

OMHA Case Processing Manual

Chapter 19 CLOSING THE CASE

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19.0 Chapter overview

(Issued: 05-25-18, Effective: 05-25-18)

Timely notice of the disposition and closing of a case, in compliance with applicable laws and policy, is important to ensure that effectuation of a decision, or other necessary actions, can be undertaken by the parties, CMS, CMS contractors, plans, SSA, or the Council. Receipt of the disposition package also governs the timing for parties to file an appeal, and for the Council to initiate a review of a case on its own motion. In addition, the timely transfer of the administrative record helps ensure effectuation can occur, SSA, CMS, or CMS contractors can prepare agency referrals, and the record can be transitioned to storage. This chapter provides guidance on the multi-step process for timely and correctly closing a case.

Caution: When taking the actions described in this chapter, ensure that all PII, PHI, and Federal Tax Information is secured and only disclosed to authorized individuals (internally, those who need to know).

19.1 Closing the case, generally

(Issued: 05-25-18, Effective: 05-25-18)

19.1.1 How do we close a case when an OMHA adjudicator issues a disposition?

When an adjudicator issues a disposition, closing the case involves five major steps:

1. Assembling the disposition package (*see* OCPM 19.2);
2. Performing a quality assurance check (*see* OCPM 19.3);
3. Uploading the disposition package (*see* OCPM 19.4);
4. Mailing the disposition package (*see* OCPM 19.5); and
5. Shipping the case file (*see* OCPM 19.6).

19.1.2 When and how do we close a case without a disposition from an OMHA adjudicator?

When an adjudicator does not issue a disposition, closing the case involves an abbreviated process. OMHA may close a case without issuing a disposition under the following circumstances:

- The case is escalated to the Council;¹

<p><i>Note:</i> Escalation is only available in cases appealing Part A or Part B QIC reconsiderations.</p>
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- The case is removed to the Council;²
- The DAB review entity has certified that a party meets the requirements for Expedited Access to Judicial Review (EAJR);³
- The Council issued a remand order for OMHA to furnish missing evidence or information, and OMHA is able to respond by furnishing the requested information without issuing a new disposition;⁴ or
- The case is resolved through an OMHA special initiative.

¹ See 42 C.F.R. § 405.1016(e), (f).

² See 42 C.F.R. §§ 405.1050, 423.2050.

³ See 42 C.F.R. §§ 405.990, 423.1990.

⁴ See 42 C.F.R. §§ 405.1126, 423.2126.

Example: The Council may remand a case to the ALJ because the hearing recording in the administrative record is nonfunctional or incomplete. In this situation, the Council may give the ALJ instructions to either return the administrative record to the Council with a complete and functioning copy of the hearing recording, or conduct a new hearing. If OMHA is able to furnish a complete and functional hearing recording, the case can be closed without a new disposition and returned to the Council.

Due to the time-sensitive nature of these cases, they are closed using the following expedited process:

1. Place the request or removal order, and any related notices or correspondence, on top of the administrative record;

Note: If the file was exhibited prior to the request to escalate, notice of removal to the Council, or EAJR certification, updating the index of the administrative record is not required.

2. Complete the Shipping Cover Sheet (OMHA-203) and affix it to the case file folder (*see* OCPM 19.6.2). If there are multiple folders, the Shipping Cover Sheet is affixed to the first file;
3. Ship the case to the DAB using the methods described in OCPM 19.6.3; and
4. Enter the required data in the case processing system to close the case.

Note: Requests for escalation to the Council, orders of removal to the Council, and EAJR requests, and all associated records (the case file and all materials filed with OMHA) must be sent to the DAB within 5 calendar days.

Send cases that are escalated or removed to the Council to:

Department of Health & Human Services
Departmental Appeals Board, MS 6127
Medicare Operations Division
Attn: Escalation Mailstop
330 Independence Ave., S.W.
Cohen Building, Room G-644
Washington, DC 20201

Send cases that are returned to the Council without a new disposition following a remand for missing information to:

Department of Health & Human Services
Departmental Appeals Board, MS 6127
Medicare Operations Division
330 Independence Ave., S.W.
Cohen Building, Room G-644
Washington, DC 20201

Send cases that are the subject of an EAJR request to:

Department of Health & Human Services
Departmental Appeals Board, MS 6127
Appellate Division
330 Independence Ave., S.W.
Cohen Building, Room G-644
Washington, DC 20201

19.2 Assembling the disposition package

(Issued: 05-25-18, Effective: 05-25-18)

19.2.1 What is a disposition package?

The disposition package includes the notice; a copy of the decision, dismissal, or remand order; any attachments listing beneficiaries or OMHA appeal numbers in multi-beneficiary cases; and enclosures, such as an index of the administrative record.

