

## AR-1

### Accountability Review Findings

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

Office Reviewed: Denver District Office

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

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Standard:	Category 1: Payment Processing
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Number of cases reviewed:	49
Acceptable rating:	90%
Rating for review:	99%

#### **Describe Findings:**

The Denver District Office had two case with deficiencies in the Payment Processing category. In one case, the district office labeled a Form EN-20 in the OWCP Imaging System (OIS), with the first four letters of the payee's first name instead of the first four letters of the payee's last name.

In a second case, the reviewer found a typographical error in the OIS identifier for the EN- 20 form (dated 1/03/2019). The year was incorrectly labeled as 2018 when it should have been 2019.

The Denver District Office performed exceptionally well with regard to the processing of payments.

<b>REVIEWER(s):</b>	<b>DATE:</b>
Rodney Alston, Kristina Green, Barry Davidson, Kimberly Bender, Lisa Slattery, Robert Connelly, Sherri Murphy, Patrick Haswell, Frankie Wallace, Deanne Roberts, Andrea deVry	June 27, 2019

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### Accountability Review Findings

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

Office Reviewed: Denver District Office

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

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	88%
Rating for Element #2	92%
Acceptable rating:	90%
Overall Category Rating:	91%

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

For Element 1, one deficiency involved an inadequate development letter, which should have been limited in scope as to what was required to overcome the claim inadequacy. In this instance, the claimant filed under RECA but the development letter contained language for a DOE employee.

Additional errors under Element 1 include a Statement of Accepted Facts (SOAF) for a Contract Medical Consultant referral that lacked the proper exposure data for a number of the toxic substances. The reviewer also found that an Industrial Hygienist referral should have been initiated in advance of the CMC referral. In another case, the reviewer found an error in the Site Exposure Matrix (SEM) search. The SEM search only included one of the two claimed conditions (pulmonary fibrosis and pneumoconiosis).

Also under Element 1, four deficiencies were due to the CE not referring the case to an IH when it was necessary. In one case, the reviewer found that the CE did not request the opinion of the treating physician, or a CMC, regarding potential exposure to aluminum that could result in pulmonary fibrosis or pneumoconiosis. The errors noted in the failure to refer to a Medical Health Science Subject Matter Expert generally repeated when reviewing the sufficiency of case development.

Under Element 2, Indicator Questions 1 & 2, reviewers identified eight deficiencies in either the cover letters or the decisions. In two cases, the Case ID was missing or incorrect in the cover letter or decision. Five of the eight deficiencies involved either the introductory paragraph or Conclusion of Law (COL) not correctly identifying the part type (B or E), and in one case the decision was to deny a condition but the COL stated the condition was accepted. Under Indicator Question 3, there were two cases where the medical health assessments (CMC and IH reports), referenced in the recommended decision (RD) as the reason for the decision outcome, were not attached as part of the RD enclosures.

With regard to Indicator 4, pertaining to the Statement of the Case (SOC), the reviewers found two cases deficient due to either a missing SEM search (mentioned but not found in case file) or no discussion of a SEM search conducted and used as part of the case. In another case there was no mention of development actions (IH or CMC referral) to support a conclusion regarding a medical condition.

Indicator 6 relates to the Explanation of Findings (EOF) portion of the RD. The reviewers found four deficiencies within this indicator, two of which resulted from the CE not clearly explaining the case evidence used to arrive at the decision outcome or not discussing the basis for the exposure findings within the EOF. In a third case, the reviewer found that the EOF did not clearly explain that a Section 5 RECA award warranted an acceptance under Part B, and further, lacked an explanation of the finding that the claimant's toxic substance exposure was linked to the employee's death. In a fourth case, a SEM search, described in the findings, was not in the case file to support the conclusion reached.

Indicator 7 relates to the Conclusion of Law (COL) section of the RD. The reviewers found six errors within this indicator, three of which were identified as the result of the COL not clearly describing whether the claim was accepted or denied and under which part(s) of the Act. One error was the result of the COL containing an incomplete sentence that read "denied because under the Act". In one case the error involved the omission of conditions from the COL, and in another, the COL did not accurately summarizing the findings.

Indicator 8 evaluates whether the RD communicates information in a manner that is clear to the reader and free of substantial typographical and grammatical errors. Two errors identified within this indicator resulted from RDs containing incomplete sentences and multiple grammatical errors. The third case contained a poor explanation of the case evidence and contained several grammatical errors.

#### **Other Significant Findings:**

The review team recognized one case for having an exceptionally well-written development letter explaining Part B and Part E for uranium workers and the evidence required for each part.

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### Accountability Review Findings

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

Office Reviewed: Denver District Office

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Standard:	Category 3: Post Remand/Reopening Adjudication Element 1: Post Remand/ Reopening Development Element 2: Recommended Decisions – Outcome and Written Quality
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Number of cases reviewed	44
Rating for Element #1	97%
Rating for Element #2	98%
Acceptable rating:	90%
Overall Category Rating:	97%

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

For Element 1, reviewers identified three deficiencies within a single case that spanned across three indicators. In this case, the district office issued a new RD without conducting additional employment development as instructed in preceding the Remand Order. Because the district office did not conduct employment development prior to issuing the RD, the Final Adjudication Branch (FAB) issued a second Remand Order with same instruction to develop the employment.

