

**AR-1**

**Accountability Review Findings**

**Dates of Review:** June 24, 2019 – June 28, 2019

**Office Reviewed:** Cleveland District Office

**Review Period:** April 1, 2018 – March 31, 2019

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<b>Standard:</b>	<b>Category 1: Payment Processing</b>
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<b>Number of cases reviewed:</b>	<b>50</b>
<b>Acceptable rating:</b>	<b>90%</b>
<b>Rating for review:</b>	<b>99%</b>

**Describe Findings**

With respect to the Cleveland District Office, the reviewers found only one error in the Payment Processing category. The error consisted of an acceptance of payment (AOP) date stamp discrepancy between the document date stamp as viewed in the OWCP Imaging System (OIS) (3/08/2019) and the date entered in Energy Compensation System (3/09/2019).

<b>REVIEWER(S):</b>	<b>DATE:</b>
Rodney Alston, Kristina Green, Danny Hemphill, Kathryn Jimmerson, William Pridy, Lisa Slattery, Robert Connelly, Sherri Murphy, Patrick Haswell, Frankie Wallace, Deanne Roberts, Andrea deVry	June 27, 2019

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Accountability Review Findings

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Standard:	Category 2: Part E Causation Claims Element 1: Development and Causation Assessment Element 2: Outcome and Written Quality
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Number of cases reviewed	41
Rating for Element #1	92%
Rating for Element #2	95%
Acceptable rating:	90%
Overall Category Rating:	94%

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

For Element 1, the reviewers found three cases deficient due to errors in development letters. In one case, the development letter was not part of the case record. In the other two cases, reviewers found that causation development letters lacked explanation regarding what was required to overcome the claim inadequacies.

Other errors within Element 1 include one case with an incorrect skin cancer diagnosis date on the Industrial Hygienist (IH) referral worksheet. Three cases were found deficient because the Claims Examiner (CE) did not initiate the necessary IH referral for determining the nature and extent of toxic exposure during covered employment. In two instances, reviewers found cases where the CE relied solely on the Site Exposure Matrix (SEM) database for establishing toxic exposure. Additional examples of deficiencies found in this element included a case where the claim was in posture for acceptance, after receipt of the IH report showing significant exposure to trichloroethylene (TCE). However, the CE referred the case to a Contract Medical Consultant (CMC) when it was not necessary. In another case, the CE did not apply the appropriate exposure presumption for asbestosis, as listed in Exhibit 15-4.

Under Element 2, two errors pertain to an inaccurate summation of the decision outcome. In one case, the CE omitted prostate cancer as part of the Conclusion of Law (COL), when it was part of the conditions under review. In a second case, the COL did not accurately

summarize the outcome of the decision. In this case, the COL left out beryllium sensitivity as part of the conditions denied under Part B.

Indicators 4 and 5 of Element 2 pertain to the Statement of the Case (SOC) portion of the RD. Deficiencies noted within the SOC include three cases lacking relevant information related to development actions taken; specifically, that the cases were referred to a DEEOIC specialist.

Indicator 6 relates to the Explanation of Findings (EOF) portion of the RD. The one deficiency found involves discussion of development for one of the claimed conditions (prostate cancer) which was absent in the Explanation of Findings (EOF).

Indicator 7 relates to the Conclusion of Law (COL) section of the RD. Six cases had errors involving the COL section not communicating a clear finding in the RD. In two cases reviewed, the errors were attributed to the CE omitting the recommendation to accept or deny a specific medical condition under review. In four cases, the COL contained language more appropriate for the EOF section of the recommended decision.

#### **Other Significant Findings**

The team identified one case that had excellent development and a well-written recommended decision.

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### Accountability Review Findings

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<b>Standard:</b>	<b>Category 3: Post Remand/Reopening Adjudication</b>  Element 1: Post Remand/ Reopening Development Element 2: Recommended Decisions – Outcome and Written Quality
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Number of cases reviewed	45
Rating for Element #1	98%
Rating for Element #2	97%
Acceptable rating:	90%
Overall Category Rating:	97%

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

With regard to Element 1, the reviewers found only two cases with deficiencies. Both deficiencies involved the developmental process of a case file. In one case, the case record did not show a referral to an Industrial Hygienist (IH) or Contract Medical Consultant (CMC) after the Remand Order, however, a memo notes that development actions were completed. In the second case, the development letters did not clearly outline the necessary documentation required in order to overcome the claim inadequacies.