The disposition package, including the signed decision, dismissal, or remand order, is retained in the administrative record. Copies of the disposition package are sent to the parties and other recipients (see OCPM 19.5.2).

Note: The notice of decision, dismissal, or remand must identify all recipients to whom a copy of the notice was sent.

19.2.2 What documents are included in the disposition package?

The following documents must be included in the disposition package:

- The applicable notice; and
- The decision, dismissal, or remand order, including any attachments listing beneficiaries and/or OMHA appeal numbers in multi-beneficiary cases.

The following documents are enclosures that must be mailed with certain copies of the disposition package:

- The final index of the administrative record, if the case was exhibited;
- A Request for Review of Administrative Law Judge (ALJ) Medicare Decision/Dismissal form (Appeal Form DAB-101) must be included in the copies of the disposition package sent to the parties, but it is not sent to CMS contractors (even if they are parties to the appeal); and

Note: Do not include Appeal Form DAB-101 if there is no right to Council review (for example, remands and decisions on requests for review of a QIC's dismissal of a reconsideration request).

- A Notice of Nondiscrimination (OMHA-001) **must** be included with all copies of disposition packages sent to **beneficiaries or their representatives**.

19.2.3 Which notice should be used?

Use of the OMHA-approved notice that corresponds with the decision, dismissal, or remand order being issued is required.

For **decisions**, use one of the following:

- Notice of Decision (OMHA-1051)
- Notice of Decision on Request for Review of Dismissal (OMHA-150)

For **dismissals**, use one of the following:

- Notice of Dismissal (OMHA-1072)
- Notice of Dismissal of Request for Review of Dismissal (OMHA-171)

For **remands**, use one of the following:

- Notice of Remand (OMHA-1075)
- Notice of Remand on Request for Review of Dismissal (OMHA-176)

For **escalations**, use a Notice of Escalation (OMHA-385).

19.3 Performing a quality assurance check

(Issued: 05-25-18, Effective: 05-25-18)

19.3.1 When and why do we perform a quality assurance check?

A quality assurance check is performed **before** copying and mailing the disposition package to help ensure accuracy and consistency throughout the disposition. A thorough quality assurance check also helps to avoid having cases returned from the effectuating entities for clarifications (for example, AdQIC clarification requests).

19.3.2 What do we look for when performing a quality assurance check?

1. Compare the following case information in the notice, case caption, headers, and procedural history of the disposition document with the case information in the record and data in the case processing system to ensure there are no transcription errors:
 - OMHA appeal number;
 - Appellant name;
 - Beneficiary first initial and last name, if different from the appellant, and redacted Medicare number (HICN or MBI); and
 - Dates of service.
2. For **decisions**, compare how the outcome is characterized in the “Decision” summary information at the beginning of the decision and in the Conclusions of Law section to ensure they are consistent.

Example: For a fully favorable decision, ensure the Decision and the Conclusions of Law sections both indicate that the decision is fully favorable.

3. Verify that the disposition package contains the correct **notice** (that is, the notice that corresponds with the action taken).
4. If the case was **exhibited**, ensure that all exhibits in the final index of the administrative record are paginated and present in the file, and that the index of the administrative record is complete.

Note: Formal organization and exhibiting of the record is not always required.

5. Verify that the parties and their addresses are correct.
6. In **Part C and D cases**, ensure that a copy of the plan's **Evidence of Coverage** is in the file. In Part D cases, the **formulary** should also be in the file.
7. Ensure the record is free from any **self-adhesive notes** that may have been used in reviewing the case or conducting the hearing. These must be removed prior to closing and forwarding of the case file from OMHA.
8. Ensure that **work product and other deliberative documents** that should not be in the record are removed from the case file and retained in accordance with applicable OMHA policy.
9. Ensure any hearing or conference **audio recordings** (if a hearing or conference was held) are operational, appropriately labeled, and affixed to the file.
10. If a hearing or conference was held, ensure an electronic **backup copy of the audio recording** is labeled and stored on the appropriate hard drive in accordance with local procedures.
11. Ensure all documents that are part of the record are properly **affixed** (pronged) to the case file.

19.3.3 What if an inconsistency is found when performing a quality assurance check?

If any inconsistencies are found in the disposition documents or exhibits, make the necessary corrections. If you are unsure how to address an inconsistency, consult with the adjudicator for further guidance.

