

AR-1

Accountability Review Findings

Dates of Review: June 26 – 30, 2017

Office Reviewed: Seattle Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

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

:

Standard:	Category # 1 - Response to Hearing Requests Element # 1- Hearing Pre-Scheduling Element # 2- Hearings
------------------	-----------------------------------------------------------------------------------------------------------------

Sample Size (total # of indicators in the element that were reviewed):	162
Number of cases reviewed:	27
Number of errors in element #1:	N/A
Rating for element #1	N/A
Number of errors in element #2	9
Rating for element #2	94%
Acceptable rating:	90%
Rating for review:	94%

Describe Findings:

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

Element 2 Does the case file reflect that a hearing was appropriate; (ie should hearing have been remanded rather than holding a hearing)?

Indicator 1. One case should have been remanded prior to hearing.

Indicator 2. Does the hearing transcript reflect that the HR address all required topics?

One case was found in error. The employee married his long-time mate 3 days short of the one year period before he died. They were together for 30 years, had three children and lived together at the same address. No consideration was given to any common law status and no discussion was made to indicate the employee's children may apply for benefits.

Indicator 3. Does the hearing transcript reflect that the HR had familiarity with the decision under contention and directed the hearing accordingly?

Two cases were identified. One case, the HR referred to the wrong condition that was not under contention and the claimant had to inform the HR that the issue was impairment and wage loss. The second case the HR twice stated that they were not familiar with the case and would review the evidence of record after the hearing.

Indicator 4. Does the hearing transcript demonstrate that the HR accurately communicated program policy or procedure, ask logical relevant questions relating to the issues under contention and direct the hearing in a manner responsive to input or issues raised by the hearing participants?

One case identified did not address the possibility of common law marriage, or the possibility that the children might qualify for benefit. The second case the HR stated that no development is done on the FAB level, and that the obituary indicating the employee may have other children was evidence that had to be overcome before grandchildren could proceed with their claims. HR would not reveal the names of the other potential children identified by the funeral home due to privacy issues. Grandchildren were at a loss as to how to proceed.

Indicator 5:

All transcripts reviewed gave the 30 day period to submit additional evidence and that a transcript would be sent out with 20 days to review the same.

Indicator 6. Were transcripts sent out within 7 days of receipt?

Two cases were sent out on the 8th day. PM says within a reasonable time now. Standards maybe should be changed to reflect 7 working days. One case not sent out as the case was remanded after the hearing.

Improvements Since Last Accountability Review:

Other Significant Findings:

REVIEWER(s):	DATE:
Wendell Perez, Rodney Alston, Tony Zona	June 30, 2017

AR-1

Accountability Review Findings

Dates of Review: June 26 – 30, 2017

Office Reviewed: Seattle Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

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

Standard:	Category # 2 Category Name: Addressing Claimant Objections
------------------	------------------------------------------------------------

Sample Size (total # of indicators in the element that were reviewed):	119
Number of cases reviewed:	41
Number of errors in element:	2
Acceptable rating:	90%
Rating for review:	98%

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 communicated the decision of the writer and provided sufficient descriptive content to explain the interpretive analysis

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

The rating for this category is 98%. There were only two errors identified in this category out of the 41 cases that were reviewed. The deficiencies noted in this review included a case where the responses to objections were confusing. The claim was appropriately denied, however the claim examiner's rationale and responses to the objections were not clearly articulated. In another case, in response to medical records being submitted with the objection letter, the FAB final decision simply stated that 700 pages of medical evidence were reviewed. The final decision did not elaborate or identify what type of medical was received or explain why it was insufficient to establish the claim.

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 on the cases where there were no specific objections identified. In these instances, the final decisions were written in a clear and concise manner, which thoroughly explained the reasoning behind the denial.

Improvements Since Last Review:

Other Significant Findings:

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

AR-1

Accountability Review Findings

Dates of Review: June 26 – 30, 2017

Office Reviewed: Seattle Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

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

Standard:	Category # 3- ECS Coding Element #1 - Recording the Claimant's Response Element #2 – Coding RWR or Hearings Element #3- Recording FAB Determinations
------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

Sample Size (total # of indicators for element that were reviewed):	437
Number of errors in element #1:	10
Rating for element #1	74%
Number of errors in element #2:	N/A
Rating for Element #2	N/A
Number of Errors in element #3	7
Rating for element #3	96%
Acceptable rating:	90%
Rating for review:	93%

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 38 cases reviewed where the claimants had filed a response, 10 cases were found to have errors. The primary issue was that signature dates or various OIS dates (like captured date, submission date, or received date) were being 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. Unfortunately, there were no RWR or hearing cases that were in the sample.

