

# EEOICP

The Energy Employees Occupational Illness Compensation Program

## Developing Claims

### Part 2



**U.S. Department of Labor  
Office of Workers' Compensation Programs  
Division of Energy Employees Occupational Illness Compensation**



## Tips for Navigating through this Training

Each training page has embedded links to help you navigate through this training. Additionally, you may review the associated procedure manual or a list of DEEOIC acronyms.

- Procedure Manual tab

Procedure Manual

- Acronym tab

Acronyms

- Home tab - returns you to the beginning of training module



- Exit tab



- Next tab



- Previous page tab



- Page number

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Also, links to documents and web pages (hyperlinks) are denoted with blue underlines.



## Exposure Development for Part E Cases





## What we will cover in this Section

- What is a toxic substance
- What is toxic exposure
- Tools to help establish toxic exposure
- Using the Site Exposure Matrices (SEM) tool
- Using a Document Acquisition Request (DAR)
- Using a Occupational History Questionnaire
- Using the Former Worker Program (FWP) Building Trades Screening Program
- Reviewing physician panel reports
- Reviewing DOE site profiles
- Using other probative evidence
- Referring cases to the DEEOIC industrial hygienist (IH), toxicologist, or health physicist (HP)





## Introduction to Establishing Exposure

As discussed in the Overview Session, for acceptance under Part E the employee must have been exposed to a toxic substance or substances while working during a covered time period as a contractor or subcontractor employee at a covered [DOE](#) or [RECA](#) Section 5 facility; and that exposure must have caused, contributed, or aggravated an accepted condition. In this session we will discuss the process and tools you will use to develop Part E claims for exposure to toxic substances.





## Some Acronyms

CE – Claims Examiner

DAR – Document Acquisition Request

DOE – Department of Energy

DMC – District Medical Consultant

FWP – Former Worker Program

IH – Industrial Hygienist

NIOSH – National Institute for Occupational Safety & Health

OHQ – Occupational History Questionnaire

POC – Probability of Causation

RECA - Radiation Exposure Compensation Act

SEM – Site Exposure Matrices

**Please note: for more acronyms refer to the acronym button at the top of each page.**



## Toxic Substances

Our regulations (20 [C.F.R.](#) § 30.5(ii)) define a toxic substance as any material that has the potential to cause illness or death because of its radioactive, chemical, or biological nature.

Toxic substances include chemicals (i.e. gases, pesticides, machining fluids), metals (i.e. lead, chromium, cobalt, beryllium), mineral dusts (i.e. silica, calcium fluoride), dusts/fibers (i.e. asbestos, wood, cement), solvents (i.e. acetone, benzene, carbon disulfide), and welding/soldering fumes. (Click on each substance below.)

Chemical



Metal



Fibers



Dust



Solvents



Fumes



## How Exposure Occurs

Employees can be exposed to a toxic substance by inhalation (breathing), absorption (through the skin, eyes, or mucous membranes), ingestion, and injection (e.g., being cut with contaminated material). Exposure is a function of the route (how exposed), the duration (how long), and the frequency (how often).



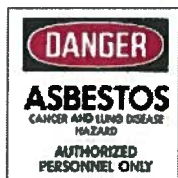


## The Dose Makes the Poison

Exposure by itself is not enough to establish causation. It is the dose that makes the poison.

You must investigate the following:

- What are the specific characteristics of the toxin (radioactive, chemical or biological nature)?
- How was the employee exposed? (inhalation, absorption, ingestion, or injection)
- What is the extent of exposure? how often, how much and how long?

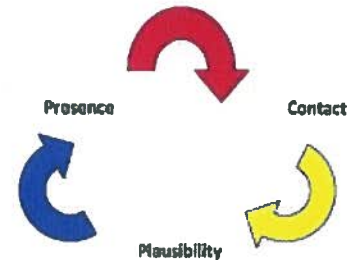


**causation**



## Tools to Establish Exposure

There are a variety of tools to determine the presence of and contact with a toxic substance. These include SEM, DAR, OHQ, employee records, verified affidavits, DOE FWP/Building Trades Screening Programs, Physician Panel reports, DOE Site Profiles, and other **probative** evidence that establishes a toxic substance was present at a facility where the employee worked.



**Plausibility** -Exposure to a toxic substance can be established by the submission of probative documentation that shows such substance was present at the facility where the employee worked, that there was a reasonable likelihood for employee exposure, and that the employee came into contact with such substance.

Next we will look at the tools to establish exposure.



## What is the Site Exposure Matrices (SEM)

The Site Exposure Matrices (SEM) is a database *tool* used to assist in the evaluation of [causation](#) in light of the evidence as a whole. SEM's purpose is two-fold. 1) a database that details many toxic substances present at a given facility 2) a database that describes relationship between specific toxic substances and a covered illness. SEM does not contain all the information for every covered facility or site.

SEM is based on the following sources:

- DOE assessment & technical reports based on new information from DOE program offices and site investigations
- National Institute of Health's [Haz-Map](#) chemical database (as evaluated by the [SEM Team](#))
- Industrial Hygiene databases (SAX & Hawley's) and other technical databases on the web or available through subscription
- NIOSH [Site Profiles](#)
- [FWP](#) Needs Assessments, worker roundtables & evidence submitted by the public

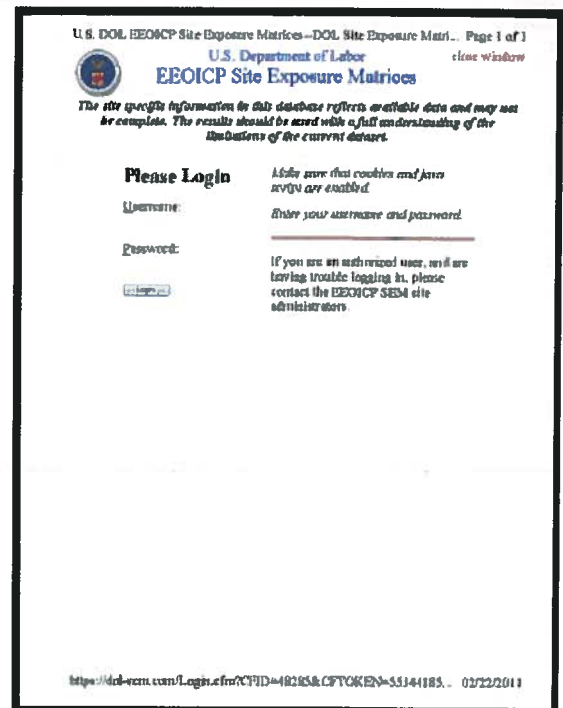
SEM is continually updated as information becomes available.



## What does SEM do?

SEM establishes *potential* exposures by identifying causative agents.

**SEM** consists of essentially two matrices: universal searches and searches specific to the site. Universal searches consist of searches for toxic substances and their physical and chemical properties. Searches specific to the individual site include a review of buildings, processes, labor categories, incidents, and exposure factors consisting of safety controls, risk factors, and time frames.