Within Element 2, the reviewers found nine deficiencies. The reviewers noted that most of the errors were non-substantive and did not follow any particular trend or pattern. In one case, the recommended decision contained the wrong address. In another case, the header of the recommended decision used “same” for the name of the claimant. In one instance, the CE referred the case to a Health Physicist (HP) and referenced language from the HP report as part of the RD. However, there is no indication that the CE enclosed the HP report as part of the RD. An additional error within this element related to the Statement of the Case (SOC) lacking discussion on steps taken to develop employment. The remaining deficiencies included a RD with background

information presented out of chronological order, a case where a majority of the case analysis was outlined in the SOC instead of the Explanation of Findings (EOF), a case where the impairment benefits were denied but within the Conclusion of Law (COL) the CE indicated the employee was entitled to benefits. Lastly, an error was found in a case where the EOF of the RD lacked explanation as to why the claimed employment could not be verified outside the use of Social Security records.

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## AR-1

### Accountability Review Findings

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

Office Reviewed: Denver District Office

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

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Standard:	Category #4: Part B Recommended Decisions  Element #1: Outcome and Written Quality
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Number of cases reviewed	45
Rating for Element #1	93%
Acceptable rating:	90%
Overall Category Rating:	93%

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

The results of our review revealed that the Denver District Office is exceeding the acceptability rating in Part B Recommended Decisions.

Out of the 45 cases reviewed, the review team identified 21 total deficiencies within 11 specific case files. The team identified 4 deficiencies within cover letters. One case noted was sent to an individual unassociated with the case, creating a potential PII violation. One cover letter was noted as failing to reflect a proper name change that had previously been submitted and entered into ECS. Additionally, 2 cases were identified as deficient based on the cover letters lacking required information; specifically not referencing all claimed conditions, or discussing benefits being awarded.

3 cases were noted as containing an error in the introductory paragraph of the RD, each failing to list all claimed conditions being addressed. 3 cases were identified in which the RD lacked sufficient discussion of development steps taken by the District Office. 4 errors were identified in which the Explanation of Findings were found to insufficiently address relevant evidence and how that evidence met or failed to meet programmatic criteria.

With regard to Conclusions of Law (COL), 3 deficiencies were identified with regard to conditions that were addressed throughout the RD being listed in the COL, and one in which the part of the Act the claim was being accepted under was not addressed.

<b>Summarize Other Significant Findings:</b>
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None Identified

<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Amy Zenobi, Jennifer Blair, Richard Smith, 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

Office Reviewed: Denver District Office

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

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Standard:	Category #5: ECS Coding  Element #1: Recommended Decision Coding Element #2: Accepted Medical Condition Coding Element #3: Causation Path Coding
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Number of cases reviewed	50
Rating for Element #1	95%
Rating for Element #2	100%
Rating for Element #3	83%
Acceptable rating:	90%
Overall Category Rating:	94%

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

The results of our review revealed that the Denver District Office is performing at a greater than an acceptable level in ECS coding. Out of the 50 cases reviewed, the review team identified 11 total errors within 6 specific case files.

In review of Element 1, there were three individual cases with 4 total deficiencies. 1 deficiency identified incorrect employment end dates in ECS. An additional deficiency identified an incorrect denial type (i.e. ineligible survivor vs. employee not covered), and the remaining 2 deficiencies for creation of negative causation paths for conditions with no medical evidence.

No errors were noted within Element 2.

In review of Element 3, although the causation path coding had the most deficiencies with 7 total findings, they pertained to only 3 cases. All 7 deficiencies pertained to missing causation paths. The missing causation paths were divided equally between acceptances and denials. Notably, the accepted medical condition coding had zero errors.

**Summarize Other Significant Findings:**

None Identified

<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Amy Zenobi, Jennifer Blair, Richard Smith, 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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Review Period: June 1, 2018 – May 31, 2019

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Standard:	Category #6: Consequential Illness Acceptances  Element #1: Development Element #2: Consequential Illness Letter/RD – Outcome and Written Quality
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Number of cases reviewed	40
Rating for Element #1	99%
Rating for Element #2	97%
Acceptable rating:	90%
Overall Category Rating:	98%

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

The results of our review revealed that the Denver District Office is performing at a greater than an acceptable level in this category. The review team identified 3 total deficiencies within 2 specific case files.

With regard to Element 1, one case was identified as lacking sufficient causal relationship between the accepted medical condition and the claimed consequential condition. This case did not include a rationalized opinion from a medical physician.

Element 2 contained 2 deficiencies, both Letter Decisions which were based upon insufficient medical evidence.

#### **Summarize Other Significant Findings:**

None Identified

**AR TEAM REVIEWER(s):**

**DATE:**

Amy Zenobi, Jennifer Blair, Richard Smith, Sharon Richardson, Melissa Baker, Eileen Horton, Traci Murphy, Krista Kozlowski, Kory Johnson, Andrea DeVry

August 16, 2019

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

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

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Standard:	Category #7 : OIS Indexing (Incoming & Outgoing Correspondence)
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Number of cases reviewed	52
Rating for Element #1	98%
Rating for Element #2	91%
Acceptable rating:	90%
Overall Category Rating:	97%

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

A total of five (5) errors were identified in this category, two (2) within the incoming correspondence element. Both errors occurred due to incorrect category/subject classification which did not follow any specific trend. Two (2) out of the three (3) errors within the outgoing correspondence element involved improper use of specific subjects in the category of "Other" which should have been classified under the subject of "Other Documents." No issues regarding improperly scanned documents were identified.

#### **Other Significant Findings:**

None Identified

<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Curtis Johnson, Charles Bogino	August 16, 2019