

FY 2013

CONGRESSIONAL BUDGET JUSTIFICATION

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT**

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT**

TABLE OF CONTENTS

Appropriation Language	1
Analysis of Appropriation Language.....	2
Amounts Available for Obligation.....	3
Summary of Changes	4
Summary Budget Authority and FTE by Activity	6
Budget Authority by Object Class	7
Performance Structure	8
Appropriation History	9
Overview.....	10
Budget Activities	13
Energy Employees Occupational Illness Compensation Program Part B	13

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT**

APPROPRIATION LANGUAGE

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, [\$52,147,000] \$54,962,000, to remain available until expended: Provided, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed. (*Department of Labor Appropriations Act, 2012*)

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT**

ANALYSIS OF APPROPRIATION LANGUAGE

Language Provision	Explanation
<p>" <i>Provided</i>, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed."</p>	<p>This language provides authority to require disclosure of Social Security account numbers (SSN's) by individuals filing claims under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The use will prevent duplicate claims being filed by the same claimant and make it easier to match data from different benefit programs to detect errors (including fraud), consistent with Congressional mandates to do so. This legislative language is needed because the Privacy Act prevents agencies from requiring disclosure of SSN's unless disclosure is required by Federal statute. (See Privacy Act, December 31, 1974, P.L. 93-579, section 7, Statute 909)</p>

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT**

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2011 Enacted		FY 2012 Enacted		FY 2013 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	0	\$0	0	\$0	0	\$0
DOL Administrative Expenses (Part B)	241	\$53,778	219	\$52,147	219	\$54,962
Unobligated balance available start-of year (Part B)	0	\$2,643	0	\$1,900	0	\$0
A.1. Subtotal Appropriation	241	\$56,421	219	\$54,047	219	\$54,962
DOL Administrative Expenses: (Part E) (Indefinite Authority)		\$73,706	245	\$73,443	245	\$73,825
A.2. Subtotal	253	\$73,706	245	\$73,443	245	\$73,825
B. Gross Budget Authority	494	\$130,127	464	\$127,490	464	\$128,787
Unobligated balance available start-of year (Part B)	0	-\$2,643	0	-\$1,900	0	\$0
DOL Administrative Expenses (Part E) (Indefinite Authority)	-253	-\$73,706	-245	-\$73,443	-245	-\$73,825
<i>Subtotal</i>	-253	-\$76,349	-245	-\$75,343	-245	-\$73,825
C. Budget Authority Before Committee	241	\$53,778	219	\$52,147	219	\$54,962
Unobligated balance available start-of year (Part B)	0	\$2,643	0	\$1,900	0	\$0
Unobligated balance available end-of year (Part B)	0	\$0	0	\$0	0	\$0
DOL Administrative Expenses (Part E) (Indefinite Authority)	253	\$73,706	245	\$73,443	245	\$73,825
<i>Subtotal</i>	253	\$76,349	245	\$75,343	245	\$73,825
D. Total Budgetary Resources (Appropriated and Indefinite)	494	\$130,127	464	\$127,490	464	\$128,787
Unobligated Balances Expiring for Part B	0	-\$2,601	0	\$0	0	\$0
Unobligated Balances Expiring for Part E	-23	\$0	0	\$0	0	\$0
E. Total, Estimated Obligations	471	\$127,526	464	\$127,490	464	\$128,787

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2012 Enacted	FY 2013 Request	Net Change
Budget Authority			
General Funds	52,147	54,962	2,815
Trust Funds	0	0	0
Total	52,147	54,962	2,815
Full Time Equivalents			
General Funds	219	219	0
Total	219	219	0