## Base Your Search on Available Information

You should base your search in SEM on available information. You may search SEM based on:

- health effects (a universal search will identify whether the condition is potentially related to occupational exposures)
- labor category (be aware of potential overlap; i.e., pipefitters vs. welders)
- work processes/building/area (useful when the employee's labor category is not reported in SEM)
- any combination that best reflects the most employee favorable exposures

Note: SEM is not a stand-alone tool and **should not** be used as the basis for denying claims.



## Production vs. Construction Worker Searches

In SEM, [production](#) and [construction](#) workers have some of the same job names and/or job descriptions. In most circumstances, a production worker worked for the DOE facility and/or a contractor. However, construction workers at a DOE facility were often times subcontracted employees.

For example, production workers are searched by facility and construction workers will be searched by a combination of generic construction searches (to identify hazards common to the craft without regard to facility) and facility-specific searches.



## Other Sources of Information to Aid your SEM Search

The EE-3, OHQ, and DAR responses are often excellent sources of information regarding job titles, job descriptions, work locations, specific exposures, and facility incidents.

Occasionally, depending on the time period, industrial hygiene monitoring data may be available and this information can be used to facilitate SEM searches.

## SEM Security

Although SEM contains unclassified information, the site has restricted access. Initially, the DOL released a public access version of SEM through the DOL website that provided information relating specific illnesses to specific toxic substances and did not identify the location of the toxic substance at the facility or any information regarding labor categories, processes, etc.



## Expanded Public SEM Site

In May 2010, the DOL began releasing a greatly enhanced version of its Site Exposure Matrices website. The new version contains more data and provides additional ways to look for information regarding toxic substances at U.S. Department of Energy nuclear weapons facilities covered under Part E of the EEOICPA. This greatly enhanced SEM allows users to more easily identify interrelationships among DOE buildings, work processes, labor categories and exposure to toxic substances. This more robust version of the SEM was made public as a result of an Energy Department decision to release the more detailed information on 116 Energy Department weapons facilities, as well as for all uranium mines, mills and ore buying stations and is available online at <http://www.sem.dol.gov>.



## SEM Identifies Illnesses Known to Originate from Occupational Exposures

Remember, SEM identifies illnesses currently known to originate from occupational exposures. The absence of a condition in a universal SEM search just means that it has not been profiled yet or may still be under investigation by the SEM team. The absence of a condition in a facility-specific SEM search does not necessarily eliminate the possibility, in some cases, that the agent in question was not present. If warranted by the OHQ and other available information, additional investigation may be necessary (i.e., discussion and/or referral to a DOL industrial hygienist).

## Use the Totality of Evidence

Information in SEM can sometimes be used in conjunction with other supporting case file evidence to approve a claim. Data from SEM is interpreted to mean that a worker had a potential for exposure to a toxic substance. Review the information yielded from DAR responses, DOE FWP records searches, and the OHQ to hone the SEM search.

However, SEM is never to be used as the sole basis for a denial!

## Coding SEM Searches

The first time a SEM search is conducted, code in ECMS "SM" (Status Code for "Site Exposure Matrices Searched") with a status effective date equal to the date printed on the bottom of the search.

Claim Status	
claim status cd	SM
claim status desc	SITE EXPOSURE MATRIX SEARCHED
claim status dt	02/04/2008 2:16:14 PM
reason cd	

Transaction Information	
orig user nm	LMELENDE
orig dt	02/12/2008 2:16:17 PM
updt user nm	
updt dt	

If additional searches are conducted, you do not have to use any additional coding in SEM UNLESS there is new information that changes the outcome of the case or SEM is consulted to develop causation for another claimed condition.

## Update SEM Search before Issuing a Recommended Decision

You must conduct a new SEM search before issuing a recommended decision to ensure and verify that no new information has become available since the last search. If no new information is reported, place an entry into ECMS Notes that indicates that a follow-up search was conducted and that no new evidence has been added to SEM that will change the outcome of the decision.

**IMPORTANT NOTE:** FAB can remand on the basis of SEM revealing new information, if the information HAS THE POTENTIAL TO CHANGE THE OUTCOME OF THE CLAIM.



## Where Are We In Establishing Exposure?

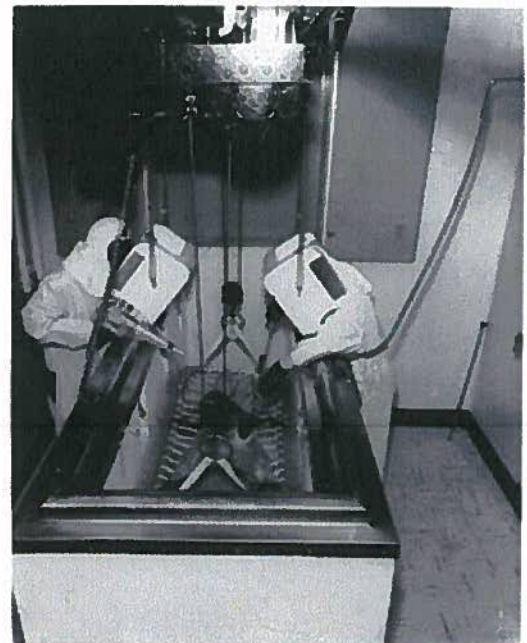
In terms of establishing exposure, we will now discuss establishing the presence, contact, and plausibility of exposure using a **Document Acquisition Request**, a tool used to establish exposure.





## Document Acquisition Request

To obtain work records of an employee from the DOE, you will use a Document Acquisition Request ([DAR](#)). Information contained in DAR records may vary from site to site. The DOE response typically consists of a myriad of documents, including radiological dose records, incident or accident reports, industrial hygiene or safety records, pay and salary records, job descriptions, medical records, and/or other records.



## Old Part D Claims

If the claim was originally filed under Part D (older claims), remember to check the share drive FIRST (all FOUR folders)!!!! [Z:\Policies and Procedures\Employment Verification Information\ DAR Records](#). Since a large number of claims were partially deferred in prior adjudications, you may have to go to the Shared Drive to review these records.



Check the file carefully! Some DAR [responses](#) may be small and easily overlooked. DAR responses typically include forms that identify what records were provided or that no records were found (“NRF”).



## DOE Response

DOE has 90 days to respond to requests for information or documents under Part E (20 C.F.R. § 30.303(a), published 12/29/2006, effective 02/27/2007). When requesting DAR information from a corporate verifier, do **NOT** include a DAR questionnaire.





## Radiological Dose Records

These documents are radiation exposure records based on readings from dosimetry badges or similar personal recording devices. They are generally taken at regular intervals during the employee's work. However, radiological dose records can be material to other *non-cancerous*

illnesses (i.e. aplastic anemia, cataracts, acute radiation sickness). If a cancer was previously claimed, the NIOSH CD may have useful information regarding dose for the non-cancer conditions. If the dose records were not previously requested, now is the time to do so for these non-cancerous conditions which may be related to radiological exposures.