In Element 2, two errors were within the same recommended decision under review. Both errors pertained to incorrect or missing factual information. The addressee's name was incorrect and the authorized representative's (AR) name was not included in the cover letter.

In three additional cases under Element 2, reviewers found that the claims examiner did not appropriately attach or include the IH or CMC reports referenced in the recommended decision.

With regard to Indicators 4, which pertains to the Statement of the Case (SOC), the reviewers found three cases deficient due to missing discussion on development actions taken. In two of the three cases, the SOC left out any discussion on previous claims for skin cancer, which was relevant to the claim since they were included as part of the National Institute for Occupational Safety and Health (NIOSH) dose reconstruction.

Indicator 6 relates to the Explanation of Findings (EOF) portion of the RD. Six deficiencies were attributed to the written narrative lacking a clear explanation of the CE's interpretation of the case file evidence justifying the basis for the decision.

Indicator 7 relates to the Conclusion of Law (COL) section of the RD. The reviewers found only two cases with deficiencies within the COL. These errors were a result of the RD not properly summarizing the decision outcome of an acceptance or denial.

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**Accountability Review Findings**

**Dates of Review:** August 12, 2019 – August 16, 2019

**Office Reviewed:** Cleveland District Office

**Review Period:** June 1, 2018 – May 31, 2019

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<b>Standard:</b>	<b>Category #4: Part B Recommended Decisions</b>
	<b>Element #1: Outcome and Written Quality</b>

<b>Number of cases reviewed</b>	<b>47</b>
<b>Rating for Element #1</b>	<b>92%</b>
<b>Acceptable rating:</b>	<b>90%</b>
<b>Overall Category Rating:</b>	<b>92%</b>

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

The results of our review revealed that the Cleveland District Office is performing at an acceptable level in Part B Recommended Decisions.

Out of the 47 cases reviewed, the review team identified 26 total deficiencies. Specifically, 7 deficiencies were noted in which the cover letter or the recommended decision (RD) referred to the incorrect condition or failed to list all claimed conditions being addressed in the RD. We also identified 4 deficiencies regarding cover letters, the introductory paragraph or the Conclusions of Law (COL) of the RD failing to specify what Part of the Act the claims were being accepted or denied under. 4 deficiencies were noted regarding the lack of discussion within the Statement of the Case (SOC) of development actions taken in adjudication of the claim. Additionally, we also found 3 cases in which the Explanation of Findings (EOF) lacked sufficient discussion regarding programmatic criteria required for the acceptance of a claim. 3 cases were noted in which the basis of denial of the claim was unclear. For example, a case in which the COL outlined that the survivor claim was being denied based on the lack of medical evidence; however, the EOF focused on the lack of survivorship documentation in support of the claim. 2 cases were identified as lacking sufficient discussion regarding the mathematical calculations used in determining the amount of benefits being awarded

With regard to the 3 remaining errors, these deficiencies did not fit into trends; but included an RD that discussed information from another unrelated case, tort information

being excluded from the cover letter, and an RD in which the EOF failed to discuss the probability of causation (PoC) findings.

**Summarize Other Significant Findings:**

None Identified

AR TEAM REVIEWER(S)	DATE
Bernadette DeHerrera, Daniel Divittorio, Michelle Taylor, Sharon Richardson, Melissa Baker, Eileen Horton, Traci Murphy, Kory Johnson, Krista Kozlowski, Andrea DeVry	August 16, 2019

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**Accountability Review Findings**

**Dates of Review:** August 12, 2019 – August 16, 2019

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**Review Period:** June 1, 2018 – May 31, 2019

<b>Standard:</b>	<b>Category #5: ECS Coding</b>  Element #1: Recommended Decision Coding Element #2: Accepted Medical Condition Coding Element #3: Causation Path Coding
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Number of cases reviewed	52
Rating for Element #1	98%
Rating for Element #2	94%
Rating for Element #3	97%
Acceptable rating:	90%
Overall Category Rating:	96%

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

The results of our review revealed that the Cleveland District Office is performing at more than an acceptable level in ECS coding. Out of the 52 cases reviewed, the review team identified 13 total deficiencies within 10 specific case files.

