

## AR-1

### Accountability Review Findings

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

Office Reviewed: Seattle Final Adjudication Branch (FAB)

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

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Standard:	<b>Category 1: FAB Decisions</b>  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:	98%
Element #2:	94%
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 Seattle FAB performed well in this category, scoring 96%.

For Element 1, which assesses decision correspondence, the FD introduction, and the overall written quality of the FD, the review team identified one trend, in that four cases were noted in which the FD did not include the required EE-17A attachments. There was also one finding where the denial of wage-loss, which was part of the FD, was not mentioned in the cover letter.

With regard to Element 2, assessing the Statement of the Case (SOC), deficiencies included the use of legal and/or Procedure Manual (PM) citations in this section rather than within the Conclusions of Law (COL); missing information about an existing offset; incorrect employment dates; and an FD missing survivor information required to establish the definition of covered child under Part E.

In Element 3, regarding Findings of Fact (FOF), four errors were identified. These included incorrect employment dates; vague findings regarding State Workers' Compensation (SWC) settlements, SWC worksheets not being included in the file; a Part E denial in which there was no discussion of the child's age at the time of the employee's death; and an FD that listed the definition of a covered employee, and inappropriately included "vendors" as part of the description, which is not part of the legal definition for an employee with cancer.

Finally, in regard to Element 4, reviewing COL, the four errors identified pertained to cases previously outlined above; one regarding the FD that did not properly discuss the age required to establish the definition of covered child under Part E; the lack of detailed information to establish an offset; and the misleading statement adding "vendors" to the legal definition of covered employee.

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

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

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Standard:	<b>Category 2: Remands</b> Element 1: Remands
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Number of Cases Reviewed:	45
Acceptable Rating:	90%
Rating for Review:	98%

#### **Describe Findings:**

The results of our review revealed that the Seattle FAB performed extremely well in this category. Of the 45 cases reviewed, the review team identified three total deficiencies within two cases reviewed under this category.

One case was noted by the review team in which the cover letter contained an incorrect address. The additional two errors identified under this category pertained to one case, in which the employee claimed gastroesophageal reflux disorder (GERD) as a consequential condition resulting from asthma. The claim was remanded based on medical evidence stating that the underlying GERD, diagnosed years before the onset of asthma, was a factor that aggravated the claimant's asthma. As such, while there is a relationship between GERD and asthma, it is incorrect to state that GERD is consequential to asthma. PM Exhibit 23-1 lists GERD as a potential consequential condition related to steroid use in CBD patients, but does not address the condition in the context of asthma. The case contained no evidence that the GERD was related to steroid treatment. Accordingly, the team found this case to be deficient in that the remand did not contain sufficient justification for such action, and did not clearly communicate the appropriate interpretive analysis applied in reaching the decision to return the case to the district office for additional development.

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

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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, Kathryn McIntyre, Wendell Perez-Lugo	July 17, 2020

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<b>Standard:</b>	<b>Category 3: Reconsiderations</b> Element 1: Reconsiderations
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Number of Cases Reviewed:	41
Acceptable Rating:	90%
Rating for Review:	99%

**Describe Findings:**

The results of our review revealed that the Seattle FAB performed extremely well in this category. Of the 41 cases reviewed, the review team identified only one deficiency. This deficiency noted by the review team pertained to a case in which the final decision (FD) denied a claim for neuropathy, and the claimant subsequently submitted scientific articles regarding toxic substance exposure linked to neuropathy. The review team found that the basis of the denial of reconsideration was insufficient in that it failed to address the peer-reviewed scientific literature.

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

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## AR-1 Accountability Review Findings

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

Office Reviewed: Seattle Final Adjudication Branch (FAS)

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

<b>Standard:</b>	<b>Category 4: Response to Hearing Requests</b>
	Element 1: Hearing Pre-Scheduling Element 2: Hearings

Number of cases reviewed	39
Rating for Element 1	N/A
Rating for Element 2	99%
Acceptable rating:	90%
Overall Category Rating:	99%

<b>Summarize Category (or Element) Findings:</b>
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Overall, the Seattle FAB performed exceptionally well in this category.

Element 1 is ratable for FAB National Office cases only.

For Element 2, the reviewers identified two cases with deficiencies. In both cases, the reviewer found that the hearing representative swore in the attorney representing the claimant. However, the DEEOIC Procedure Manual outlines that that an attorney must not be sworn in since they only present arguments, objections or evidence but not testimony (Procedure Manual, Chapter 25.8.b).

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

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<b>Standard:</b>	<b>Category 5: Addressing Claimant Objections</b>  Element 1: Addressing Claimant Objections
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Number of cases reviewed	41
Rating for Element 1	100%
Acceptable rating:	90%
Overall Category Rating:	100%

<b>Summarize Category (or Element) Findings:</b>
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In this category, the review team considered the hearing representative’s effectiveness in addressing claimant objections in the final decision.

The results of our review revealed that the Seattle FAB performed exceedingly well in this category. Of the 41 cases reviewed, the review team identified no errors in this category, for a score of 100%.

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<b>Standard:</b>	<b>Category 6: ECS Coding</b>  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	39
Rating for Element 1	95%
Rating for Element 2	100%
Rating for Element 3	100%
Acceptable rating:	90%
Overall Category Rating:	99%

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

Overall, the Seattle FAB did exceptionally well with ECS coding. We reviewed three elements as part of our review.

In Element 1, Recording the Claimant’s Response, two errors were found. In both cases, the date of the filed waiver was in correct. In first case, the file date should have been the date stamp for when the Resource Center received the waiver. In the second case, the reviewer identified that the waiver was filed on the same day that the recommended decision was issued, it was recorded in ECS as a day later.

Under Element 2, Coding RWR or Hearings, there were no errors found.

Under Element 3, Recording FAB Determinations, there were no errors found.

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Kim Wadley, Sarah Friedman, Tonya Fields, Betty-Jo Fortune, Jessica Lanier, Lynda Brandal, Robert Garcia, Eric Newton, Carolina Harris, Jennifer Pouliot, Susan Kellner, Kristina Green	July 31, 2020