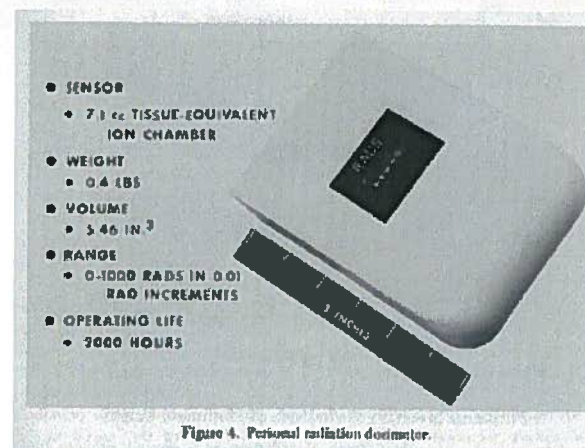


Figure 4. Personal radiation dosimeter.



## Incident or Accident Reports

Abnormal incidents or large plant accidental substance releases affecting the employee are documented in these types of documents.

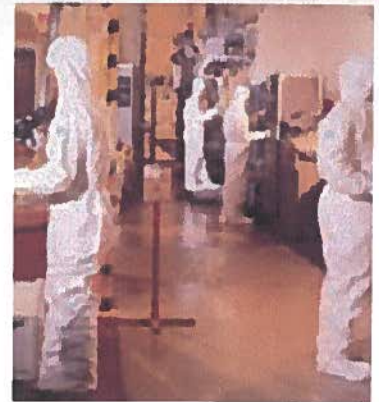
These reports might contain specific details (*including building locations!!*) about the incident, who was exposed, and what substances the worker was exposed to (chemicals, radioactive substances, certain biological hazards, etc.).

Sometimes those reports may not name those involved, but should be treated as a part of the employee's exposure and work records.



## Industrial Hygiene/Safety Records

Documents in these categories could contain periodic inspection reports for health and safety reasons. Industrial hygiene and safety records can encompass a number of forms. These can range from formal exposure monitoring records (substance monitored and exposure measured, work location and duties, protective equipment worn) to copies of urinalysis results, descriptions of toxic substance releases or complaints of possible exposure (smells, leaks, rashes, etc.). For a number of sites, industrial hygiene records (exposure monitoring, respirator fit testing, medical monitoring data, etc.) might only be found in a worker's site medical records.





## If There are No Industrial Hygiene Records in DAR

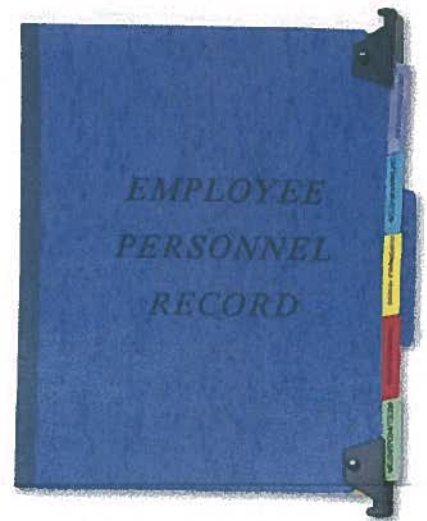
Consider the completeness of the DAR. If no industrial hygiene (IH) records are available, it is possible that the employee was in a labor category where monitoring was determined not to be necessary, or the potential exposures were comparatively low. However, the possibility also exists that records were destroyed.

If the condition is not known to originate from occupational exposures, and there is no evidence to suggest IH monitoring, and there is no underlying condition that could be related to exposures that impact the claimed condition, further development may be unnecessary. However, a condition known to be linked to occupational exposures (SEM), even if such exposures are not documented, could warrant a referral to an IH which will be addressed later. If peer-reviewed studies are provided by a claimant, linking a condition with a specific toxin not in SEM, a toxicology referral should be made.



## Pay and Salary Records

DAR documents may include an employee's pay, salary, any workers' compensation claims, and other documents affecting the employee's wages. Examples of records from the DOE database could include, but are not limited to, official personnel files of contractor employees, contractor job classifications, employee awards files, notification of personnel actions, classification appraisals, wage survey files, and unemployment compensation records. These records can also reflect site-to-site transfers that can be particularly useful when the claimant does not list an additional work site.



Note: These records will be particularly useful in wage-loss claims.

## Job Descriptions

Job descriptions identify the various employment positions at the plant and the duties required to perform the job. Job descriptions might be found throughout an employee's DAR and may note in which building or part of a site the employee worked. Job descriptions may change due to a change in job title (temporary or longer term), reassignment to another building or facility, renaming of job categories, change of employer, etc. Some changes in job descriptions will be found on time cards; others may be found by reviewing medical, radiation, IH, and other records.





## Medical Records

DAR records sometimes contain personal medical histories of when the employee visited the plant infirmary (i.e. Health Unit Control Files, Employee Medical Folder, etc.). These might consist of dispensary records, pre and post-employment and annual physical exams, auditory and visual screenings, occupational x-ray records, and local hospital records submitted to the plant physician. These records often contain building locations. Be careful to ensure that the building location is the work location of the employee, not the infirmary location.





## Other

This category is reserved for any other documentation necessary on a claim specific basis which does not fit into any of the other six categories.

An example is if you need site specific information; i.e., whether a particular toxic substance was present at a particular facility (remember if the answer is yes, we need to notify the SEM POC so SEM may be updated).

## Requesting a DAR

You will request a DAR during initial development after reviewing the OHQ and simultaneously with FWP development.

Submit your DAR request to the appropriate contact person pulled from the [DAR Point of Contact List \(POC\)](#) housed on the shared drive.



## Coding for DAR Document Acquisition Request

When submitting a request for DAR, enter into ECMS "ES" (Status Code for "Employment Verification Sent") with reason code to indicate location/DAR and status effective date equal to the date on the DAR request.

Claim Status	
claim status cd	EMPLOYMENT VER SENT TO DOE
claim status dt	08/23/2005 2:32:54 PM
reason cd	SAD - Savannah River Operations Office (DAF)
Transaction Information	
orig user nm	prebelo
orig dt	08/23/2005 2:33:01 PM
updt user nm	LMELENDE
updt dt	06/15/2007 1:44:09 PM

When DAR information is received from DOE, enter into ECMS an "ER" (Status Code for "Employment Verification Received") with reason code to indicate location/DAR and status effective code equal to the date received in the DO.

Claim Status	
claim status cd	EMPLOYMENT VER RECD FROM DOE
claim status dt	11/28/2005 1:44:13 PM
reason cd	SAD - Savannah River Operations Office (DAF)
dist office cd	JAC
dev type	



## Coding DAR Follow-Ups

When you conduct a [follow-up to a DAR request](#) enter into ECMS, “DE” (Status Code for “Developing Employment”) with a reason code of “DAR” (and not “DE” as is done in a follow-up to a DOE request. Status effective date for this request in ECMS is equal to the date on the letter to the DOE.

The screenshot shows the ECMS software interface for entering a claim status. The window title is "ECMS J (\_2.0.0) jdraper.scm at JAC - [Claim Status History(insert)]". The menu bar includes File, Edit, Inquiry, Functions, Compensation, Controls, Reports, Window, and Help. The main area is titled "PART E" and contains a form with the following fields:

- Claim Status:**
  - claim status cd: DE (dropdown)
  - claim status desc: DEVELOPING EMPLOYMENT
  - claim status dt: 02/16/2008 8:43:07 AM
  - dist office cd: JAC (dropdown)
  - reason cd: DAR - Document Acquisition Request (dropdown)
  - dev type: (empty)
- Transaction Information:**
  - orig user nm: (empty)
  - orig dt: (empty)
  - updt user nm: (empty)
  - updt dt: (empty)

Buttons for "Close", "Save", and "Cancel" are visible at the top left of the form area. The text "250-78-1838 EM" and "ADD" are also present in the header area of the form.

