

## AR-1

### Accountability Review Findings

Dates of Review: June 3, 2019 – June 7, 2019

Office Reviewed: Jacksonville Final Adjudication Branch

Review Period: May 1, 2018 – April 30, 2019

<b>Standard:</b>	Category # 1 - FAB Decisions  Element #1: Decision Correspondence; FD Introduction; Written Quality 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	99%
Rating for Element #2	98%
Rating for Element #3	99%
Rating for Element #4	97%
Acceptable rating:	90%
Overall Category Rating for review:	98%

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

This Category assesses whether the Final Decisions (FDs) were clearly written with correct content supported by the evidence of record. This Category is separated into four Elements that correspond to different sections of the FD.

Element 1 reviews the accuracy of the information contained in the cover letter and FD introduction. It assesses whether the attachments included in the FD were appropriate and properly completed. It also reviews the FD to evaluate the overall readability of the decision and determine if it is free of substantial grammatical or typographical errors.

Element 2 reviews the Statement of the Case (SOTC) section of the FD to determine if it contained an accurate and descriptive discussion of the relevant facts. This Element also evaluates whether the SOTC communicates a case history that is relevant to the FD being issued.

Element 3 covers the Findings of Fact (FOF) section of the FD to evaluate if this section is limited to the facts needed to reach the conclusions of law. It assesses whether the FOF were correct given the evidence of file and application of legal, regulatory or procedural standards.

Element 4 reviews if the FD addressed each of the conclusions reached in the Recommended Decision (RD). This Element reviews the Conclusions of Law (COL) section to assess whether the Final Adjudication Branch (FAB) communicated appropriate analysis of case evidence based on applicable standards to arrive at a correct decision. It also evaluates citations to determine if they support the FD.

For Element 1, Indicator 1: In one case, the Authorized Representative (AR) letter contained an error in the salutation - the name did not apply to the claimant or the AR.

Indicator 2, in one case, the error spanned three (3) Elements. An error was found due to an omission in the COL which affected the cover letter. The FD was a Probability of Causation denial of 24 skin cancers, a denial of an impairment increase, and a deferred Part E claim. The error was the omission of the denial of an increase in impairment benefits in the COL which does not match the cover letter.

Indicator 3: There were no errors for this Indicator. Appropriate attachments (Certificate of Service, medical benefits letter, EN-20, etc.) were included in the FDs as reviewed.

Indicator 4: There were no errors for this Indicator. FDs were written in a manner understandable to the reader and were free of grammatical or typographical errors.

Under Element 2, the only error in this Element was the same omission of the impairment denial in the COL/cover letter in the previous case discussed under Element 1, Indicator 2.

Under Element 3, in one case, the FOF #1 erroneously addressed an EE-1 filing and date, but it was a survivor claim where an EE-2 had been filed. The rest of the decision was good.

Under Element 4, Indicators #1, #2, and #4: The error was found in a previously discussed case under Element 1, Indicator 2 where there was a denial of 24 skin cancers, a denial of impairment increase and a deferral.

Also under Indicator # 2: The reviewer found that the COL erroneously included a legal citation regarding eligibility for RECA employees despite the lack of case file evidence establishing that that the employee was eligible for or ever received benefits under RECA.

**Other Significant Findings:**

<b>AR TEAM REVIEWER(S):</b>	<b>DATE:</b>
Anthony Zona; Greg Knapp; Tracy Smart; Alison Supanich; Keiran Gorny; Kristina Green; Angela Eaddy; Hang Tung; Curtis Johnson; Cyril Pratt	June 12, 2019

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<b>Standard:</b>	Category #2: Remands
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Number of cases reviewed	44
Acceptable rating:	90%
Overall Category Rating:	99%

<b>Summarize Category (or Element) Findings:</b>
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This Category measures whether a remand was necessary and appropriate based on the evidence in the file. Specifically, it evaluates whether the claimant's information was correct; whether there was appropriate justification to support the remand; whether the remand contained an accurate and descriptive discussion of the relevant facts and whether the remand clearly communicated the analysis applied by the FAB in reaching the remand decision.

Errors were noted in two cases. In the first instance, the zip code was incorrect on both the cover letter and the Certificate of Service. In the second, the Remand Order was not issued to the current address of the claimant or the Authorized Representative (AR). The claimant and AR reside at the same address and the claimant submitted notice of a change of address several months before the Remand Order was issued.

<b>Other Significant Findings:</b>
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<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Cyril Pratt; Greg Knapp; Tracy Smart; Anthony Zona; Alison Supanich; Keiran Gorny; Kristina Green; Angela Eaddy; Hang Tung; Sarah Friedman	June 12, 2019

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<b>Standard:</b>	Category #3: 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 assesses whether the FAB clearly and correctly explained program regulations, policies, and procedures.

Specifically, this Category reviews whether the National FAB sent an acknowledgement letter in response to a reconsideration request; whether a FAB Claims Examiner (CE) or Hearing Representative (HR) not affiliated with the Final Decision (FD) under review considered the request; and whether the factual information was correct in the decision. It also evaluates the reconsideration to determine if it was written in a manner understandable to the reader and free of grammatical or typographical errors. Finally, it evaluates whether the response to a request for reconsideration was correct given the evidence of record.