For Element 3, Recording FAB Determinations, we reviewed ECS to see if it matched the written final decision. 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:

- In one case, the claimant filed for Basal cell carcinoma and that is what was in the written FD. However, ECS reflects Squamous Cell Carcinoma as the medical condition and FD.
- In one case, the FD denied heart disease, but ECS did not record the denial.
- In one case, the actual FD issue date did not match the release date in ECS.
- In one case, the written FD denied a medical condition that was not included in the ECS decision.
- One case had a medical effective date in the FD that used the date the claim was signed rather than the date the EE-1 was received in the resource center, which is the correct filing date to be used for eligibility.
- One case had a medical eligibility date and filing date that matched in ECS and the FD, but the dates were incorrect.
- The FD medical eligibility date in the FD does not match the medical eligibility date in ECS.

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: Seattle Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

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

Standard:	Category Name: Remands	Category # 4
-----------	------------------------	--------------

Sample Size (total # of indicators in the element that were reviewed):	205
Number of cases reviewed:	41
Number of errors in element:	0
Acceptable rating:	90%
Rating for review:	100%

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.

The Seattle Final Adjudication Branch had no errors in this category. The office did an excellent job.

Improvements Since Last Accountability Review:

N/A

Other Significant Findings:

N/A

REVIEWER(s):	DATE:
Carolina R. Harris	August 25, 2017

AR-1

Accountability Review Findings

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

Office Reviewed: Seattle Final Adjudication Branch

Reviewing Office: Policy, Regulations and Procedures Unit

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

Standard:	Category Name: Reconsiderations	Category # 5
-----------	---------------------------------	--------------

Sample Size (total # of indicators in the element that were reviewed):	164
Number of cases reviewed:	41
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 were no trends identified in this category. However, there was one instance where the reviewer indicated that because the determination addressed multiple conditions, the writer should have been more specific about the claimed conditions; specifically which were granted reconsideration, which were remanded, and what conditions were being denied. There was another instance where the reviewer concluded that the decision did not contain narrative language that clearly explained the basis for the decision. More specifically, multiple records were submitted, including a statement of withdrawal; however, the writer failed to address any of these documents and there was no discussion regarding why the submitted information was not sufficient to grant the reconsideration.

Improvements Since Last Accountability Review:

N/A

Other Significant Findings:

N/A

REVIEWER(S):	DATE:
Karen McKnight	August 25, 2017

AR-1

Accountability Review Findings

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

Office Reviewed: Seattle 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):	867
Number of cases reviewed:	51
Number of errors in element #1:	0
Rating for element #1	100%
Number of errors in element #2:	5
Rating for element #2	98%
Number of errors in element #3	3
Rating for element #3	99%
Number of errors in element #4	4
Rating for element #4	98%
Acceptable rating:	90%
Rating for review:	98%

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.

The Seattle FAB did not have any errors in this element.

Element 2 pertained specifically to the Statement of the Case portion of the FD.

Errors identified under in this element included:

- In one case, the claim was being accepted for 36 skin cancers based on a dose reconstruction. The Statement of Case did not specify the location of the cancer, type, or diagnosis date. (Nowhere in the FD were the specific cancers identified). In addition, there was no discussion of the medical evidence used to establish the diagnosed cancers.
- In the second case, the errors applied to two (2) indicators in this element. There is no mention that the employee claimed employment with a second company for an additional seven years. In addition, the Statement of Case only mentions the verified employment for one year, and is silent on the development actions taken to verify or refute the claimed employment for the additional period/employer.
- In the third case, the employment is not communicated in a clear and concise manner. The first paragraph that discussed employment stated that the employment was verified by the Department of Energy (DOE). However, the following paragraph stated that the DOE was unable to verify all the claimed employment.

Element 3 assessed the Findings of Fact portion of the FD.

The errors found in this element pertain to the two cases noted above.

- The Findings of Fact only specify that the claimant was diagnosed with 36 skin cancers. The Statement of Case is absent of any discussion regarding medical evidence, diagnosis dates or locations of the skin cancers. Since there is no discussion of a diagnosis date, or specific location of the skin cancers, the findings of fact do not justify the finding nor will they support the Conclusion of Law.

- In the second case, the explanation of the employment verified was not given in the Statement of Case. As a result, the employment listed in the Finding of Facts is not justified.

Element 4 pertained to the Conclusions of Law portion of the FD.

The Seattle FAB had four (4) errors in this element. Two errors followed from the same mistakes identified in two cases identified under Elements 2 and 3 noted above.

- Again, in the case in which 36 skin cancers were being accepted, the Conclusion of Law does not contain narrative to clearly communicate what specific cancers are being accepted or denied.
- In the case in which the employment was not verified, the Conclusions of Law contained no analysis to justify why only specific employment was accepted.
- The last two cases with errors included one case in which the wrong cancer was accepted and in the second case, incorrect citations were used.

Improvements Since Last Accountability Review:

N/A

Other Significant Findings:

N/A

REVIEWER(s):	DATE:
Kristina Green	August 25, 2017