## Where Are We In Establishing Exposure?

The next tool in establishing presence, contact and plausibility for exposure is the use of an Occupational History Questionnaire (OHQ) or use of verified affidavits.





## Occupational History Questionnaire

The Occupational History Questionnaire (OHQ) is data obtained by the resource center staff documenting workplace exposure. The OHQ gives the employee or survivor an opportunity to discuss the employee's work and health history. The purpose of the questionnaire is to obtain specific information about health history, work locations (including buildings and areas), job titles, the type of work they performed and what toxic substances they were exposed to (including significant exposure events), and whether or not they wore protective equipment or clothing, etc. The OHQ must be evaluated in context with all of the other evidence in the file. Here is a link to the OHQ form:

[OHQ for DOE Facility](#)



## When OHQ's are conducted

In new cases, if appropriate, the resource center will conduct this interview at the time of the filing of the claim. In older cases, before you make the assignment to the [RC](#) to conduct the OHQ, be certain that it is necessary. If a review of the [DAR](#) and [SEM](#) allows for a positive finding, a OHQ is not necessary. If the DAR and SEM review yields insufficient information, proceed with the OHQ referral. The referral must be in writing with a Form [EE-1/2](#) and [EE-3](#) attached and must be approved by a supervisor or Sr. CE. Additionally, you can request that specific information be addressed during the OHQ. For example, if you are looking for a specific exposure, you may request that the OHQ ask about the presence, contact with, and duration of exposure to a specific toxic substance.

## Close out OHQ in ECMS if OHQ not Completed

Policy directs that you must “close out” the OHQ assignment (or follow-up or rework) by coding the DO-OH if the RC attempted to complete the OHQ, but was unsuccessful because the claimant could not be reached or refused to complete it. The status effective date is the date of the RC memo to the DO explaining why the OHQ could not be completed.





## Coding RC Assignments

In cases when an Occupational History Questionnaire (OHQ) request was not completed and one is needed, enter into ECMS an "RC" (Status Code for "Resource Center" with a drop-down reason code of "AS" (Status Code for "Assignment") with a status effective date equal to the date of the request. Upon receipt of the OHQ, enter into ECMS, a "DO" (Status Code for "Developing Other") with a reason code of "OH" (Status Code for "Occupational History") and status effective date equal to the date received in the DO.

Claim Status			
claim status cd	RC	claim status desc	RESOURCE CENTER
claim status dt	02/16/2008 8:53:40 AM	dist office cd	JAC
reason cd	AS - ASSIGNMENT	dev type	

Claim Status			
claim status cd	DO	claim status desc	DEVELOPMENT - OTHER (NOT MEDICAL OR EMPLOYMENT)
claim status dt	02/16/2008 9:05:37 AM	dist office cd	JAC
reason cd	OH - OCCUPATIONAL HISTORY	dev type	





## Coding Follow-up RC Assignments

Upon review of a completed OHQ, the district office may determine that additional information is required and request that the RC conduct a follow-up interview. Follow-up assignments are made directly by the CE to the RC manager with an accompanying memo outlining the instructions regarding the development needed. When you request the OHQ follow-up, enter into ECMS "RC" (Status Code for "Resource Center") with a drop-down reason code of "FW" (Status Code for "Follow-Up") with a status effective date equal to the date of the request.

Claim Status			
claim status cd	RC	claim status desc	RESOURCE CENTER
claim status dt	02/26/2008 6:07:36 AM	dist office cd	JAC
reason cd	FW - FOLLOW UP	dev type	
Transaction Information			
orig user nm		orig dt	
updt user nm		updt dt	



## Coding RC Rework Assignments

Upon review of a completed OHQ, the DO may identify an error that requires remedy as a rework of the questionnaire. Reworks must be approved by a Sr. CE and are forwarded to the RC manager by the district office district director with an accompanying memo outlining the deficiency found and the required remedy. When a rework is requested, enter into ECMS "RC" (Status Code for "Resource Center") with a drop-down code of "RW" (Status Code for "Rework") with a status effective code equal to the date of the request.

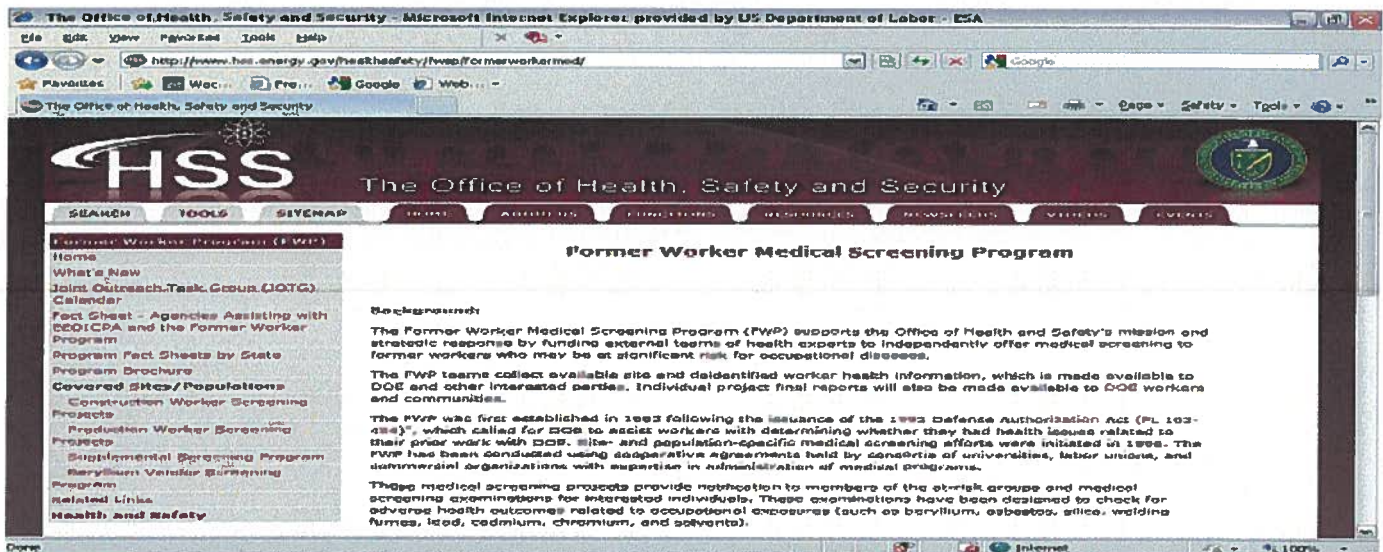
Claim Status			
claim status cd	RC	claim status desc	RESOURCE CENTER
claim status dt	02/26/2008 6:07:36 AM	dist office cd	JAC
reason cd	RK - REWORK	dev type	
Transaction Information			
orig user nm		orig dt	
updt user nm		updt dt	





## Where Are We In Establishing Exposure?

The next tool in establishing presence, contact and plausibility for exposure are the DOE Former Worker Program (FWP)/Building Trades Screening Programs.





