

L. Level Two Appeal Item Number Twelve (12)

Medical Supplementation submitted pursuant to Karol Johnson's adverse determination letter dated January 30, 2007 which requested "information that should be submitted includes but is not limited to office notes and test results....."

1. Dr. XXX supplemented the post denial of benefits on appeal record with a letter written in March, 2007 that is attached with the appeal.
2. Numerous medically accepted guidelines related to transportation to and from work, the Dictionary of Occupational Titles and "risk" from the manual *Disability Evaluation: Second Edition* –Demeter, Stephen, Anderson, Gunmar B.J. referenced by Dr. XXXX in his peer review report
3. The article *Characterizing the subjective, psychometer, and physiological effects of oral oxycodone in non-abusing volunteers* – James Zacny, Sandra Gutierrez (*Psychopharmacology*, 2003)
4. An MRI of Mr. XXXX's spine by Dr. XXXX MD that "reveals mild to moderate degenerative findings in the lumbar spine. Degenerative findings most pronounced at L4-5 where there is moderate spinal canal stenosis as well as moderate right foraminal stenosis." (Second submittal)
5. Office notes from Orthopedic Specialty Center (Second Submittal)
6. Office notes from Dr. XXXX -Chairman of Anesthesiology, XXXX Hospital. (Second submittal)
7. Office notes from Dr. XXXX and surgical notes from XXXX Surgical Center. (Second submittal)

Notably, Cigna did not provide Peer Review Physician Dr. XXXX with the above mentioned MRI noting spinal stenosis, office notes from XXXX or the office notes from Orthopedic Specialty Center. Apparently any medical information dated after Ms. XXXX's hasty denial of benefits that occurred coincident with Cigna learning of Mr. XXXX's spinal problems have been discarded by Cigna in contravention of ERISA "full and fair" review requirements.