of record and application of program policy/procedures. We also reviewed the case to ensure that the response was written using language that clearly communicates the decision of the writer and provides sufficient descriptive content to explain the interpretive analysis

applied to justify the outcome. The standards used for this review is pursuant to Federal (EEOICPA) Procedure Manual Chapter 26 - FAB decisions.

The rating for this category is 99%. There was only one error identified in this category out of 41 cases that were reviewed. The deficiency noted in this review included a case where the response to the claimant's objection did not accurately describe the causation standard for cancer claims under Part B. Here, the HR stated that the only pertinent evidence for the claimant's Part B claim would be a well-rationalized medical report establishing a link between the employee's cervical cancer and exposure to radiation at the Y-12 Plant. No mention of the dose reconstruction process.

There did not appear to be any trends identified in this category. It is noted that in the majority of the cases, the examiners/HRs did a great job summarizing the objections, in cases where the objection letters were unspecific or rambled.

Improvements Since Last Review:

Other Significant Findings:

REVIEWER(s):	DATE:
Tonya Fields, Rodney Alston, Tony Zona Lawrence Ricci	June 30, 2017

AR-1

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Standard:	Category # 3- ECS Coding Element #1 - Recording the Claimant's Response Element #2 – Coding RWR or Hearings Element #3- Recording FAB Determinations
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Sample Size (total # of indicators for element that were reviewed):	388
Number of errors in element #1:	8
Rating for element #1	76%
Number of errors in element #2:	0
Rating for Element #2	100%
Number of Errors in element #3	3
Rating for element #3	98%
Acceptable rating:	90%
Rating for review:	95%

Describe Findings:

This category reviews the accuracy of Energy Compensation System (ECS) coding as it relates to the FAB actions – recording the claimant's response, recording hearings and reviews of the written record (RWR), and FAB determinations (FDs), which include final decisions and remands. The documents and dates seen in the electronic case file will be directly compared to the ECS entries.

For Element 1, Recording the Claimant's Response, we reviewed the recording of the claimants' response type and the filing date. The filing date is determined by the earliest date of: fax receipt, postmark, date stamp, receipt through portal or the receipt by the Central Mail Room. Of 33 cases reviewed where the claimants had filed a response, 8 errors were found. The primary issue was that signature dates or various OIS dates (like captured date, submission date, or received date) were used, instead of the postmark dates of the attached envelopes or the fax dates.

For Element 2, ECS Coding RWR or Hearings, if there were a hearing or RWR, we reviewed the hearing or RWR status and status date. There were only 4 cases that were reviewed under this category, but none contained errors.

For Element 3, Recording FAB Determinations, we reviewed ECS to see if it matched the written FD. This included ensuring all claimants and components were entered with the correct decision type, benefits were properly allocated, the correct release date was recorded, the correct denial reasons and remand reasons were recorded, and the proper eligibility begin dates and ICD codes were entered to properly generate medical benefits. The following errors were noted in the FAB Determinations:

- The opening paragraph of the FD and the conclusions of law have contradicting medical status effective dates. Because the medical status date in the decision is unclear, the correct ECS date cannot be determined and it is counted as an error.
- The remand reason used in ECS was coded as an error for employment and it should have been coded as an error for medical.
- One case had an incorrect filing date and medical eligibility date that were off by a week in ECS and the FD.

Improvements Since Last Accountability Review:

Other Significant Findings:

REVIEWER(s):	DATE:
Kathy Matau	June 30, 2017

AR-1

Accountability Review Findings

Dates of Review: August 21, 2017 - August 25, 2017

Office Reviewed: Jacksonville Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: June 1, 2016 – April 30, 2017

Standard:	Category Name: Remands	Category # 4
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Sample Size (total # of indicators in the element that were reviewed):	215
Number of cases reviewed:	43
Number of errors in element:	1
Acceptable rating:	90%
Rating for review:	99%

Describe Findings:

This category measures whether a remand was necessary and appropriate based on the evidence in the file. It also measures whether or not the basis of the remand and further action taken were accurately and clearly described. Specifically, it evaluates whether the decision to remand was correct and consistent with program policies; whether the decision clearly explained the specific evidentiary, legal, regulatory and/or policy guidelines which resulted in the recommendation of the district office not being finalized; that the Final Adjudication Branch (FAB) took all necessary actions to avoid a remand; and that the remand order included a cover letter to the claimant(s) explaining that the claim was returned to a specific district or co-located FAB office.

Only one error was identified in this category in which a Remand Order does not identify the statute, regulation or program source used to form the basis for the remand.