## FWP Screening Profiles

The Former Worker Program (FWP) is an ongoing program (established in 1994, implemented in 1996), designed to evaluate the effects of occupational exposures (i.e. beryllium, asbestos, silica) on the health of DOE workers. The Form EE-3 has a box for the claimant to check if the employee participated in the program. These records contain employment, medical, and exposure information. When we are aware that the employee participated in an FWP, we must attempt to obtain the records, if they are not already located on the Shared Drive at <Z:\Part E\Former Worker Program>. The surveillance programs test individuals to screen for certain illnesses, but the findings do not necessarily constitute a diagnosis, unless the specific test result is accompanied by a physician's interpretation (i.e. BeS established by a BeLPT).

## Using Exposure Data from FWP

Exposure information obtained from FWP work history interviews prior to the enactment of the EEOICPA, October 2000, is considered factual. This information is often similar to the information provided in the OHQ, but may be more contemporaneous. However, exposure information obtained after October 2000 should be used only when corroborated by other evidence that supports the claimed exposure (i.e., DAR information, SEM). See Chapter PM 2-0300 for a full discussion on how to obtain and evaluate these records.



## Coding FWP Requests for Records

When you request records from the FWP, enter into ECMS an "SF" (Status Code for "Records Request Sent to FWP") with a status effective date equal to the date on the request.

claim status cd	SF	claim status desc	RECORDS REQUEST SENT TO FORMER WORKER PROGRAM
claim status dt	02/19/2008 2:44:47 PM	dist office cd	JAC
reason cd		dev type	
Transaction Information:			
orig user nm		orig dt	
updt user nm		updt dt	



## Coding FWP Receipt of Records

When you receive the records from the FWP, enter into ECMS an “RF” (Status Code for “Records Request Received from FWP” with a status effective date equal to the date received in the DO.

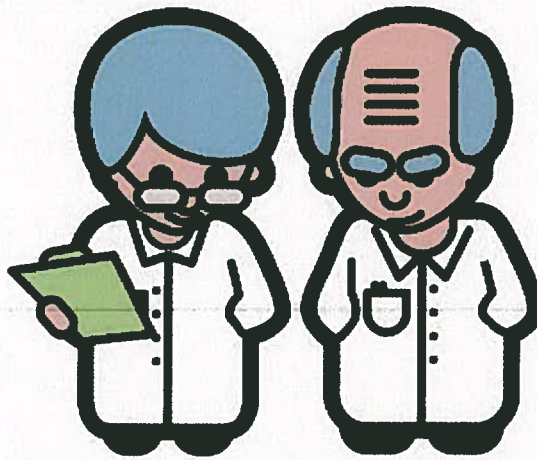
Claim Status			
claim status cd	RF	claim status desc	RESPONSE RECEIVED FROM FORMER WORKER PROGRAM
claim status dt	02/19/2008 2:45:51 PM	dist office cd	JAC
reason cd		dev type	
Transaction Information:			
orig user nm		orig dt	
updt user nm		updt dt	





## Where Are We In Establishing Exposure?

The next tool to be used in establishing presence, contact and plausibility for exposure is the Physician Panel.





## Physician Panels (old Part D file)

DOE physician panels can be an excellent source of medical, employment, and exposure information. Only those findings officially approved by DOE (*i.e.*, claimant's positive physician panel letter signed by a DOE official) are given full credence when evaluating for causation. Negative and unofficial physician panel reports, however, can contain valuable information that need to be considered in the totality of the evidence.



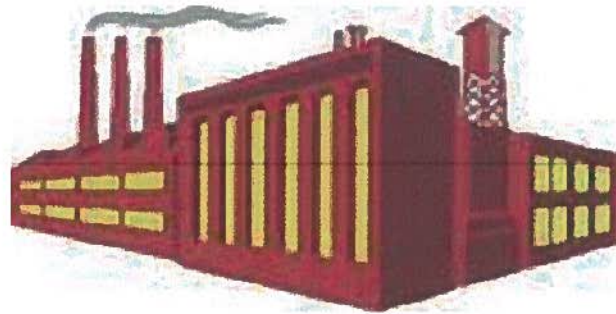
## Caution

If the employee died after a positive physician panel report was issued, use caution. If the panel accepted a condition which does not appear on the death certificate, additional development is warranted. Request medical records that are contemporaneous with the time of the employee's death and consider either a DMC or a treating physician review.

**Positive**

## Where Are We In Establishing Exposure?

The next tool used in establishing presence, contact and plausibility in exposure is the DOE Site Profiles.



## DOE Site Profiles

Much of the data in SEM is derived from these profiles which were prepared by the DOE. The DOE site profiles include information about the presence of toxic substances, processes, labor categories, safety controls, risk factors, and timeframes.

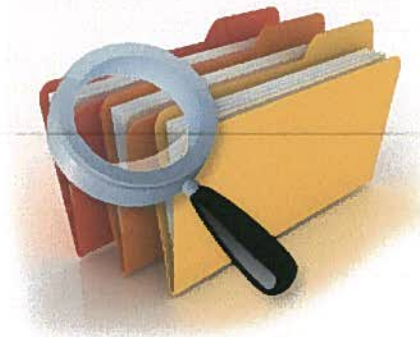
## Other Profile Tools

Along with the profiles are the “Needs Assessment Summaries” prepared under the Former Worker Medical Surveillance Program for production workers and construction workers. Other helpful information can be found in the NIOSH Site Profiles (cumulative report) and Environmental Safety & Health Practices.



## Where Are We In Establishing Exposure?

The last tool in establishing presence, contact and plausibility for toxic exposure is other ***probative*** evidence.



## Other Probative Evidence

Other probative evidence might include anecdotal employee letters, newspaper articles, facility newsletters, performance evaluations, affidavits, and photographs. Co-worker affidavits tend to be more probative than those from spouses or family members, unless the spouse or family member worked with the employee.

Probative evidence does not, however, include information pulled from unauthorized Internet sites and vague medical or exposure literature.





## Further Evaluation

Sometimes the determination of presence and contact requires further evaluation. Here are examples:

- the condition is related to a particular toxic substance, and the toxic substance is reported at the facility, but the available resources do not establish that the employee's labor category would have sustained an exposure
- the claimant provides evidence that a *synergistic or additive effect* occurred between radiation and chemical exposures, between different types of chemicals, or between chemicals and noise, resulting in cancer or some other illness
- the claimant provides evidence that an illness is *causally related* to an exposure *not* supported by the SEM

In each of these instances, a referral to one of the National Office "specialists" would be initiated.

