

Uneffectuated Medical Cessation --- Appeal

Disabled Individual: _____

SSN: _____

The DDS issued a medical cessation determination in this case **prior to January 01, 2006**. Subsequently, the disabled individual filed an appeal at the DDS (reconsideration), Office of Disability Administrative Review (ODAR), or Appeals Council (AC). However, due to administrative error(s), the FO did not send the appeal request/decision:

- To the appropriate office for processing, or
- Did not send it when received, or
- Did not effectuate the decision at the time it was made.

Special processing instructions in DI 13015.265 and DI 28075.200 provide that the FO will initiate a new initial continuing disability review (CDR) for the cessation determination DDS made prior to January 01, 2006 and the disabled individual did not file an appeal.

In this case, the individual did file an appeal and the following situation exists. Check the appropriate box.

☐ **Appeal filed but not processed.**

The individual filed an appeal but too much time has passed to process the appeal without more recent medical and other relevant evidence. Accordingly, we will consolidate the appeal with a new CDR. After the agency completes the new CDR and issues a new or revised determination, we will give the individual the opportunity to continue with an appeal.

By consolidating the appeal with a new CDR, we will handle all cases where we made the cessation determination before January 01, 2006. We will handle these cases in the same manner. We will suspend all actions relating to the pending appeal and make a new or revised CDR determination.

☐ **Appeal filed and processed.**

We made an appeal decision, but due to administrative error(s), did not effectuate it at the time. If we had effectuated the decision, the individual would be subject to a retroactive termination. This retroactive termination could result in a large overpayment assessment due to the agency delay in processing the appeal.

In the interest of preventing any adverse effect to all individuals in the UMC appeal group and handling all UMC cases in the same manner, we will not process the unfavorable appeal decision. We will make new CDR decision which we will give the individual the opportunity to appeal.