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	219	\$19,358	0	\$0	0	\$73	0	\$73
Personnel benefits	0	\$4,232	0	\$0	0	\$16	0	\$16
Employee health benefits	0	\$1,248	0	\$0	0	\$5	0	\$5
Moving allowance	0	\$0	0	\$0	0	\$0	0	\$0
One day more of pay	0	\$0	0	\$0	0	\$100	0	\$100
Federal Employees Compensation Act (FECA)	0	\$125	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$0	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$574	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$25	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$3,000	0	\$0	0	\$210	0	\$210
All Other Rental	0	\$35	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$499	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$45	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$0	0	\$0	0	\$0	0	\$0
Other services	0	\$9,030	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$5,938	0	\$0	0	\$0	0	\$0
Other government accounts (DHS Charges)	0	\$250	0	\$0	0	\$0	0	\$0
Other purchases of goods and services from Government accounts	0	\$1,608	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$3,484	0	\$0	0	\$2,411	0	\$2,411
Supplies and materials	0	\$345	0	\$0	0	\$0	0	\$0

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Equipment	0	\$2,350	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$0	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$0	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	219	+\$52,147	0	\$0	0	+\$2,815	0	+\$2,815
B. Programs:								
Total Increase	219	+\$52,147	0	\$0	0	+\$2,815	0	+\$2,815
Decreases:								
A. Built-Ins:								
To Provide For:								
Built-Ins Subtotal	0	\$0	0	\$0	0	\$0	0	\$0
B. Programs:								
Total Decrease	0	\$0	0	\$0	0	\$0	0	\$0
Total Change	219	+\$52,147	0	\$0	0	+\$2,815	0	+\$2,815

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT**

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2011 Enacted		FY 2012 Enacted		FY 2013 Request		Diff. FY13 Req. / FY12 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Energy Employees Occupational Illness Compensation Program Part B - Admin	241	53,778	219	52,147	219	54,962	0	2,815
General Funds/OWCP	241	53,602	219	51,444	219	54,254	0	2,810
General Funds/Ombudsman	0	176	0	703	0	708	0	5
Energy Employees Occupational Illness Compensation Program Part E - Admin	230	73,706	245	73,443	245	73,825	0	382
General Funds/OWCP	230	72,789	245	72,526	245	72,900	0	374
General Funds/Ombudsman	0	917	0	917	0	925	0	8
Energy Employees Occupational Illness Compensation Program - Benefits	0	\$1,249,945	0	\$1,280,900	0	\$1,260,205	0	-\$20,695
Energy Employees Occupational Illness Compensation Program Part B	0	\$890,652	0	\$821,976	0	\$808,626	0	-\$13,350
Energy Employees Occupational Illness Compensation Program Part E	0	\$359,293	0	\$458,924	0	\$451,579	0	-\$7,345
Total	471	\$1,377,429	464	\$1,406,490	464	\$1,388,992	0	-\$17,498

NOTE: FY 2011 reflects actual FTE.

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT**

BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Enacted	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
	Full-Time Equivalent				
	Full-time Permanent	494	464	464	0
	Total	494	464	464	0
	Average ES Salary	\$175,197	\$180,453	\$181,130	\$677
	Average GM/GS Grade	13	13/1	13/1	0
	Average GM/GS Salary	\$89,033	\$91,704	\$92,048	\$344
	Average Salary of Ungraded Positions	0	0	0	0
11.1	Full-time permanent	41,459	40,041	40,316	275
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	738	191	192	1
11.8	Special personal services payments	805	209	210	1
11.9	Total personnel compensation	43,002	40,441	40,718	277
12.1	Civilian personnel benefits	12,877	11,594	11,706	112
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	418	974	974	0
22.0	Transportation of things	48	42	42	0
23.1	Rental payments to GSA	8,380	8,626	9,230	604
23.2	Rental payments to others	50	52	52	0
23.3	Communications, utilities, and miscellaneous charges	785	852	852	0
24.0	Printing and reproduction	29	110	110	0
25.1	Advisory and assistance services	0	760	760	0
25.2	Other services from non-Federal sources	22,571	25,800	25,800	0
25.3	Other goods and services from Federal sources 1/	19,985	17,462	17,462	0
25.4	Operation and maintenance of facilities	4	4	4	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	16,871	15,642	17,846	2,204
26.0	Supplies and materials	445	632	632	0
31.0	Equipment	2,019	2,599	2,599	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities ^{1/}	1,249,945	1,280,900	1,260,205	-20,695
	Total	1,377,429	1,406,490	1,388,992	-17,498
1/Other goods and services from Federal sources					
	Working Capital Fund	15,319	13,289	13,289	0
	DHS Services	297	390	390	0
	Services by DOL Agencies	1,800	0	0	0
	GSA Services	40	0	0	0
	Services by Other Government Departments	2,529	3,783	3,783	0

