

# EXHIBIT 1

TO: DDS \_\_\_\_ FROM: FO \_\_\_\_ DATE: \_\_\_\_\_

## Uneffectuated Medical Cessation

SSN: \_\_\_\_\_ BIC: \_\_\_\_\_

Beneficiary: \_\_\_\_\_

**This is an uneffectuated medical cessation (UMC) case. The DDS cessation determination was made prior to 01/01/06. Per DI 13015.265 and DI 28075.200, the cessation determination should be set aside and a new CDR determination made. Upon completion, return ALL completed CDRs to the FO (including “continuance” cases) with this flag on top of the folder (reverse the “To” and “From” annotations).**

**FO Contact:**

**CR Name** \_\_\_\_\_

**CR Phone Number** \_\_\_\_\_

## EXHIBIT 2

SSN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

NAME \_\_\_\_\_

The Disability Determination Services (DDS) issued a medical cessation determination in this case **prior to January 1, 2006**. Subsequently, an appeal was filed at either the DDS (reconsideration), HO (hearing) or Appeals Council (AC) level. However, due to administrative error(s), the appeal request/decision was:

- not sent to the appropriate office for processing; or,
- not sent when received; or,
- not effectuated at the time the decision was rendered.

Special processing instructions in DI 13015.265 provide that a new initial Continuing Disability Review (CDR) will be afforded the Uneffectuated Medical Cessation (UMC) cases for which the DDS made a cessation determination **prior to January 1, 2006** and an appeal was *not* filed. In this case, an appeal *was* filed and the following situation exists:

(Check appropriate box.)

☐ **Appeal filed, but not processed**

An appeal was filed, but too much time has passed to process the appeal without more recent medical and other relevant evidence being considered. Accordingly, the appeal will be consolidated with a new CDR. After the Agency completes the new CDR and issues a new or revised determination, the claimant will be given the opportunity to continue with an appeal.

By consolidating the appeal with a new CDR, all cases where the medical cessation determination was made before January 1, 2006 will be handled in the same manner. We will suspend all actions relating to the pending appeal and afford a new CDR. The new CDR determination will be applied prospectively, and any appeal will be made with respect to the new or revised determination.

☐ **Appeal processed – unfavorable decision not effectuated when rendered**

An appeal decision was rendered, but due to administrative error, was not effectuated at the time the decision was made. If effectuated at this time, the individual would be subject to a retroactive termination, which could result in a large overpayment assessment due to the agency delay in processing the appeal.

In the interest of preventing any adverse affect to **all** individuals in the UMC appeal group and handling all UMC cases in the same manner, the unfavorable appeal decision will not be processed; a new CDR will be afforded. The new CDR determination will be applied prospectively and the individual will be given the opportunity to appeal the new determination.