

## AR-1

### Accountability Review Findings

Dates of Review: June 4 - 8, 2018

Office Reviewed: Seattle Final Adjudication Branch

Review Period: May 1, 2017 – April 30, 2018

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<b>Standard:</b>	Category 1: Response to Hearing Requests  Element 1: Hearing Pre-Scheduling Element 2: Hearings
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Number of cases reviewed	42
Rating for Element #1	N/A
Rating for Element #2	98%
Acceptable rating:	90%
Overall Category Rating:	98%

#### **Summarize Category (or Element) Findings:**

The Response to Hearing Requests category reviews whether hearings were scheduled and conducted according to established policy and procedure. Element 1 only applies to National Office FAB and measures the timeliness in preparing and scheduling a hearing.

Element 2 evaluates whether the HR was familiar with the case and if the hearing was appropriate and conducted in a manner that would be responsive to the claimant(s) issues and their objections.

Seattle cases were reviewed for Element 2 only. The overall quality of the hearing proceedings as documented in the transcript was very good.

The errors in this category involved five cases. Three were instances where the hearing transcripts were sent to the claimant more than seven calendar days after receipt in FAB. The other two cases were remand orders in which a hearing wasn't necessary because the evidence used to justify the remand was already in the record at the time of the RD.

**Other Significant Findings:**

**AR TEAM REVIEWER(S):**

Greg Knapp, Charles Bogino, Curtis Johnson, Mark Stewart,  
Anthony Zona

**DATE:**

06/08/18

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### Accountability Review Findings

Dates of Review: June 4 – 8, 2018  
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Standard:	Category 2: Addressing Claimant Objections
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Number of cases reviewed	41
Acceptable rating:	90%
Overall Category Rating:	94%

#### **Summarize Category (or Element) Findings:**

This category reviews whether the final decision appropriately address the objections raised by the claimant either in writing or presented during an oral hearing. For each objection raised, we reviewed the response in the final decision to determine if it was clearly communicated and correctly adjudicated given the evidence of record and application of program policy and procedure. We also reviewed the decision to determine if it provided sufficient descriptive content to explain the interpretive analysis applied to justify the outcome.

Overall the Seattle FAB office responses to claimant objections were very thorough and well-written. Of the cases reviewed, three had errors in this category. These are discussed below.

- A “new evidence” remand order in which the HR described the new evidence received, but did not specifically address the objections made by the claimants.
- A final decision that (1) accepted asbestosis; (2) denied impairment due to pleural plaques; and (3) denied consequential pulmonary hypertension. This was counted as an error because the acceptance of asbestosis would have an impact on the impairment denial, which only evaluated pleural plaques. Similarly, the acceptance of asbestosis would also impact the consequential pulmonary hypertension claim.
- A reverse to accept FD that awarded wage loss benefits based on the trigger month of 8/1/2001. The FD denied WL benefits for 2001, 2002, and 2003, finding no

evidence of wage loss based on 8/2001 trigger month. Despite this, wage loss benefits were awarded starting in 2004, based on the 8/2001 trigger month and using the AAW calculated with that date. The claimant never filed for wage loss benefits indicating any other trigger month.

**Other Significant Findings:**

<b>AR TEAM REVIEWER(S):</b>	<b>DATE:</b>
Greg Knapp, Charles Bogino, Curtis Johnson, Katherine Matau, Deborah Rinella, Mark Stewart, Melvin Teal, Hang Tung, Anthony Zona	June 8, 2018

## AR-1

### Accountability Review Findings

Dates of Review: June 4 - 8, 2018

Office Reviewed: Seattle Final Adjudication Branch

Review Period: May 1, 2017 – April 30, 2018

<b>Standard:</b>	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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Number of cases reviewed	51
Rating for Element #1	92%
Rating for Element #2	100%
Rating for Element #3	98%
Acceptable rating:	90%
Overall Category Rating:	98%

#### **Summarize Category (or Element) 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 whether the correct response type and the file date was entered, whether the waiver coding was correct and whether the filing date was correct. There were three errors where the 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 was a hearing or RWR, we reviewed the hearing or RWR status and status date. No errors were found.

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, the FAB portion of the SEC path was completed where appropriate, 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:

- Three SEC acceptance cases did not show a completed SEF field.
- One case had an incorrect denial reason.

<b>Other Significant Findings:</b>
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<b>AR TEAM REVIEWER(S):</b>	<b>DATE:</b>
Mark Stewart, Charles Bogino, Curtis Johnson, Greg Knapp, Victoria Lewis, Sarah Friedman, Deborah Rinella, Hang Tung, Mel Teal, Kathy Matau, Tony Zona	06/08/18

## AR-1

### Accountability Review Findings

Dates of Review: July 16, 2018 – July 20, 2018

Office Reviewed: Seattle Final Adjudication Branch

Review Period: May 1, 2017 – April 30, 2018

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<b>Standard:</b>	Category 4: Remands
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Number of cases reviewed	41
Acceptable rating:	90%
Overall Category Rating:	95%

#### **Summarize Category (or Element) 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 case was returned to a specific district or co-located FAB office.

There were 10 deficiencies in this category.

Four deficiencies occurred when the remand was of multiple conditions although not all of the conditions warranted remand. In one case bladder cancer, chronic obstructive pulmonary disease (COPD), and asthma were recommended to be denied for insufficient medical evidence. New medical evidence of bladder cancer was received, but not for the COPD and asthma. All three conditions were remanded whereas only one needed to be. In another, a review of the file showed sufficient evidence of one of the two denied conditions, and both were remanded.