^{1/}Obligations shown in object class 42.0 are for Benefit payments.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

PERFORMANCE STRUCTURE

Strategic and Outcome Goals Supporting Secretary Solis' Vision of <i>Good Jobs for Everyone</i>	Supporting Budget Activities
Strategic Goal 1 – Prepare Workers for Good Jobs and Ensure Fair Compensation	
1.1 Increase workers' incomes and narrowing wage and income inequality.	
1.2 Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like "green" jobs.	
1.3 Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs.	
1.4 Help middle-class families remain in the middle class.	
1.5 Secure wages and overtime.	
1.6 Foster acceptable work conditions and respect for workers' rights in the global economy to provide workers with a fair share of productivity and protect vulnerable people.	
Strategic Goal 2 – Ensure Workplaces Are Safe and Healthy	
2.1 Secure safe and healthy workplaces, particularly in high-risk industries.	
Strategic Goal 3 – Assure Fair and High Quality Work-Life Environments	
3.1 Break down barriers to fair and diverse work places so that every worker's contribution is respected.	
3.2 Provide workplace flexibility for family and personal care-giving.	
3.3 Ensure worker voice in the workplace.	
Strategic Goal 4 – Secure Health Benefits and, for Those Not Working, Provide Income Security	
4.1 Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	
4.2 Ensure income support when work is impossible or unavailable.	EEOICPA
4.3 Improve health benefits and retirement security for all workers.	
Strategic Goal 5 – Assure the Production of Timely and Accurate Data on Social and Economic Conditions of Workers and their Families	
5.1 Provide sound and impartial information on labor market activity, working conditions, and price changes in the economy for decision making, including support for the formulation of economic and social policy affecting virtually all Americans.	

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

APPROPRIATION HISTORY (Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2003	\$104,867	\$104,867	\$104,867	\$104,867	380
2004...1/	55,074	55,074	55,074	51,651	300
2005...2/	40,821	40,821	40,821	40,821	275
2006...3/	96,081	96,081	96,081	96,081	275
2007...4/	102,307	0	0	102,307	275
2008...5/	104,745	0	0	104,745	305
2009...6/7/	49,654	0	49,654	49,654	305
2010...8/	51,197	51,197	51,197	51,900	305
2011...9/	53,778	0	0	53,778	241
2012...10/	52,147	0	0	52,147	219
2013...11/	54,962	0	0	0	219

^{1/} Reflects \$3,423,000 rescission.

^{2/} Reflects \$500 thousand rescission.

^{3/} Reflects (Part B - \$40,313,000 and 275 FTE, and HHS - \$55,768,000). In addition, includes \$4,500,000 to NIOSH for use by the Advisory Board on Radiation and Worker Health.

^{4/} Reflects (Part B - \$49,971,000 and 275 FTE, and HHS \$52,336,000).

^{5/} Reflects (Part B - \$49,387,000 and 305 FTE, and HHS \$55,358,000).

^{6/} Reflects (Part B - \$49,654,000 and 305 FTE). DOL has requested that the \$55,358,000 funding for HHS/NIOSH be appropriated directly to HHS.

^{7/} Reflects (Part B - \$49,654,000 and 305 FTE. Funding for HHS/NIOSH was appropriated directly to HHS.

^{8/} Reflects (Part B - \$51,900,000 and 305 FTE). This amount includes \$703,000 for the Ombudsman's Office.

^{9/} Reflects (Part B - \$53,778,000 and 241 FTE). This amount includes \$176,000 for the Ombudsman's Office.

