

AR-1

Accountability Review Findings

Dates of Review: July 13, 2020 – July 17, 2020

Office Reviewed: Jacksonville Final Adjudication Branch (FAB)

Review Period: May 1, 2019 – April 30, 2020

Standard:	Category 1: FAB Decisions Element 1: Decision Correspondence; Final Decision Introduction; Written Quality Element 2: Final Decision – Statement of the Case Element 3: Final Decision – Findings of Fact Element 4: Final Decision – Conclusions of Law
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Number of Cases Reviewed:	51
Element #1:	97%
Element #2:	95%
Element #3:	96%
Element #4:	96%
Acceptable Rating:	90%
Rating for Review:	96%

Describe 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. The Jacksonville FAB performed well in this category, scoring 96%. The review team identified a total of 18 errors occurring in six specific cases.

For Element 1, which assesses decision correspondence, the FD introduction, and the overall written quality of the FD, the review team identified six total errors, four of which were from one case in which the FD was not bronzed into the Office of Workers' Compensation Imaging System (OIS.) The review team identified two additional cases that contained errors under Element 1, one involving a discrepancy between the cover letter and FD regarding what conditions were being accepted, the other an FD that included a medical benefits letter that excluded the ICD-10 codes for the accepted conditions.

With regard to Element 2, assessing the Statement of the Case (SOC), four errors were identified. Two of those four resulted from the FD that was not bronzed into OIS referenced above. One FD that denied Parts B and E claims for sarcoidosis incorrectly stated that a positive beryllium lymphocyte proliferation test (BeLPT) was needed to show “findings of beryllium exposure,” when exposure to beryllium should have been presumed based on the verified employment at Rocky Flats and that was not the reason why a BeLPT was needed. The lone remaining deficiency within Element 2 pertained to a FD that failed to address inconsistencies between exposures confirmed by the Industrial Hygienist (IH) and those referenced by the physician in his causation opinion.

For Element 3, regarding Findings of Fact (FOF), four total errors were identified. Two of these again resulted from the same case where the FD was not included in OIS. One of the remaining errors under this element pertained to a FD in which the FOF omitted pertinent claim information; specifically that, the employee worked for an aggregate of at least 250 workdays at the Portsmouth GDP, was monitored for radiation, was diagnosed with a specified cancer, or a member of the SEC. The other pertained to insufficient FOF in the case previously mentioned, in which the employee’s exposure to beryllium should have been presumed based on the verified employment at Rocky Flats.

Finally, in Element 4, reviewing Conclusions of Law (COL), four errors were found. Two again resulted from the case in which the FD was not input into OIS. The final two errors under this element pertained to the same case referenced previously in which the FD failed to address inconsistencies between exposures confirmed by the IH and those referenced by the physician.

Overall, the majority of FDs issued by the Jacksonville FAB were well written and came to the appropriate conclusion.

REVIEWER(s):	DATE:
Curtis Johnson, Hang Tung, Rodney Alston, Teresa Barrington, Mathew Fowler, David Howell, Greg Knapp, Paula Rangoon, Michon Owens, Sandra Vicens-Pecenka, Charles Hseih, Jill Mortimer	July 17, 2020

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Standard:	Category 2: Remands Element 1: Remands
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Number of Cases Reviewed:	44
Acceptable Rating:	90%
Rating for Review:	99%

Describe Findings:

The results of the review revealed that the Jacksonville FAB performed extremely well in this category. Of the 44 cases reviewed, the review team identified three total deficiencies within this category.

The review team noted one case in which the cover letter incorrectly stated that the claim was being remanded under both Parts B and E, but the remand only pertained to Part B. Another cover letter was noted to have an incorrect address. The final error noted under this category pertained to a case that was remanded because the recommended decision (RD) was returned as undeliverable. However, this is not the proper procedure for handling an undeliverable RD, as FAB should have administratively closed the claim.

Overall, the Jacksonville FAB exceeded the acceptable rating in this category, with a score of 99%.

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Curtis Johnson, Hang Tung, Rodney Alston, Teresa Barrington, Mathew Fowler, David Howell, Greg Knapp, Paula Rangoon, Michon Owens, Sandra Vicens-Pecenka, Charles Hseih, Jill Mortimer	July 17, 2020

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Review Period: May 1, 2019 – April 30, 2020

Standard:	Category 3: Reconsiderations Element 1: Reconsiderations
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Number of Cases Reviewed:	41
Acceptable Rating:	90%
Rating for Review:	98%

Describe Findings:

The results of our review revealed that the Jacksonville FAB performed extremely well in this category. Of the 41 cases reviewed, the review team identified three total deficiencies.

The three deficiencies noted by the review team included a reconsideration which referenced an incorrect final decision (FD) date, a case in which evidence that would have change the outcome of the claim was not taken into consideration or addressed in the denial of reconsideration, and a decision that failed to explain that there is no basis for an objection to the denial of a condition which had not been denied, because it was pending further development.

Overall, the Jacksonville FAB exceeded the acceptable rating in this category, with a score of 98%.

REVIEWER(s):	DATE:
Curtis Johnson, Hang Tung, Rodney Alston, Teresa Barrington, Mathew Fowler, David Howell, Greg Knapp, Paula Rangoon, Michon Owens, Sandra Vicens-Pecenka, Charles Hseih, Jill Mortimer	July 17, 2020

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Accountability Review Findings

Dates of Review: July 27, 2020 – July 31, 2020

Office Reviewed: Jacksonville Final Adjudication Branch (FAJ)

Review Period: May 1, 2019 – April 30, 2020

Standard:	Category 4: Response to Hearing Requests Element 1: Hearing Pre-Scheduling Element 2: Hearings
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Number of cases reviewed	41
Rating for Element 1	N/A
Rating for Element 2	99%
Acceptable rating:	90%
Overall Category Rating:	99%

Summarize Category (or Element) Findings:
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Overall, Jacksonville FAB performed exceptionally well in this category.