## National Office Specialists Roles

The National Office Specialists that review claims for exposure include two health physicists (HP), an industrial hygienist (IH), and a toxicologist. Specifically,

- the industrial hygienist (IH) assists with determining the type, duration, and route of exposure and with interpreting incident and monitoring records
- the HP addresses synergistic/additive effects
- the toxicologist evaluates health effects and mechanisms of toxic substances. In other words, the toxicologist helps establish a connection between a claimed condition and an exposure

The function of the National Office specialist is to assist in making all of these determinations, but not to address the link between the exposure and whether it was a significant factor in causing, contributing to, or aggravating the employee's illness or death.

## Referrals to the National Office

Prior to a referral, you must exhaust all reasonable exposure development using the tools and guidance previously discussed. Submit a referral to a supervisor for review/approval. Thereafter, you will submit the referral to the National Office through the Health Services Program Analyst (Jewel Pearson) via email. The HSPA will determine to which specialist the referral will be directed. The district director needs to be copied on all referrals submitted to the National Office.



## Information Necessary for IH Referrals

When making a referral to the IH, include the following information:

- personal data (employee's full name, date of birth, date of death, if applicable, and social security number);
- verified periods of employment, including the facility, timelines, and work locations
- job descriptions – be as detailed as possible (i.e., for a welder, try to determine the types of welding material and equipment used and the processes involved);
- duties/tasks – details regarding the job (did the employee do more surface preparation than actual welding);
- personal protective equipment (PPE) – address whether the records reflect that the employee wore PPE (this may indicate the presence of a hazard and suggest a degree of exposure)

## Additional Necessary Information for IH Referral

On the IH referrals, also include:

- diagnosed medical conditions (with ICD-9 codes)
- covered employment exposure data (culled from all sources previously described)
- and any other pertinent exposure data

All of this information is necessary for the IH to evaluate the potential route of exposure, frequency, and duration of exposure.



## Specific Types of Questions to ask NO Specialists

Referrals to the NO specialists must ask specific questions. For example, an IH referral might include the following inquiries:

- Given the nature of the employee's job and the types of exposures linked to her condition in SEM, could any of those toxins have been present at her job site? (List specific toxic materials)
- How did the employee come into contact with the toxic substance as a result of her job? (specific toxins)
- What was the probable extent and duration of her exposure?
- Is it acceptable to use an alternative job title/labor category?



## Coding for NO Specialist Referrals

When you make a referral to the NO Specialists, the District Director or FAB Manager enters into ECMS a **“WS”** (Status Code for **“Sent to Washington”** with a drop-down reason code **“TX”**, **“IH”**, and **“HP”** (Status Codes for **“Toxicologist”**, **“Industrial Hygienist”**, and **“Health Physicist”**, respectively) with a status effective date equal to the date of the referral.

In those circumstances in which you identify policy or procedural issues in a case that would require National Office attention, complete a referral form and forward it to your supervisor or District Director. In this circumstance, the DD enters a **“WS”** with a drop-down reason code **“PR”** (Status Code for **“Policy Review”**) with a status effective date equal to the date of the referral.

<b>Claim Status</b>	
claim status cd	WS
claim status desc	WASHINGTON, DC. SEN
claim status dt	06/13/2007 9:54:50 AM
reason cd	
Transaction Inform	
orig user nm	PR-Policy Review
updt user nm	IH-Industrial Hygienist Review

## Coding for when Response Received from NO Specialist

When the response is received from the National Office Specialist, the DD will enter in ECMS "WR" with a status effective date equal to the receipt of the referral/response form/memo/email from National Office.

Claim Status			
Status Code:			
WR - WASHINGTON, DC - RECEIVED BACK FROM			
Reason Code:			
Status Date:		Dist. Office:	
02/25/2011 9:10:34 AM		NAT	
Transaction Information			
Orig. User Name:	Orig. Date:	Upd. User Name:	Upd. Date:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

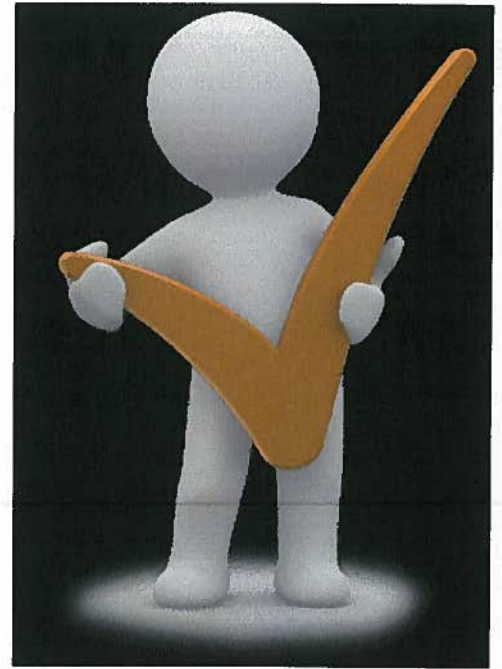


## Conclusion

You will establish exposure based on a cumulative collection and review of all of the available evidence. The next step after establishing exposure is addressing the impact of that exposure. In other words, were work related exposures during covered employment “at least as likely as not” a significant factor in causing, contributing to, or aggravating the employee’s illness or death (“causation”). The module on causation will provide those steps.

## Knowledge Check

Now let's apply what we have learned to some case studies.



1. Choose the best answer below. A Toxic substance is:

- any material that has the potential to cause illness or death because of its radioactive, chemical, or biological nature
- any chemical that causes an employee to develop an illness
- dusts and fumes derived from nuclear weapons manufacturing to produce harmful toxic substances

2. Employees can be exposed to toxic substances by inhalation, absorption, ingestion, and injection.

- True
- False

### 3. Toxic substances include:

- chemicals (gases, pesticides, machining fluids)
- metals (lead, chromium, cobalt, beryllium)
- mineral dusts (silica, calcium, fluoride)
- dusts and fibers (asbestos, wood, cement)
- solvents (acetone, benzene, carbon disulfide)
- welding or soldering fumes
- none of the above
- All of the above

4. Which answer doesn't fit? For exposure, you must investigate

- What are the characteristics of the toxin?
- How was the employee exposed?
- What was the extent of exposure?
- How much wages were earned?

# EEOICP

The Energy Employees Occupational Illness Compensation Program

5. Plausibility for DEEOIC means "Exposure to a toxic substance can be established by the submission of probative documentation that shows such substance was present at the facility where the employee worked, that there was a reasonable likelihood for employee exposure, and that the employee came into contact with such substance."
- True
  - False

6. You may use the Site Exposure Matrices (SEM) alone to deny a claim.

- True
- False



7. SEM establishes potential exposures by identifying causative agents.

- True
- False

# EEOICP

The Energy Employees Occupational Illness Compensation Program

8. For the purpose of SEM, there is no difference between production workers and construction workers.

True

False

9. Information contained in DARs include (choose the best answer)

- radiological dose records, incident or accident reports, industrial hygiene or safety records, pay and salary records, job descriptions, and medical records
- employee pay records, social security records, survivor information, and radiological dose records
- CAT Scans, x-rays, blood tests, illnesses, and treatment

## 10. Radiological dose records

- are not important for Part E claims and developing for exposure
- are exposure records based on readings from dosimetry badges and can be material to other non-cancerous illnesses such as aplastic anemia, cataracts and acute radiation sickness
- show how much radiation exposure an employee received and is used in cancer cases only

## 11. Occupational History Questionnaires are

- conducted by the resource centers and give the employee or survivors a chance to discuss the employee's work and health history
- conducted just before the final decision to give the employee an opportunity to present his/her history
- are never conducted for Section 5 RECA claimants

# EEOICP

The Energy Employees Occupational Illness Compensation Program

12. The Former Worker Program (FWP) is an ongoing program designed to evaluate the effects of occupational exposures on the health of workers.