^{10/} Reflects (Part B - \$52,147,000 and 219 FTE). This amount includes \$703,000 for the Ombudsman's Office.

^{11/} Reflects (Part B - \$54,962,000 and 219 FTE). This amount includes \$708,000 for the Ombudsman's Office.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

Introduction

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) enacted in October 2000, provides for program administration and operations that directly support the Secretary of Labor's strategic vision of "Good Jobs for Everyone" by providing income support and medical care to claimants. EEOICPA provides benefits under Part B to covered employees or survivors of employees of the Department of Energy (DOE), and private companies under contract with DOE, who have been diagnosed with a radiation-related cancer, beryllium-related disease, or chronic silicosis as a result of their work in producing or testing nuclear weapons. Benefits for uranium workers covered by the Radiation Exposure Compensation Act (RECA) are also provided.

In October 2004, the EEOICPA was amended to replace Part D, wherein the DOE provided assistance in obtaining state workers compensation to DOE contractor employees or their survivors who were found to have work-related occupational illnesses due to exposure to a toxic substance at a DOE facility, with a newly created Part E to provide federal benefits and be administered by the Department of Labor (DOL). All claims previously filed with DOE were transferred to DOL.

While DOL is the lead agency responsible for administering Part B and Part E of the EEOICPA through the Division of Energy Employees Occupational Illness Compensation (DEEOIC), the Department of Health and Human Services (HHS), through the National Institute for Occupational Safety and Health (NIOSH), supports Part B claims adjudication by estimating occupational radiation exposure for certain cancer cases and acting on petitions for adding classes of workers to the Special Exposure Cohort. DOE assists DOL and HHS/NIOSH by providing access to pertinent information on worker exposures, including access to classified data and records necessary to verify covered employment. In some cases, the Social Security Administration (SSA) provides work history and earnings information. The Department of Justice (DOJ) provides DOL with information about whether claimants filing under EEOICPA have also received benefits under RECA, in order to determine eligibility to supplemental compensation and medical benefits under the EEOICPA.

Part B provides lump-sum compensation payments of up to \$150,000 to covered employees (or qualified survivors) of the DOE, its predecessor agencies (the Manhattan Project and the Atomic Energy Commission), and certain agency vendors, contractors, and subcontractors. In addition, individuals (or qualified survivors) already found eligible for benefits for illnesses covered under Section 5 of the RECA are eligible for supplemental payments of \$50,000.

Part E provides wage loss compensation and compensation based on whole-person impairment to DOE contractor employees. Part E also provides lump sum compensation payments in the amounts of \$125,000, \$150,000, or \$175,000 to eligible survivors. Medical benefits for accepted conditions are payable under both Parts B and E. Part E benefits also are extended to individuals and survivors who worked at RECA Section 5 facilities. DOJ is authorized to make payments from the EEOICPA Compensation Fund for DOJ awards under Section 5 of the RECA.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

Under Part B, over 122,500 nuclear energy workers and their survivors have submitted claims. As of December 18, 2011, the Division has issued recommended and/or final decisions on over 182,700 claims (multiple claims are addressed per employee for appropriate segments of the law), and payments in over 50,900 Part B claims, with benefit payments totaling more than \$4,181,000,000. Under Part E, EEOICPA has received over 100,500 claims and issued recommended and/or final decisions on over 110,600 claims. EEOICPA has delivered over \$2,499,000,000 in Part E benefits to more than 23,400 claimants. Over \$983,000,000 has been paid in medical benefits under both Parts B and E.

EEOICPA continues to establish challenging performance goals in support of the Department's Strategic Goal 4 Secure health benefits and, for those not working, provide income security through Outcome Goal 4.2 Ensure income support when work is impossible or unavailable.

