

Energy Employees Occupational Illness Compensation Program



Overview of Parts B and E of the EEOICPA

Administration of the EEOICPA

- Part B (October 2000)
- Part E (October 2004)

- Agencies:
 - Department of Labor (DOL)
 - DOL's Division of Energy Employees Occupational Illness Compensation (DEEOIC) administers the EEOICPA

 - Department of Energy (DOE)
 - Department of Health and Human Services
 - National Institute for Occupational Safety and Health (NIOSH)

 - Department of Justice

DOL Program Leadership

- Secretary of Labor: Eugene Scalia
- Director of OWCP: Julia K. Hearthway
- Director of DEEOIC: Rachel P. Leiton
- DEEOIC District Directors:
 - Seattle: Joleen Smith
 - Denver: Ron Sanchez
 - Cleveland: Karen Spence
 - Jacksonville: Jim Bibeault

Employee Eligibility

Employed By	Part B	Part E
DOE Contractors and Subcontractors	Yes	Yes
DOE Federal Employees	Yes	No
AWE Employees	Yes	No
Beryllium Vendors	Yes	No
RECA	Yes	Yes

Covered Conditions

Condition	Part B	Part E
CBD	Yes	Yes
Beryllium Sensitivity	Medical Monitoring Only	Yes
Chronic Silicosis	Yes	Yes
Cancer	Yes	Yes
Any condition related to toxic exposure	No	Yes

Survivor Definition

Type	Part B	Part E
Spouse at time of death	Yes	Yes
Children - under age 18; under age 23 if full-time student; or any age if medically incapable of self-support	Yes	Yes
Adult Children	Yes	No

Benefits

Part B	Part E
\$150,000 Employee + Survivor	Impairment \$2,500 per % (Employee)
\$50,000 RECA Employee + Survivor	Wage Loss \$10,000 - \$15,000 per year (Employee)
	\$125,000 Survivor (+ lump-sum Wage Loss if eligible)
\$400,000 CAP for B+E combined	

Means of Verifying Employment

- **DOE**
 - EE-5 Employment Verification Form
- **Oak Ridge Institute for Science and Education (ORISE)**
- **The Center for Construction Research and Training (CPWR)**
- **Corporate Verifiers**
- **SSA wage data**
- **Other Sources**
 - Including affidavits and records or documents created by state and federal agencies

Part B: Dose Reconstruction & Probability of Causation

- **Part B Cancer Cases and Dose Reconstruction**
 - Conducted by NIOSH
 - Level and extent of occupational radiation dose
- **Probability of Causation (PoC)**
 - Scientific calculation of likelihood that radiation exposure caused cancer
 - NIOSH-IREP
 - PoC - 50% or greater for award

Part B: Special Exposure Cohort

- **Worker Group Designation**
 - Presumption – occupational radiation caused cancer
- **Employment**
 - Worked particular location or specific process
 - Work day requirement – 250 work days
- **“Specified” Cancer**
 - 22 cancers named in law

- **Employees determined to be part of a designated SEC class with a “specified cancer” do not need a NIOSH dose reconstruction**

Part B: Adding New SEC Classes

- Four legislated SEC classes – 3 Gaseous Diffusion Plants, plus Amchitka
- NIOSH also designates new SEC classes
 - Worker Petition or Agency Decision
 - Advisory Board Assistance
- DOL adjudicates SEC cases
 - No role in designation

Part E: Causation

- Claims developed for exposure to toxic substances
- Causation: “At least as likely as not” that exposure to a toxic substance at a covered facility during a covered period was a significant factor in aggravating, contributing to, or causing the claimed illness
- Tools:
 - Occupational History Questionnaire (OHQ)
 - Site Exposure Matrices (SEM)
 - DAR records
 - Former Worker Medical Screening Program (FWP) work history interviews
 - The Center for Construction Research & Training (CPWR)
 - DOE Physician Panel Findings
 - Other Sources: Affidavits/facility records

Site Exposure Matrices (SEM) Website

- Repository of information regarding toxic substances present at DOE and RECA Section 5 facilities
- Information gathered from a variety of sources
- Expansion completed in January 2011
- Also contains information regarding scientifically established links between certain toxic substances and certain illnesses
- Available at <http://www.sem.dol.gov>

Part E: Employee Impairment

- **Determination of % permanent whole person impairment due to covered illness**
 - **AMA's Guides to the Evaluation of Permanent Impairment, 5th Edition**
 - **\$2,500 awarded for each % of impairment**

Part E: Employee Wage Loss

- Medical evidence must show decreased capacity to work
- Employee Compensation:
 - Any year <50% of the pre-disability annual wage = \$15,000 compensation
 - Any year > 50% but <75% of the pre-disability annual wage = \$10,000 compensation

Decision & Appeals Process

- **Recommended Decision - District Office**
 - Preliminary determination
 - Cover letter, decision, and rights to object (oral hearing/review of written record)
- **Final Decision – Final Adjudication Branch (FAB)**
 - Affirmation of recommendation or remand based on objection/ independent review
 - Appeal Rights – Reconsideration, Reopening & District Court

Claimant Responsibilities

- File Claim
- Collect/Copy/Submit relevant records
- Respond to information requests
- Talk to co-workers – get affidavits
- Seek assistance if you need help – call Resource Center
- Review decision and information for appeal

Claimant Resources

- **11 Resource Centers Nationwide**
 - Listing of locations available at <http://www.dol.gov/owcp/energy>
 - Or call toll free at (866) 888-3322 for nearest Resource Center location
- **DEEOIC web site:**
 - <http://www.dol.gov/owcp/energy/>
 - General program information
 - SEM website
 - Forms and Sample Decisions

Resource Center Jurisdictional Map



Resource Centers			
■ Oak Ridge	■ Denver	■ Las Vegas	■ Hanford
■ Portsmouth	■ Idaho	■ Espanola	■ California
■ New York	■ Paducah	■ Savannah River	