19.4 Uploading the disposition package to the case processing system

(Issued: 05-25-18, Effective: 05-25-18)

19.4.1 What needs to be uploaded to the case processing system?

Prior to closing a case, a copy of the notice and the signed decision, dismissal, or remand order must be scanned, saved as a **searchable** portable document format (**PDF**) file, and uploaded to the case processing system.

The decision, dismissal, or remand order uploaded to the case processing system must be identical to the version issued to the parties, including the adjudicator's hand-written signature and the issuance date. Enclosures that are only mailed with certain copies of the disposition package are not part of the administrative record and do not need to be uploaded. See OCPM 19.5.32.

Note: The following must all reflect the same date: the notice of decision, dismissal, or remand order; the decision letter mailed (DLM) date in the case processing system; and the date the disposition package is mailed. See OCPM 19.5.3.

19.4.2 What naming convention do we use when uploading documents to the case processing system?

The PDF file must be named using the full OMHA appeal number followed by the type of disposition. Amended decisions, dismissals, or remands will reflect the version number.

Example: 1-1234567890 Decision
1-1234567890 Dismissal
1-1234567890 Amended Decision1
1-1234567890 Amended Decision2

Note: If an adjudicator issues an amended decision, dismissal, or remand, a scanned copy of the signed amended decision, dismissal, or remand is also uploaded to the case processing system. The original uploaded document(s) must not be removed.

19.4.3 What if an adjudicator issued a consolidated decision?

Multiple OMHA appeal numbers

If an adjudicator issues a consolidated decision and record for multiple OMHA appeal numbers, but maintains **separate** OMHA appeal numbers and does not combine the cases in the case processing system, the disposition package must be uploaded to **each** individual OMHA appeal number. If the disposition package contains PII, only the PII for beneficiaries related to the individual OMHA appeal number may be uploaded for that case; all other PII must be redacted. This means that if there is PII for beneficiaries related to different appeal numbers, the decision package may need to be differently redacted with respect to each individual OMHA appeal number.

One OMHA appeal number

If an adjudicator issues a consolidated decision for multiple OMHA appeal numbers and **combines** the cases into one OMHA appeal number in the case processing system, the disposition package is uploaded to the combined OMHA appeal number only.

19.4.4 What additional steps are required to close the case in the case processing system?

1. Ensure that all required data entries have been completed;
2. Enter the DLM date; and
3. Close the case.

Note: When closing the case in the case processing system, the date of the notice of decision, dismissal, or remand, the DLM date, and the date the disposition package is mailed must all reflect the same date, in accordance with OCPM 19.5.3. The case files are shipped in accordance with OCPM 19.6.3.

19.5 Mailing the disposition package

(Issued: 05-25-18, Effective: 05-25-18)

19.5.1 How is the disposition package prepared for mailing?

When the case is closed in the case processing system, copies of the disposition package must be mailed to the recipients as identified in OCPM 19.5.2. The disposition packages are identified as ready to mail by placing them in a designated area in accordance with local procedures.

19.5.2 Who receives the disposition package for . . .

19.5.2.1 Decisions and recommended decisions on a request for hearing?

When an adjudicator issues a decision on a request for hearing, the disposition package is sent to all the parties, at their last known address, and the other individuals and entities below.⁵ This includes:

- The **appellant**, or appellant's representative, if applicable;

Note: If the appellant has a representative, a copy of the disposition package is sent to the representative. A separate copy of the disposition package is not sent to the appellant, except in **MSP** cases where the **beneficiary** is a party. In these cases, the disposition package must be sent to **both** the representative and the beneficiary.

- The appointed or authorized **representative of any other party** listed below, if the file contains a valid appointment of representative or written documentation to support that the individual is an authorized representative;
- The **beneficiary** or **beneficiary's estate** (if not also the appellant), *unless* the beneficiary assigned his or her appeal rights,⁶ or the appellant is an applicable plan in an MSP case;⁷

⁵ See 42 C.F.R. §§ 405.1046, 423.2046.

⁶ See 42 C.F.R. § 405.912.

⁷ See 42 C.F.R. § 405.906(a)(4).

Note: In overpayment cases involving multiple beneficiaries, where there is no beneficiary liability, the adjudicator may choose to send written notice only to the appellant.⁸

- The **provider or supplier**, if the provider or supplier is a party to the appeal;
- **CMS, or a CMS contractor**, when that entity is a **party** to the appeal;⁹
- The **entity that issued the reconsideration** (QIC, IRE, QIO, or SSA);
- The **Part D plan sponsor** that issued the coverage determination, if applicable; and
- Any other party to the appeal.