DEEOIC developed baselines at the end of FY 2011 for new timeliness goals to shorten the overall time to make claims decisions and improve program implementation. The new goals combine Part B and Part E results and will first be reported in FY 2012. The goals account for the various actions a case may require, including dose reconstruction and/or oral hearing. A priority focus for the program will be to reduce the time required to process cases that are sent to NIOSH for dose reconstruction and those requiring an oral hearing. These goals also support improved customer service by providing a more transparent view of the claims process, including time spent in case development outside of the DEEOIC. Annual targets for the goals have been established and can be reviewed in the workload summary table.

As part of its benefit structure, EEOICPA provides home health care services, where medically necessitated, to severely ill covered employees. Home health care costs have grown by 1,697 percent over the last seven years from \$10,667,641 in FY 2005 to \$191,712,524 in FY 2011. The average cost per claimant has increased 17 percent from \$99,721 in FY 2007 to \$116,755 in FY 2011. On average, one claimant has received home health care benefits for an average of 12 to 24 months at a time. EEOICPA will improve the quality of home health care services through provider outreach and internal monitoring and oversight of provider care. The program has implemented a new measure in FY 2012 to evaluate home health care cases with 24/7 care and issue a decision or development action within specified timeframes.

Administrative funds for Part B are appropriated annually. For Part E, administrative funds are provided through indefinite appropriations. For Part B in FY 2013, \$54,962,000 is requested. The estimate for Part E is \$73,825,000.

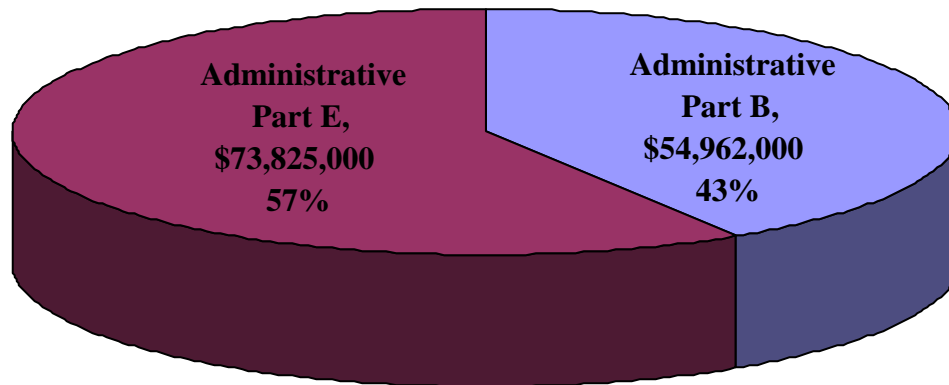
EEOICPA's base funding includes \$708,000 in Part B funds and \$925,000 in Part E funds for the Office of the Ombudsman for the EEOICPA. The Office of the Ombudsman was created by Congress to address the concerns of claimants and potential claimants regarding their receipt of benefits under Part E of EEOICPA and was later expanded to Part B. By law, this office is required to be independent from the DEEOIC program office. The activities of the Office of the Ombudsman are addressed in the Departmental Management chapter of the Department of Labor's budget presentation.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

Cost Model

The FY 2013 Request for Part B is \$54,962,000, an increase of \$2,815,000 over the FY 2012 Enacted level of \$52,147,000. The FY 2013 estimate for the indefinite appropriation for Part E is \$73,825,000, an increase of \$382,000 from the FY 2012 Enacted level. The request funds ongoing support for claimants, including the capacity to meet performance plan goals and objectives and the deployment of the Interactive Voice Response system.

Energy Employees Occupational Illness Compensation Program FY 2013 Budget Request by Budget Activity Total DEEOIC - \$128,787,000



ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Enacted	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	53,778	52,147	54,962	2,815
FTE	241	219	219	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 241.

Introduction

The Division of Energy Employees Occupational Illness Compensation's (DEEOIC) core mission is to adjudicate and pay benefits for claims filed under Part B and Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). In addition to four District Offices where claims are adjudicated, DEEOIC operates 11 resource centers that provide assistance to claimants in completing benefit applications for both Part B and E of EEOICPA. Part B provides a lump sum payment of \$150,000 and medical benefits to workers who are seriously ill from exposure to beryllium, silica, or radiation while working for the Department of Energy (DOE), its contractors, or subcontractors in the nuclear weapons industry. Part B also provides compensation for some employees' survivors and supplemental lump-sum payments of up to \$50,000 to individuals already eligible for benefits for illnesses covered under Section 5 of the Radiation Exposure Compensation Act (RECA), and, where applicable, their survivors.

