## APPENDIX B: AGENCY'S RESPONSE TO THE REPORT

U.S. Department of Labor   Office of Workers' Compensation Programs
                                      Washington, DC 20210

MEMORANDUM FOR: Carolyn R. Hantz
                     Assistant Inspector General

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FROM: Christopher Godfrey   email=godfrey.christopher@dol.gov, c=US
                     Director, Office of Workers' Compensation Programs
                                      Date: 2024.04.26 10:52:03 -04'00'

SUBJECT: Office of Workers' Compensation Programs'
                     Response to the Office of the Inspector General's
                     Audit of the Office of Workers' Compensation
                     Programs' Division of Energy Employees
                     Occupational Illness Compensation's (DEEOIC)
                     Efforts to Ensure Claims Followed Appropriate
                     Guidelines

Date: April 26, 2024

The Office of Workers' Compensation (OWCP) has received the Office of Inspector General (OIG) Draft Report No. 09-24-00X-04-437, "OWCP Did Not Use Complete Information to Track and Publicly Report Timeliness of Energy Claims Decisions" for review and response addressing the recommendations.

This Draft Report makes a total of five new recommendations, which are outlined below along with our responses:

1. **Recommendation:** Formally establish and implement performance metrics and goals related to claims processing, which track the process from start to finish, to include remand time for those claims not sent to the National Institute for Occupational Safety and Health and/or did not have a hearing held.

   Management Response: OWCP agrees with this recommendation and will revise our existing Ops Plan Additional Goal 2a metric (Average number of days to issue a final decision) to include remand time.

   It should be noted that in their assessment of our timeliness, despite examples OWCP provided, the OIG did not take into account that this metric has historically included time where claimants requested closure on their claims, which can span years. This continued assessment skewed the ultimate findings regarding the Program's timeliness. The Program is currently working on ways to toll program processing times when a claimant requests closure.

   The estimated delivery date for this corrective action is September 30, 2024. Rachel Pond, DEEOIC's Director, will be responsible for this recommendation.

2. **Recommendation:** Regularly assess progress toward meeting performance metrics and goals related to claims processing, which track the process from start to finish, and publicly report results.

Management Response: OWCP agrees with this recommendation. Program leadership will continue to regularly assess progress towards meeting performance metrics and goals related to claim processing by meeting quarterly to monitor performance and address any goal that is below target. We currently have a full series of internal metrics (operational plan and Agency Management Plan) and reports that the Program uses to track every claim from start to finish. This series of reports allows the program to track the status of the claims adjudication process on a daily through current fiscal year basis. We have continuously refined our logic to accurately reflect all the paths and status of a claim, ensuring we have visibility of all claims moving through the process as they are being worked.

The OIG's focus within the report has been to look back over several years to find a start-to-finish average across all claims, for new claimants to use as a gauge for the time it would take to process their claim. Due to the uniqueness of each claimant's situation, we provide information to claimants via webinars and outreach events; resource centers; a public facing website page that includes infographics, journey maps and fact sheets; and development letters that let each claimant know status and expectations relating to their claim(s).

The program will review and update, if necessary, our externally published performance metrics and goals to ensure that the public is provided a clear and transparent depiction of our claims processing timeliness. The estimated delivery date for the review will be no later than January 31, 2025. Rachel Pond, DEEOIC's Director, will be responsible for this recommendation.

3. **Recommendation:** Establish criteria to determine which quality assurance recommendations require action and should be tracked.

   Management Response: OWCP agrees with this recommendation and will draft standard operating procedures (SOPs) that establish the criteria for those quality assurance recommendations which require action and how those actions will be tracked. The program will also work with the Office of the Chief Information Officer to implement a mechanism within the Accountability Review Tracking System (ARTS) to appropriately track and report on these actions. The development of the SOPs should be completed by September 30, 2024. The estimated delivery date for the implementation of the ARTS mechanism is March 31, 2025. Rachel Pond, DEEOIC's Director, will be responsible for this recommendation.

4. **Recommendation:** Regularly update the quality assurance recommendation tracker with the status and action taken on all recommendations.

   Management Response: OWCP agrees with this recommendation and will resolve any outstanding recommendations in the quality assurance recommendation tracker and will amend its SOPs to clarify that the recommendation tracker will be updated on a quarterly basis by the quality assurance team. The estimated delivery date for

these corrective actions is September 30, 2024. Rachel Pond, DEEOIC's Director, will be responsible for this recommendation.

5. **Recommendation:** Implement standard operating procedures to standardize the supervisory review process and include tracking and evaluating aggregate errors identified during reviews and ensure appropriate corrective actions are taken.

   Management Response: OWCP agrees with this recommendation and will track and evaluate aggregate errors identified during monthly sampling reviews. The SOP will be amended to provide instruction on evaluating quality development errors and documenting corrective actions taken. The interim solution will be to track the errors and any corrective documentation in SharePoint with a long-term plan to move this feature into ARTS. The estimated delivery date for the SOP and tracking through SharePoint will be effective May 31, 2024. The estimated delivery date for the implementation of the ARTS mechanism is March 31, 2025. Christy Long, DEEOIC's National Administrator for Field Operations, will be responsible for this recommendation.