Improvements Since Last Accountability Review:

N/A

Other Significant Findings:

N/A

REVIEWER(s):	DATE:
Tracy Smart	August 25, 2017

AR-1

Accountability Review Findings

Dates of Review: August 21, 2017 - August 25, 2017

Office Reviewed: Jacksonville Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: June 1, 2016 – April 30, 2017

Standard:	Category Name: Reconsiderations	Category # 5
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Sample Size (total # of indicators in the element that were reviewed):	164
Number of cases reviewed:	39
Number of errors in element:	2
Acceptable rating:	90%
Rating for review:	98%

Describe Findings:

This category measures whether the Final Adjudication Branch (FAB) provided an appropriate response to formal requests for reconsideration. It also measures whether the response was clearly explained and correct pursuant to program regulations, policies and procedures.

Specifically, this category reviews whether the National Office FAB sent an acknowledgement letter in response to the reconsideration request, or new evidence submitted within 30 days of the Final Decision (FD) which could be considered a request for reconsideration; whether a FAB Claims Examiner (CE) or Hearing Representative (HR) not affiliated with the FD under review considered the request; whether the response to the request was correct given the evidence of record; and whether the reconsideration decision contained narrative language that clearly

explained the basis for the decision, including the granting of a reconsideration constituting a new FD.

There was one case in this category that contained an error that was applied to two reviewed elements. Specifically, the claimant requested a Reconsideration of the FD to deny testicular cancer under both Part B and Part E based, in part, on the dose reconstruction. In support of the Reconsideration, the claimant submitted medical evidence of newly diagnosed skin cancers that had not been claimed or included in the dose reconstruction. The Reconsideration was denied as the skin cancers had not been previously claimed. However, the claim should have been remanded for a rework of the dose reconstruction.

Improvements Since Last Accountability Review:

N/A

Other Significant Findings:

N/A

REVIEWER(s):	DATE:
Alison M. Supanich	August 25, 2017

AR-1

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Office Reviewed: Jacksonville Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

Review Period: June 1, 2016 – April 30, 2017

Standard:	Category # 6 - FAB Decisions
	Element #1: Decision Correspondence, FD Introduction; and Formatting
	Element #2: FD - Statement of Case
	Element #3: FD - Findings of Fact
	Element #4: FD - Conclusions of Law

Sample Size (total # of indicators for element that were reviewed):	884
Number of cases reviewed:	52
Number of errors in element #1:	0
Rating for element #1	100%
Number of errors in element #2:	9
Rating for element #2	96%
Number of errors in element #3	8
Rating for element #3	96%
Number of errors in element #4	12
Rating for element #4	94%
Acceptable rating:	90%
Rating for review:	96%

Describe Findings:

This category measures whether final decisions (FDs) and medical/monetary benefits issued by the Final Adjudication Branch (FAB) were written in the proper format, with correct content supported by the evidence of record.

Element 1 addresses the decision correspondence, FD Introduction, and FD formatting. There were no errors under this element.

Element 2 pertained specifically to the Statement of the Case portion of the FD. The reviewers noted errors in nine (9) cases under this element.

- Four (4) cases had typographical/proofreading errors or omissions (i.e., incorrect dates of employment, incorrect recommended decision date, condition omitted from the introductory paragraph, acronym not defined).
- One (1) case had the incorrect information from the CMC's review, which was misquoted in the decision.
- Three (3) cases did not discuss the medical evidence submitted to establish the diagnoses and/or the causation development.
- One (1) case identified a potential survivor and did not discuss any development actions taken in that regard.

Element 3 assessed the Findings of Fact portion of the FD. The reviewers noted the following errors under this element:

- In one (1) case, the findings of fact were not listed in a logical manner, no diagnosis dates for the condition, and the age of the employee was not listed in a survivor Part E claim.
- Four (4) cases had typographical/proofreading errors or omissions (i.e., incorrect dates of employment, incorrect recommended decision date, condition omitted from the introductory paragraph, acronym not defined).
- In two (2) cases, there were deficiencies noted with regard to employment findings. Specifically, there were missing dates of employment and incorrect employers listed. Also one of those cases noted that a previous final decision had been issued when there had not been a prior decision.
- In one (1) case, the survivorship issue was not clearly discussed and it was unclear whether any survivor development was undertaken for this matter.

Element 4 pertained to the Conclusions of Law portion of the FD. The reviewers noted the following errors under this element:

- In one (1) case the survivorship issue was not clearly discussed and whether any survivor development was undertaken for this matter was unclear.

- One (1) case misquoted the CMC review.
- One (1) case was missing the SEC identifier citation.
- One (1) case had the incorrect conditions listed as being denied.
- Three (3) cases did not provide any analysis of the medical evidence apart from describing the conclusions reached by the CMC.
- One (1) case denying COPD and asthma did not discuss the evidence in relation to Bulletins 16-01 and 16-02, which was potentially relevant under the facts given the period of employment.
- One (1) case did not discuss causation and the lack of evidence. There was no discussion as to why the survivor is an eligible survivor.

Improvements Since Last Accountability Review:

N/A

Other Significant Findings:

N/A

REVIEWER(s):	DATE:
Melvin Teal	August 25, 2017