Under Part E, the DEEOIC provides compensation to covered DOE contractor employees who are determined under section 3675 to have contracted a covered illness through exposure at a DOE facility. Part E provides compensation benefits to employees based upon the degree of impairment and lost wages. Certain survivors of covered DOE contractor employees also receive compensation if the covered illness contributed to the employee's death. Additionally, uranium workers eligible under Section 5 of the RECA may also receive compensation under Part E for illnesses due to toxic substance exposure at a uranium mine or mill covered under that Act. Benefits are paid from the Compensation Fund for both EEOICPA and RECA benefits.

Since program inception, a DEEOIC priority has been to identify and set performance goals that are both ambitious and transparent to claimants and the general public. A key example is DEEOIC's revision to its initial claims goal. Previously, the percentage of initial claims processed within a given time frame was measured. Revising this performance goal to reflect average number of days to process an initial claim provides greater transparency for the public and program stakeholders into DEEOIC's performance. The baseline for this goal, established in FY 2007, resulted in initial targets of 238 days for Part B and 293 days for Part E. FY 2012 performance goals are an average of 100 days to process an initial claim under Part B and 125 days to process an initial claim under Part E, cutting the FY 2007 baseline durations by more than one-half. The FY 2012 goal for the issuance of Final Decisions is 92 percent within 175 days where a hearing is held, and 75 days for all other cases.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

In FY 2012 DEEOIC rolled out new performance measures that track the average number of days from filing date to final decision, including cases sent to NIOSH for dose reconstruction, taking into account the time those cases require for an oral hearing. The program established baselines for these new measures at the end of FY 2011.

DEEOIC has completed its expansion of the Site Exposure Matrices (SEM) website, an effort that began in May 2010. This more robust version of the SEM website is available to the public and provides additional ways to look for information regarding toxic substances used at U.S. Department of Energy nuclear weapons facilities covered under Part E of the EEOICPA. The enhanced SEM website contains more data and allows users to identify interrelationships among DOE buildings, work processes, labor categories, and toxic substances verified as having been onsite and used at DOE sites. In addition to toxic substance information, the SEM website contains information regarding confirmed causal links between certain toxic substance exposures and certain diseases or health effects. The DEEOIC continues to add additional information to the database as research and claimant feedback arises. In addition, the DEEOIC works closely with DOE to publish quarterly updates on the website. An independent audit of the scientific validity of the SEM database will be performed by the National Academy of Sciences (NAS) beginning in FY 2012. The audit will focus on strengthening the SEM and ameliorating negative perceptions about the database that exist with many DEEOIC stakeholders. The NAS report is expected in FY2013.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$104,745	305
2009	\$49,654	305
2010	\$51,900	305
2011	\$53,778	241
2012	\$52,147	219

FY 2013

Total resources at the FY 2013 Agency Request level for the Division of Energy Employees Occupational Illness Compensation (DEEOIC) program are \$128,787,000 and 464 FTE. Part B funds are \$54,962,000 and 219 FTE, including \$708,000 for the Office of the Ombudsman and Part E funds are \$73,825,000 and 245 FTE, including \$925,000 for the Office of the Ombudsman. This is an increase of \$3,197,000 when compared to the FY 2012 Enacted level. This increase consists of \$2,405,000 in Part B for ongoing claimant support, which will allow the program to meet performance plan goals and objectives as well as deploy the Interactive Voice Response system. This increase also includes inflationary built-in increases in the amount of \$410,000 for Part B and \$382,000 for Part E.