Element 1 is ratable for the National Office FAB only.

For Element 2, the reviewers identified two cases with deficiencies.

With regard to the first case with an error, the claimant objected to the offset for State Workers Compensation (SWC) hearing loss stating that he received payment for occupational hearing loss and that this type of hearing loss differs from solvent-based hearing loss. The claimant did not submit SWC documents showing that these were different conditions and the physician opined that there was noise related and chemical induced hearing loss, but no probative medical evidence supported the ability to differentiate or diagnose this bilateral sensorineural hearing loss. The hearing representative accepted that assertion without any evidence from the claimant that his accepted State Workers Compensation differed from the one for which he received SWC benefits. The reviewer found that the case was in posture for a remand develop the potential connection between SWC benefits received for hearing loss and those for which he claimed under the Energy Employee’s Occupational Illness Compensation Program Act (EEOICPA).

In the second case, the hearing representative did not explain the causation standard and allowed the claimant to provide long and irrelevant testimony that veered away from the purpose of the hearing.

AR TEAM REVIEWER(s):	DATE:
Jennifer Pouliot, Eric Newton, Sarah Friedman, Tonya Fields, Betty-Jo Fortune, Jessica Lanier, Lynda Brandal, Robert Garcia, Lawrence Ricci, Jennifer Madrid, Susan Kellner, Kristina Green	July 31, 2020

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Accountability Review Findings

Dates of Review: July 27, 2020 – July 31, 2020

Office Reviewed: Jacksonville Final Adjudication Branch (FAJ)

Review Period: May 1, 2019 – April 30, 2020

Standard:	Category 5: Addressing Claimant Objections Element 1: Addressing Claimant Objections
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Number of cases reviewed	41
Rating for Element 1	97%
Acceptable rating:	90%
Overall Category Rating:	97%

Summarize Category (or Element) Findings:

In this category, the review team considered the hearing representative’s effectiveness in addressing claimant objections in the final decision. Overall, the final decisions clearly summarized objections and addressed them fully in the Objection section of the final decision. However, the reviewer found three errors in separate cases. All errors resulted from final decisions that either did not fully summarize objections or did not fully address all objections.

In the two cases where the reviewers found that, the FAB did not fully summarize the objections of the claimant. The objections were not relevant to the outcome of the case; however, the HR should have still summarized the objections and provided the claimant with an explanation as to why it did not change the outcome of the final decision.

For example, in one case, the employee posed an objection due to the incompleteness of Site Exposure Matrix (SEM) and the Statement of Accepted Facts having incorrect information. However, the reviewer found that FAB did not discuss this objection in the final decision. Instead, the HR simply stated that there was a letter of objection and that the claimant provided no additional evidence for consideration.

In another case, the claimant posed two objections regarding the completeness of SEM and the accuracy of the information provided to the IH and CMC. However, the HR failed to fully address each objection.

With regard to the third case, the hearing representative did not adequately respond to the employee's objection regarding the CMC impairment report. The employee submitted an objection with updated medical evidence and race indicator information, which the CMC stated would be useful in the report. However, the HR did not take further action with regard to development. Instead, the HR denied the claim on the basis that the claimant did not submit new medical evidence of additional impairment.

AR TEAM REVIEWER(s):	DATE:
Jessica Lanier, Eric Newton, Sarah Friedman, Tonya Fields, Betty-Jo Fortune, Lynda Brandal, Robert Garcia, Lawrence Ricci, Jennifer Madrid, Jennifer Pouliot, Susan Kellner, Kristina Green	July 31, 2020

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Dates of Review: July 27, 2020 – July 31, 2020

Office Reviewed: Jacksonville Final Adjudication Branch (FAJ)

Review Period: May 1, 2019 – April 30, 2020

Standard:	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	52
Rating for Element 1	95%
Rating for Element 2	88%
Rating for Element 3	97%
Acceptable rating:	90%
Overall Category Rating:	96%

Summarize Category (or Element) Findings:

Overall, the Jacksonville FAB did very well with their ECS coding. We reviewed three elements as part of our review.

For Element 1, regarding Recording the Claimant’s Response, the two errors identified pertain to cases when a hearing was requested, the OIS submission date was used for the File Date in ECS instead of the earlier file date documented in OIS (postmark date and CMR received date).

In Element 2, regarding Coding RWR or Hearings, the reviewers identified two errors. These include one case which had a different transcript received date in ECS and OIS. The second case did not have the hearing transcript sent date recorded in ECS.

For Element 3, Recording FAB Determinations, the reviewers identified five errors. In two cases, ECS reflected the coding Deny - Medical Information Insufficient. However, in both cases where the denial was due to a negative causal link between the condition and toxic substance exposure, the correct denial reason should have been a Negative Causation Result.

Other errors include one case missing the offset amount in the benefits allocation screen in ECS. This case also needed to have the offset included in the medical condition status to absorb the surplus amount and was referred to FAB Ops for corrective action.

Finally, the reviewers found that in one case the reversal to accept was coded properly in ECS. More specifically, the CE did not check the reversal checkbox.

AR TEAM REVIEWER(s):	DATE:
Eric Newton, Sarah Friedman, Tonya Fields, Betty-Jo Fortune, Jessica Lanier, Lynda Brandal, Robert Garcia, Lawrence Ricci, Jennifer Madrid, Jennifer Pouliot, Susan Kellner, Kristina Green	July 31, 2020