With regard to Element 1, 2 errors were identified within one case file, in which a written decision denied the Part E survivor claims of 4 claimants; however, ECS was incorrectly coded to show the claims were solely denied for wage-loss under Part E.

Reviewers identified the majority of deficiencies (7) within this category in Element 2. 3 deficiencies were identified as having an incorrect eligibility date entered into ECS. 4 cases were identified as having an error regarding the incorrect component development category being selected. The remaining deficiency was a result of a missing release date for a letter decision within ECS.

For Element 3, the team identified 2 deficiencies. In one case, ECS was missing a corresponding causation path for a denied Part E claim. The remaining case was found

to contain a deficiency as the Evidence Source Path in ECS was not updated with the Site Exposure Matrices (SEM) run date.

**Summarize Other Significant Findings:**

None found.

AR TEAM REVIEWER(S)	DATE
Bernadette DeHerrera, Daniel Divittorio, Michelle Taylor, Sharon Richardson, Melissa Baker, Eileen Horton, Traci Murphy, Krista Kozlowski, Kory Johnson, Andrea DeVry	August 16, 2019

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**Accountability Review Findings**

**Dates of Review:** August 12, 2019 – August 16, 2019

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<b>Standard:</b>	<b>Category #6: Consequential Illness Acceptances</b>  Element #1: Development Element #2: Consequential Illness Letter/RD – Outcome and Written Quality
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Number of cases reviewed	41
Rating for Element #1	90%
Rating for Element #2	93%
Acceptable rating:	90%
Overall Category Rating:	91%

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

Out of the 41 cases reviewed, the review team identified 14 total deficiencies.

For Element 1, the review team noted 9 errors. 5 cases were noted as deficient as the claim was accepted in spite of a lack of sufficient medical rationale linking the claimed consequential illness to a previously accepted condition. 3 additional errors were noted in cases in which the Claims Examiner (CE) failed to conduct appropriate development; specifically failing to obtain an appropriate medical opinion or refer the case to a CMC.

For Element 2, we noted 4 deficiencies. 2 cases were accepted in spite of a lack of sufficient medical rationale linking the claimed consequential illness to a previously accepted condition, one case was accepted based on the opinion of a general physician instead of one of a clinical psychologist or psychiatrist, and one decision was found to have referenced an incorrect, unclaimed condition.

**Summarize Other Significant Findings:**

None Identified

AR TEAM REVIEWER(S)	DATE
Bernadette DeHerrera, Daniel Divittorio, Michelle Taylor, Sharon Richardson, Melissa Baker, Eileen Horton, Traci Murphy, Krista Kozlowski, Kory Johnson, Andrea DeVry	August 16, 2019

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**Accountability Review Findings**

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**Standard:** Category #7: OIS Indexing (Incoming & Outgoing Correspondence)

Number of cases reviewed	52
Rating for Element #1	88%
Rating for Element #2	100%
Acceptable rating:	90%
Overall Category Rating:	91%

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

A total of twelve (12) errors were identified in this category, all within the incoming correspondence element due to incorrect category/subject classification. The errors covered several trends where documents should have indexed under the category/subject classification of: "Forms and Claims/Words of Claim" (4 errors), "Employment/Other Employment Records" (2 errors), and "Other Inquiries/Privacy Act Request or FOIA Documents" (2 errors). An additional error was identified based on a document containing medical records that should have been separated and indexed under its own distinct category.

All documents reviewed in the outgoing correspondence category were indexed properly. No issues regarding improperly scanned documents were identified.

**Other Significant Findings:**

None Identified

AR TEAM REVIEWER(S)	DATE
Curtis Johnson, Charles Bogino	August 16, 2019