At this funding level, DEEOIC will improve the provision and management of home health care services, maintain timely adjudication of claims, quality decisions, and prompt benefit delivery and income support to all EEOICPA claimants.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

DEEOIC will improve the provision and management of home health care services by providing the timely evaluation and action on home health care cases requiring 24/7 care. To achieve this measure, the program has shifted existing district office resources to provide specialized case management services for cases in which home health care is provided. This resource shift should not impact other priority program performance for initial claim processing and recommended decisions because the resource allocation is consistent with the volume of incoming cases depending on the region.

DEEOIC will improve timeliness for claims processing, and be able to continue its focus on improved program implementation in the areas of customer service through enhanced telephone services, video conferencing, and claimant and medical provider assistance in obtaining impairment ratings and medical bill processing. The program will have the resources needed to meet the performance targets set for the more transparent goals baselined at the end of FY 2011 for average days to process cases from receipt of a case to final decision.

Resource Centers and the Site Exposure Matrices (SEM) will remain program priorities. The Resource Center staff provides critical local and front line assistance and quality customer service in this activity. The SEM is an essential tool for claims examiners to assess the relationship of an exposure to a claimant's injuries and illnesses. FY 2013 funds will be used to ensure timely review and posting of new documents to update SEM. This will also serve to enhance the quality of the independent audit by the National Academy of Science. As NIOSH continues to add new Special Exposure Cohort (SEC) classes, it is paramount that the Resource Center staffing levels are sufficient to support Town Hall Meetings for potential claimants and the influx of inquiries about filing claims that occur after the outreach events and the addition of new cohorts. Resource Centers also respond to questions and concerns that arise from the public as they utilize the additional on-line information in the SEM and the newly created claimant web page, which allows claimants to check the status of claims online.

The program will deploy an Interactive Voice Response (IVR) system through an investment leveraged against existing OWCP IT architecture. The IVR system will enable the program to improve service delivery to its claimant base by providing multi-lingual and self-service claims status capabilities and improved call routing. This customer-centered focus will enable the program to use technology to provide more timely and accurate information to its claimant base. This will enable DEEOIC to improve customer service by freeing up claims examiners to focus on home health care management, adjudication and case management issues. The new system features will add transparency to program operations, generate cost savings and produce performance efficiencies.

FY 2012

The FY 2012 Enacted level for Part B of DEEOIC is \$52,147,000 and 219 FTE. This is a decrease of \$1,631,000 and 66 FTE when compared to the FY 2011 Enacted level. The FY 2012 estimate for Part E of DEEOIC is \$73,443,000 and 245 FTE. This is a decrease of \$263,000 and

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

10 FTE when compared to the FY 2011 Enacted level. These funds include \$703,000 in Part B and \$917,000 in Part E for the Office of the Ombudsman.

DEEOIC will continue to focus on improving timeliness for claims processing, as well as program responsiveness to customer inquiries. Outreach and customer service performed by DEEOIC has resulted in numerous benefits to the program. Claimants can find the application process complicated, so by having resources available for their use, DEEOIC has improved the quality of initial submissions and shortened the claims process. Some reductions are imposed because there are no amounts provided for inflation increases in contracts needed to fund the mandatory increases of Wage Determination rates.

The Energy Compensation System (ECS), the new claims management and compensation system designed to unify claims management for Parts B and E will be operational in FY 2012. The ECS will generate claims processing efficiencies and improve accuracy and timeliness, particularly for claims that require adjudication under both Parts of the Act. Claimants will receive a higher level of customer service and improved program reporting will allow greater transparency for the public. DEEOIC will use existing funds to maintain the system, including software developers to provide additional upgrades and releases every three to four months.

The process of utilizing District Medical Consultants (DMCs) will be improved by shifting responsibility for oversight to a contractor to provide more consistency between different reports from physicians and more accurate claims adjudication in FY 2012. The contractor will be held to quality and timeliness standards and reviewed by the program on a quarterly basis.