Overall review of the Jacksonville FAB Reconsiderations shows correct application of established program policies and procedures, and clear, well-written decisions.

Element 1 shows three case errors. One case shows typographical errors and confusing language. For example, the writer stated, "The Jacksonville FAB is returning your case file is being to:" The second case is a Reconsideration Denial, when it should have been a Reconsideration Grant and Remand Order based on new evidence. The new evidence was from the Social Security Administration showing supplemental income based on mental retardation, and was not of record at the time of the Notice of Final Decision.

The last case was also a Reconsideration Denial, when it also should have been a Reconsideration Grant and Remand Order based on new evidence. The new evidence was a medical report from the treating physician alleging contribution of several substances. The Reconsideration Denial determined that the physician's report was not well-rationalized. The treating physician did not have a copy of the Industrial Hygienist's report. The reviewer stated that it is unfair to dismiss the treating physician's opinion without remanding for additional development.

**Other Significant Findings:**

<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Tracy Smart; Greg Knapp; Anthony Zona; Cyril Pratt; Alison Supanich; Keiran Gorny; Kristina Green; Angela Eaddy; Hang Tung; Sarah Friedman	June 12, 2019

## AR-1

### Accountability Review Findings

Dates of Review: July 22, 2019 – July 26, 2019

Office Reviewed: Final Adjudication Branch (Jacksonville)

Review Period: May 1, 2018 – April 30, 2019

<b>Standard:</b>	Category #4: 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	99%
Acceptable rating:	90%
Overall Category Rating:	99%

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

Element 1 is ratable for FAB National Office claims only.

For Element 2: Three errors were identified within this element. Each error resulted because either the docket number, transcript comment period, and/or notice that a transcript would be forthcoming was missing from the transcript. These omissions errors did not affect claimant benefits.

#### Other Significant Findings:

N/A

AR TEAM REVIEWER(s):	DATE:
Karoline Anders, Marek Brustad, William Elsenbrock, Sarah Friedman, Matthew Fowler, Robert Garcia, Curtis Johnson, Aaron Warren, Anthony Zona	July 31, 2019

## AR-1

### Accountability Review Findings

Dates of Review: July 22, 2019 – July 26, 2019

Office Reviewed: Final Adjudication Branch (Jacksonville)

Review Period: May 1, 2018 – April 30, 2019

<b>Standard:</b>	Category #5: Addressing Claimant Objections  Element #1: Addressing Claimant Objections
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Number of cases reviewed	41
Rating for Element #1	94%
Acceptable rating:	90%
Overall Category Rating:	94%

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

A total of seven errors were identified in this category, spread across three cases.

One of these cases involved a final decision that was not in the file and therefore, could not be reviewed. This accounted for three errors.

The second multiple error case involves a final decision that did not appropriately address the claimant's objection regarding technetium exposure. The decision writer noted that technetium exposure could not be confirmed. However, the decision should have stated that the employee's dose reconstruction report referenced technetium exposure and made the assumption that the employee was chronically exposed to technetium and those intakes were included in the dose reconstruction.

The third multiple error case involves a final decision that addressed the claimant's objection letter which stated he was objecting to the decision under Part B. (The RD had denied the claim under Part B and Part E based on probability of causation results and no link to toxic exposure in SEM. The CE/HR called the claimant to clarify the objection letter, and the claimant stated that he meant to include Part B and Part E in his objection letter. In this phone call, the CE/HR told the claimant that his objection would be addressed under both Part B and Part E. In the final

decision "Objections" section, only Part E was specifically mentioned and addressed. However, the decision as a whole did address both Part B and Part E.

Although the objections in two of the multiple error cases were not accurately addressed, this did not affect the overall outcome of the case.

<b>Other Significant Findings:</b>
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N/A

<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Karoline Anders, Marek Brustad, William Elsenbrock, Sarah Friedman, Matthew Fowler, Robert Garcia, Curtis Johnson, Debra Teitenberg, Aaron Warren, Anthony Zona	July 31, 2019

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### Accountability Review Findings

Dates of Review: July 22, 2019 – July 26, 2019

Office Reviewed: Final Adjudication Branch (Jacksonville)

Review Period: May 1, 2018 – April 30, 2019

<b>Standard:</b>	Category #6: 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	98%
Rating for Element #2	94%
Rating for Element #3	98%
Acceptable rating:	90%
Overall Category Rating:	98%

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

For Element 1, only one case had an error. The waiver filing date was incorrectly based on received date versus postmark date.

For Element 2, there was only one error. The Hearings Status Date incorrectly identified the date the hearing transcript was received.

For Element 3, four errors were discovered. The first error was a failure to enter SEF coding on the case. Two other errors were based on selection of incorrect denial reasons. The final error for the element was based on incorrect medical status effective date.

<b>Other Significant Findings:</b>
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N/A

<b>AR TEAM REVIEWER(s):</b>	<b>DATE:</b>
Matthew Fowler, Anthony Zona, Aaron Warren, Marek Brustad, William Elsenbrock, Robert Garcia, Debra Teitenberg, Curtis Johnson, Angela Eaddy, Hang Tung, Sarah Friedman	July 31, 2019