Example: A Medicaid State agency that filed a timely request for redetermination and made payment, or may be liable to make payment, for items or services furnished to a beneficiary who was enrolled to receive benefits under both Medicare and Medicaid, remains a party to all subsequent appeals after the redetermination, and thus, must receive a copy of the disposition package.¹⁰

19.5.2.2 Decisions on a request for review of a dismissal?

When an adjudicator issues a decision on a request for review of a dismissal, the disposition package is sent to all the parties that received a copy of the QIC's or IRE's dismissal, or their representatives, at their last known addresses.¹¹

19.5.2.3 Dismissals of a request for hearing or review?

When an adjudicator issues a dismissal of a request for hearing or review, the disposition package is sent to the appellant and to all the parties who were sent a copy of the request for hearing or review, or their representatives, at their last known addresses.¹² A copy is also sent to CMS or a contractor that is a party to the proceedings on a request for hearing.

⁸ 42 C.F.R. § 405.1046(a).

⁹ See 42 C.F.R. § 405.1012.

¹⁰ See 42 C.F.R. § 405.908.

¹¹ 42 C.F.R. §§ 405.1046(b), 423.2046(b).

¹² 42 C.F.R. §§ 405.1052(d), 423.2052(d).

19.5.2.4 Remands?

When an adjudicator issues a remand, the disposition package is sent to the appellant; to all the parties who were sent a copy of the request for hearing or review, or their representatives, at their last known addresses; and to CMS, a contractor, or a Part D plan sponsor that elected or was granted approval to be a participant in the proceedings or party to the hearing.¹³

19.5.3 When must the disposition package be mailed?

Disposition packages must be mailed to the recipients on the same date that appears on the notice of decision, dismissal, or remand, and the corresponding DLM date in the case processing system.

¹³ 42 C.F.R. §§ 405.1056(f), 423.2056(f).

19.6 Shipping the case file

(Issued: 05-25-18, Effective: 05-25-18)

19.6.1 How is the administrative record prepared for shipping?

The administrative record must be finalized before shipping it to the appropriate entity for further action, effectuation, and/or storage. The original disposition package must be hole-punched, placed on the top of the complete administrative record in the case file, and affixed (pronged) to the case file.

19.6.2 How is the case file prepared for shipping?

1. When the case is closed in the case processing system, the disposition package has been mailed to the appropriate recipients in accordance with OCPM 19.5.2, and the administrative record is finalized, the case file is prepared for shipment to the appropriate entity for further action, effectuation, and/or storage.
2. The Shipping Cover Sheet (OMHA-203) must be completed and affixed to the front of the case file folder. If there are multiple folders, the Shipping Cover Sheet is affixed to the first file. The coversheet must indicate:

- The type of case (for example, Part A or IRMMA);

Note: For QIO cases, the coversheet must include the name of the QIO.

- The case disposition;
 - Whether a hearing or conference recording is enclosed or, in the case of an on-the-record (OTR) decision, dismissal, or remand, whether a CD is required; and
 - The name of the adjudicator.
3. Case files must be identified as ready to ship by placing the files in a designated area in accordance with local procedures.

Note: Special handling and shipping procedures are required for IRMAA cases. Please follow local procedures for the handling and safeguarding of IRMAA cases when preparing files for shipment.

19.6.3 What methods may be used for shipping the case file?

Case files must be shipped via tracked mail and in accordance with local procedures. For example, local procedures may call for shipping via USPS, UPS, or another OMHA-approved service.

19.6.4 Where do we send the case file for . . .**19.6.4.1 Decisions and dismissals issued on cases arising from a Part A or B QIC reconsideration?**

If the case arose from a Part A or Part B QIC reconsideration, or was escalated from a QIC, and a decision or dismissal is issued, the case file is mailed to the AdQIC.

19.6.4.2 Remands to a Part A or Part B QIC?

If the case arose from a Part A or Part B QIC reconsideration or dismissal, and the disposition is a remand, the case file is mailed to the QIC that issued the reconsideration or dismissal.

Note: If the reconsideration was issued by a CMS contractor that no longer holds the contract for that jurisdiction, send the case file to the new contractor, or follow the guidance issued by CMS regarding where to send case files during the transition period.

Example: CMS issues guidance stating that, effective September 1, the QIC Part A West contract will begin transitioning from QIC A to QIC B, and that OMHA should continue sending remand orders and the administrative record to QIC A until November 30. Beginning December 1, all case files for remands of Part A West reconsiderations must be sent to QIC B.

19.6.4.3 Cases arising from a QIO reconsideration?

If the case arose from a QIO reconsideration, the case file is mailed to the QIO that issued the reconsideration.