True

False

## 13. Physician Panels are

- ❑ a referral process to national office health specialists to assist in exposure information
- ❑ also known as district medical consultants who review cases for exposure determination
- ❑ are reports contained in old Part D claims, where a physician panel gives a determination as to whether the employee was exposed to a toxic substance during covered employment and may contain a wealth of valuable information

14. Which of the following is not an example of when you would refer a case to the National Office "Specialists"?

- the employee's condition is related to a particular toxic substance, and the toxic substance is reported at the facility, but the evidence does not establish that the employee's labor category would have sustained exposure
- the claimant provides evidence that a synergistic or additive effect occurred between radiation and chemical exposures resulting in cancer
- the claimant provides evidence that the employee's illness is causally related to an exposure that is supported by SEM



# EEOICP

The Energy Employees Occupational Illness Compensation Program

15. You must exhaust all reasonable exposure development using all of the previously covered tools and guidance before you refer your case to the National Office "Specialists".

True

False

# EEOICP

The Energy Employees Occupational Illness Compensation Program

**Congratulations! You have completed the Developing for Exposure Session of the DEEOIC Claims Examiner Training.**



**Enter your name in the field below and click OK to retrieve your certificate of completion.**

OK

# **Certificate of Completion**

**This certifies that**

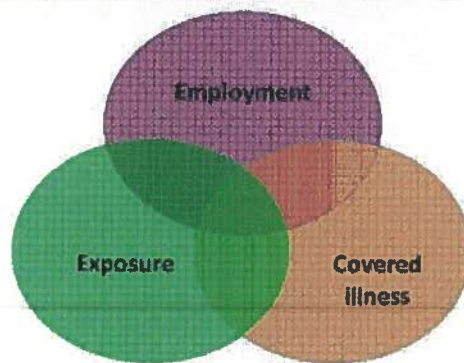
**Student Name**

**has successfully completed the Session on Developing  
for Exposure of the  
on-line Claims Examiner Training**

**Date**

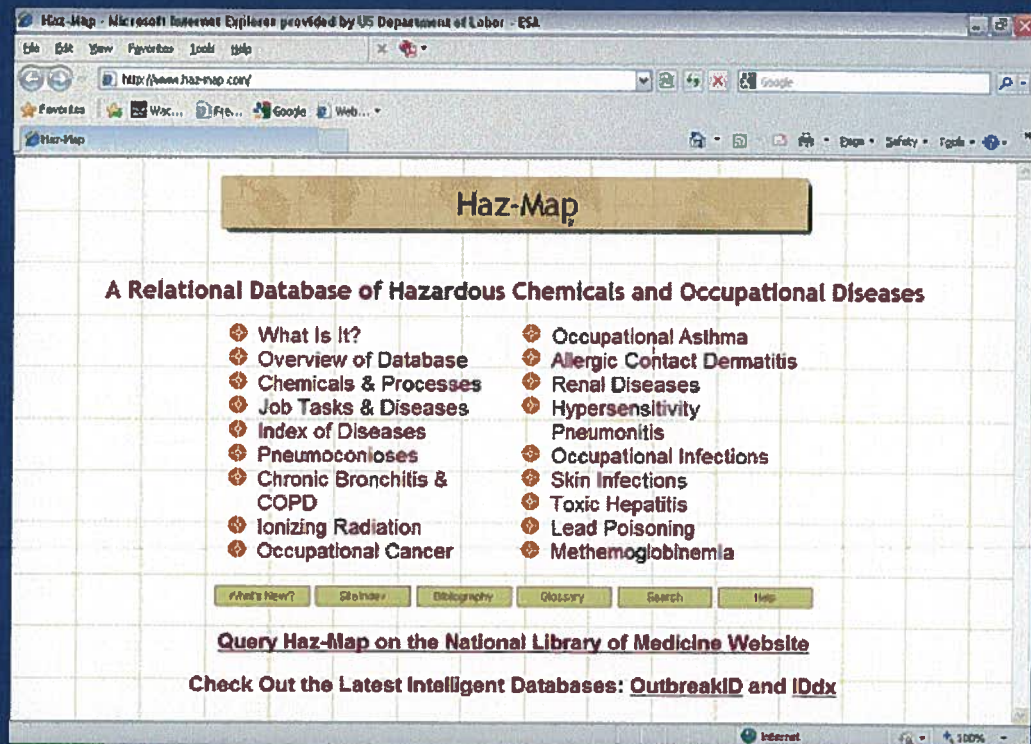
## The Causation Triad

The Causation Triad for the purposes of EEOICPA consists of Part E covered **Employment**; established workplace **Exposure** to a toxic substance; and **Medical** evidence to support a diagnosis of a covered illness.



## Haz-Map

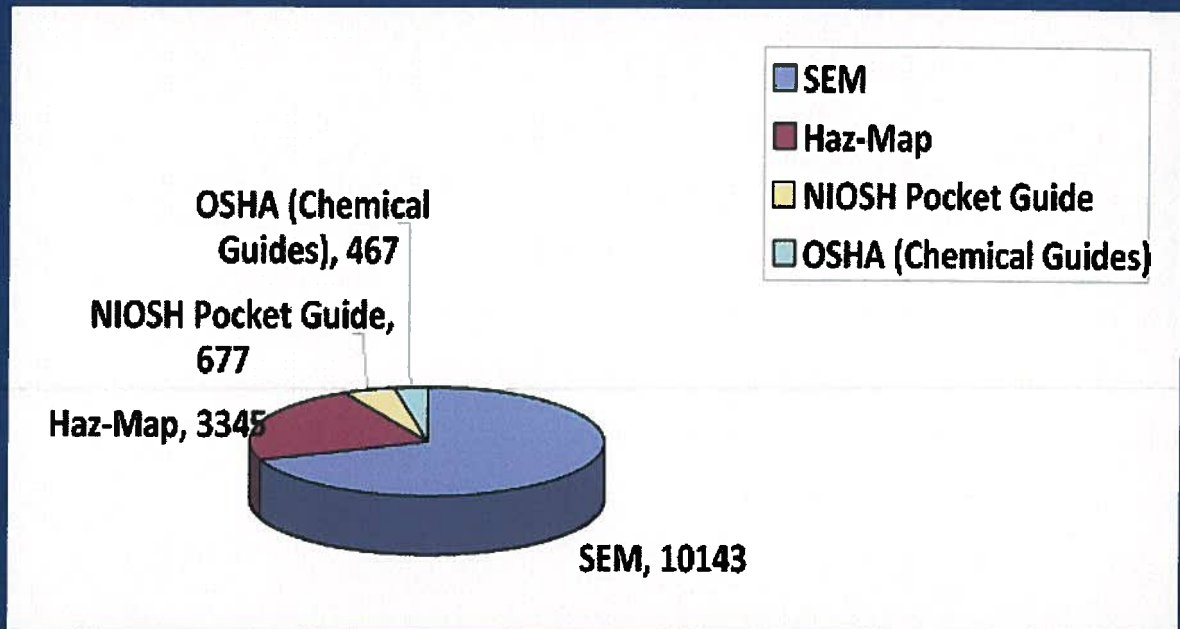
Haz-Map is a database of occupational diseases and commonly used occupational substances maintained and controlled by the National Institutes of Health/National Library of Medicine. It is not a DOE or DOL database and contents are not exclusive to DOE facilities. Haz-Map is updated continually as new medical research findings are released.