Three deficiencies were based on the Remand not adequately addressing aspects of the case. One deficiency occurred when there was no discussion in the Remand as to why the District Office (DO) had recommended denial of the claim. Another deficiency occurred when there was no discussion in the Remand as to why the new evidence was sufficient to warrant the remand. Another deficiency

occurred when the Remand said there was additional employment versus what the DO had found, but did not explain how they made that decision.

One deficiency occurred when the wrong part of the Procedure Manual (PM) was cited, specifically Ch. 17.13.e(1)(b) (which addresses procedures for requesting a rework) instead of 17.12.e(1)(b) (which addresses when a rework is needed).

Two deficiencies occurred when the Remand was due to Bulletin 10-04 excluding from coverage Area 3000 of Hanford, but a subsequent teleconference note stated Area 3000 was actually covered and so the case should not have been remanded.

<b>Other Significant Findings:</b>
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<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Kathy Matau, Helen O'Neill, Yolanda Greer, Chris Patterson, Paula Rangoon, Mark Langowski, Kristina Green, Curtis Johnson, Hang Tung, Angela Eaddy.	July 20, 2018

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### Accountability Review Findings

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Office Reviewed: Seattle Final Adjudication Branch

Review Period: May 1, 2017 – April 30, 2018

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<b>Standard:</b>	Category 5: Reconsiderations
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Number of cases reviewed	41
Acceptable rating:	90%
Overall Category Rating:	97%

#### **Summarize Category (or Element) 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 an acknowledgement letter was sent in response to the reconsideration request, or new evidence was 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 the reconsideration constituting a new FD.

There were three errors in this category. One reconsideration denial was based on insufficient medical evidence of a diagnosis. The claimant submitted sufficient evidence of a diagnosis which should have resulted in the Reconsideration being granted. However, the reconsideration request was instead denied because causation was not established. In a second case, the claimant raised a number of specific objections to the decision such as substances they were exposed to during their employment, the work processes they were involved in, and a list of known carcinogens they were exposed to. However, in the reconsideration denial claimant's objections were not fully addressed. In the third case, the denial did not discuss the arguments put forth by the claimants to support the reconsideration request.

**Other Significant Findings:**

<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Kathy Matau, Helen O'Neill, Yolanda Greer, Chris Patterson, Paula Rangoon, Mark Langowski, Kristina Green, Curtis Johnson, Hang Tung, Angela Eaddy.	July 20, 2018

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### Accountability Review Findings

Dates of Review: July 16, 2018 – July 20, 2018

Office Reviewed: Seattle Final Adjudication Branch

Review Period: May 1, 2017 – April 30, 2018

Standard:	Category 6: FAB Decisions  Element #1: Decision Correspondence; FD Introduction; Written Quality & Formatting Element #2: FD – Statement of the Case Element #3: FD – Findings of Fact Element #4: FD – Conclusions of Law
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Number of cases reviewed:	51
Rating for Element #1	98%
Rating for Element #2	97%
Rating for Element #3	99%
Rating for Element #4	96%
Acceptable rating:	90%
Overall Category Rating for review:	97%

#### **Summarize Category (or Element) Findings:**

The category measures whether the Final Decisions (FD) 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 reviews the accuracy of the information contained in the cover letter, FD introduction, and accuracy of attachments to the FD.**

Errors in this element include:

- One error with a typographical error of referring to a female claimant as Mr. in the cover letter.
- One error with the FD being sent to an incorrect address.
- One error with an incorrect middle initial on the cover letter and FD header.

- The final decision approves one cancer and denies one cancer under Part B. However, the cover letters addressed to each of the claimants do not reference the denied cancer under Part B.

**Element 2 reviews the accuracy of Personally Identifiable Information (PII) in the Statement of the Case and that it contains an accurate description of the development actions taken that led to the decision being made.**

The following deficiencies were found:

- One error with an incorrect middle initial in the FD header, as previously mentioned in Element 1.
- One error listing two separate incorrect conditions in the Statement of the Case (i.e., skin cancer and Acute Myeloid Leukemia (AML)), which were not claimed. The correct conditions were non-Hodgkin's lymphoma and lung cancer.
- One error listing an incorrect (10/24/17) medical benefits effective date for chronic silicosis in the recommended decision section of the Statement of the Case. The correct date is (10/18/17).
- One error did not clarify the medical evidence that a secondary condition (lung cancer) was the result of the primary condition (non-Hodgkin's lymphoma).
- One error listing an incorrect claimed employment date from the EE-3.
- One error listing an incorrect filing date (8/8/16). The correct date should be (8/6/16) per faxed date.
- One error where the Statement of the Case did not reference the specific potential toxic substances which have chronic obstructive pulmonary disease (COPD) as a possible health effect until the Findings of Fact.

**Element 3 covers the factual information contained in the Findings of Fact and that the facts of the case are clearly identified and listed in a logical order.**

The following deficiency is noted:

- One error where the Findings of Fact does not mention that maximum benefits are being paid.

**Element 4 reviews the Conclusions of Law for accuracy in the decision being made, citations referenced, and a clear narrative description for the decision being made.**

Errors in this element include:

- One error where the Conclusions of Law did not reference either waiver of objections or citation for waiver.
- One error where the Conclusions of Law did not mention either the denial of the non-cancerous conditions or provide a citation for the denial.
- One error where the Conclusions of Law had an incorrect medical benefits award effective date under Part E.

**Other Significant Findings:**

<b>AR TEAM REVIEWER(S):</b>	<b>DATE:</b>
Kathy Matau, Helen O'Neill, Yolanda Greer, Chris Patterson, Paula Rangoon, Mark Langowski, Kristina Green, Curtis Johnson, Hang Tung, Angela Eaddy.	July 20, 2018