19.6.4.4 Cases arising from a Part C IRE reconsideration?

If the case arose from a Part C IRE reconsideration, the case file is mailed to the IRE that issued the reconsideration.

19.6.4.5 Standard Part D cases?

The case file for a **standard Part D case** is mailed to the Part D IRE.

19.6.4.6 Expedited Part D cases?

When a **favorable** decision or **remand** is issued on an **expedited Part D case**, the case file is mailed to the Part D IRE.

When an **unfavorable** or **partially favorable** decision is issued on an **expedited Part D case**, the case file is mailed to the Council using OMHA-approved two-day shipping with tracking to the following address:

Department of Health & Human Services
Departmental Appeals Board, MS 6127
Medicare Operations Division
330 Independence Ave., S.W.
Cohen Building, Room G-644
Washington, DC 20201

19.6.4.7 Entitlement cases?

All decisions, dismissals, and remands of entitlement cases are mailed to the SSA/Southeastern Program Service Center (SEPSC), ATTN: Inquiries and Expediting. The address for the SEPSC is available on the current CMS Contractors and SSA Contact List, available on SharePoint.

19.6.4.8 IRMAA cases?

All decisions, dismissals, and remands of IRMAA cases are mailed to the SSA/ SEPSC, ATTN: IRMAA Appeals Unit. The address for the SEPSC is available on the current CMS Contractors and SSA Contact List, available on SharePoint.

19.6.5 How long do we have to ship the case file . . .

19.6.5.1 To the AdQIC, a Part A or B QIC, or the Part C IRE?

Case files sent to the AdQIC, a Part A or B QIC, or the Part C IRE must be shipped within 5 business days of the date on the notice of decision, dismissal, or remand, and the Decision Letter Mailed (DLM) date in the case processing system.

19.6.5.2 To a QIO or SSA?

Case files that are sent to a QIO or SSA must be shipped within 48 hours of the date on the notice of decision, dismissal, or remand, and DLM date in the case processing system.

19.6.5.3 To the Part D IRE?

For **standard Part D cases**, case files must be shipped to the Part D IRE within 48 hours of the date on the notice of decision, dismissal, or remand, and DLM date in the case processing system.

For **expedited Part D cases**, case files must be shipped to the Part D IRE or the Council, as appropriate (see OCPM 19.6.4.6) as soon as possible, but not later than 48 hours after the date on the notice of decision, dismissal, or remand, and DLM date in the case processing system.

Note: If the deadline for shipping the case file falls on a date that the OMHA field office is closed for business, such as a weekend or holiday, the deadline for mailing the case file is the next business day.

Example: An adjudicator issues a decision on Thursday, May 24 in a case that arose from a QIO reconsideration. The deadline for shipping the case to the QIO is 48 hours later, which falls on a Saturday, and the following Monday is a federal holiday. Because the deadline falls on a weekend, the deadline is the next available business day. In this example, the file must be shipped no later than close of business Tuesday, May 29.

19.6.6 How is the record of shipment documented?

Mailroom staff in each field office will generate a packing list, or “manifest,” that lists the OMHA appeal numbers of all of the cases contained in each box of a shipment. Mailroom staff will also note if a case involves multiple folders, or if the record for a single case is contained in multiple shipment boxes. The field office will maintain at least one copy of the packing list, and one copy will be included in the shipping box. The field office will also maintain tracking information for the shipment.

19.6.7 What quality assurance measures must be taken prior to shipment?

Before shipping the case files, perform the following quality assurance check:

1. The Shipping Cover Sheet (OMHA-203) (*see* OCPM 19.6.2) must be removed from the front of the case file and placed in the working file and retained in the field office in accordance with records management requirements;
2. Case files must have all documents pronged or otherwise affixed to the folder;
3. Rubber bands may be used in addition to prongs to help ensure documents do not become separated from folders or binders, as appropriate;
4. Case files must be properly secured in the box to ensure the integrity of the file contents during shipping;
5. The contents of the box must be verified against the packing list to ensure that the box contains all of the files listed, and no additional files or unlisted materials are present; and
6. Applicable weight restrictions for boxes must be followed and boxes must be securely taped (that is, double taped at all seams with standard packaging tape).

Note: Special handling and shipping procedures are required for IRMAA cases. Please follow local procedures for the handling and safeguarding of IRMAA cases when preparing files for shipment.

Revision history

Date	Description	Sections/subsections updated
05/25/2018	Initial release	N/A

If the table above indicates there are prior versions of this chapter, click [here](#) to view them.