Haz-Map web address is: <http://www.haz-map.com/>

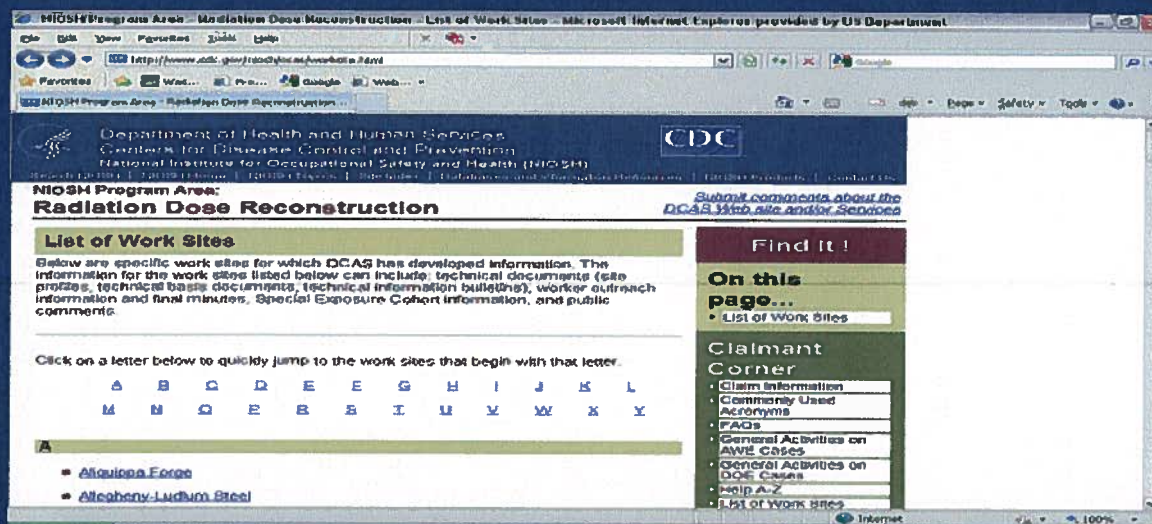
## Haz-Map vs. SEM

The number of toxic substances in SEM exceeds the number in Haz-Map. Many of the toxic substances in SEM are unique or uncommon except in DOE facilities. However, for toxic materials that are in both Haz-Map and SEM, the disease associations are the same. The CE should not use Haz-Map to support decision making since it has substances that are not used in and do not apply to DOE facilities.



## NIOSH Site Profile

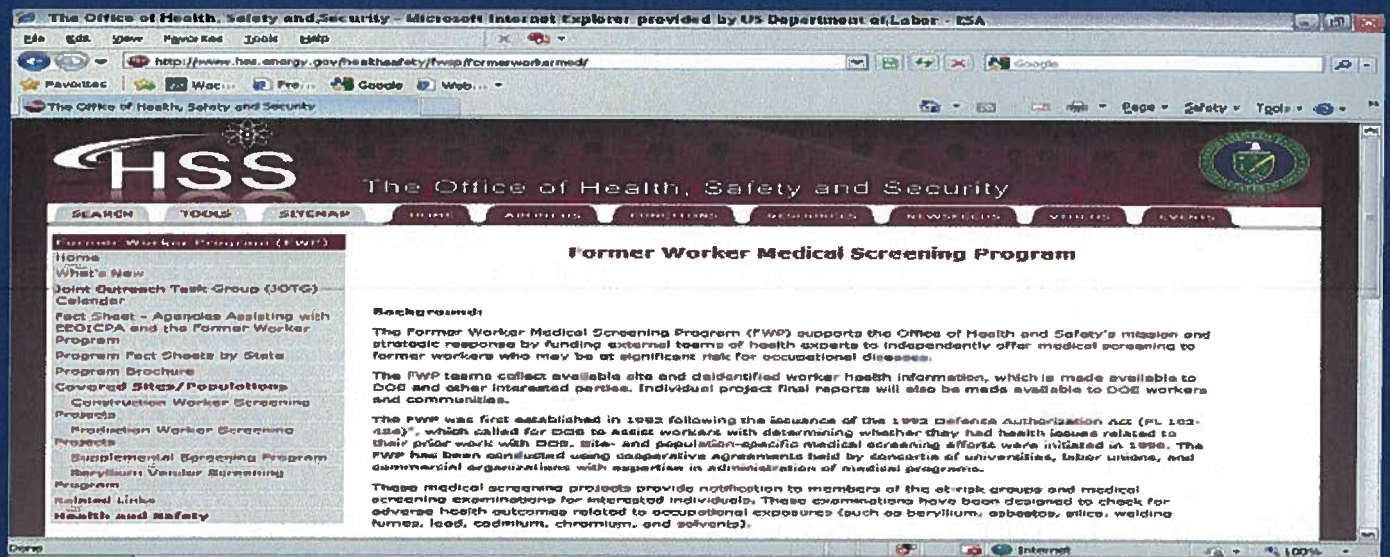
A Site Profile is a document that contains information about a facility's general activities and radiation protection practices. It may be used to assist NIOSH in completing dose reconstructions when there is a need to further understand or add to the personal exposure information for a case. A Site Profile includes the physical appearance and layout of the work site, the work processes used there, the types of materials used, potential sources of radiation, the exposure monitoring practices employed by the site over time, and other details important at that work site. It is a living document and is subject to change.



<http://www.cdc.gov/niosh/ocas/worksite.html>

## Former Worker Medical Screening Program (FWP)

Former Worker Medical Screening Program (FWP) is a DOE funded program that funds external teams of health experts to independently offer medical screening to former workers who may be at significant risk for occupational diseases. The FWP team collects available site and identified worker health information, which is made available to DOE and other interested parties. Individual project final reports will also be made available to DOE workers and communities.



<http://www.hss.energy.gov/healthsafety/fwsp/formerworkermed/>



## DAR POC List

The DAR Point of Contact (POC) List can be found on the NO shared drive (at [\\Al-owdeeoic\DEEOIC\Eeoicp\Policies and Procedures\Employment Information and Verification\DAR Records](#)) and is divided into two sections: DOE DAR PoC and No Known Contact. Each District Director (DD) is responsible for updating and maintaining these records.

The DOE DAR PoC is similar to the current DOE Operations Center POCs for employment verification. There are some differences, however, so use this list when requesting DAR documentation directly from the DOE. A DAR cover letter and DAR Questionnaire are sent only to a DOE DAR POC.