DEEOIC will also coordinate with DOE to verify employment records and enable DOE to process claims timely. A Memorandum of Understanding signed during FY 2011 established that employment verification requests will be processed by DOE and returned to DOL within 60 days. In FY 2012, the MOU and joint sharing of data between DOE and DOL is expected to expedite the process by 5%.

The program has set aggressive targets for the new measures that track the average days to process cases from receipt of a case to final decision, including NIOSH time. This will support Strategic Goal 4.2 by providing improved income support through timely delivery of benefits.

FY 2011

Total resources at the FY 2011 Enacted level for DEEOIC were \$127,484,000 and 494 FTE. Part B funds were \$53,778,000 and 241 FTE, including \$176,000 for the Office of the Ombudsman and Part E funds were \$73,706,000 and 253 FTE, including \$917,000 for the Office of the Ombudsman.

DEEOIC delivered quality program performance by processing initial claims within 91 days for Part B and 101 days for Part E. During FY 2011, over 94 percent of all Final Decisions were issued timely. Benefit payments were delivered efficiently and expeditiously. Processing

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

efficiencies extended to claims returned from HHS/NIOSH with dose reconstructions, including those for previously adjudicated claims that require re-evaluation based on HHS/NIOSH processing updates. DEEOIC achieved program, operational, and strategic goals.

DEEOIC developed an online resource during FY 2011, the Claimant Status Page, which provides claimants access to limited claims information from the program's database. The Claimant Status Page allows claimants to log-in and review their claimed medical conditions, worksite locations, most recent claim action, payment information, and current case location.

Outreach efforts provided potential claimants information about the program and application process. In response to SEC classifications DEEOIC conducted traveling resource centers in Joliet, Illinois; Ames, Iowa; Grand Junction, Colorado; and Galveston, Texas. Town hall meetings to assist individuals with the filing of claims under EEOICPA were held in Bolingbrook, Illinois and twice in Amherst, New York.

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT PART B**

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Enacted		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Energy Employees Occupational Illness Compensation Program Part B				
Strategic Goal 4 - Secure Health Benefits and, for Those Not Working, Provide Income Security	--	--	--	--
Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable	--	--	--	--
GPRM Performance Measures	--	--	--	--
Average number of days between filing date and final decision for cases not sent to NIOSH when a hearing is not held (Part B and E)	(base)	182	178	174
Average number of days between filing date and final decision for cases not sent to NIOSH when a hearing is held (Part B and E)	(base)	381	372	363
Average number of days between filing date and final decision for cases sent to NIOSH when a hearing is not held (Part B and E)	(base)	457	445	434
Average number of days between filing date and final decision for cases sent to NIOSH when a hearing is held (Part B and E)	(base)	619	604	589
Productivity Measures	--	--	--	--
For all new initial home health care requests, evaluate home health care plans with 24/7 care and issue a decision or development action within 21 days	--	--	75.00%	80.00%
Average number of days to process Energy Program Part B initial claims	110	91	100	90
Percentage of new SEC claims decisions issued within 60 days (Part B and E)	90.00%	100.00%	92.00%	92.00%
Percent of Final Decisions processed within 175 days for hearings cases and within 75 days for all other cases (Part B and E)	92.00%	94.60%	92.00%	92.00%
Workload Measures	--	--	--	--
Initial Claims Received	10,000	9,871	8,074	7,267
Initial Claims Processed	8,000	10,848	9,763	8,787
Final Decisions Issued	14,900	15,673	16,143	16,627

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT PART B**

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Enacted		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Payments Issued	4,900	7,023	6,321	5,689

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT PART B**

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Enacted		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Energy Employees Occupational Illness Compensation Program Part E				
Strategic Goal 4 - Secure Health Benefits and, for Those Not Working, Provide Income Security	--	--	--	--
Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable	--	--	--	--
Productivity Measures	--	--	--	--
Average number of days to process Energy Program Part E initial claims	145	101	125	110
Reduction of the backlog of impairment ratings	1,250	1,250	--	--
Workload Measures	--	--	--	--
Initial Claims Received	6,800	7,385	6,868	6,387
Initial Claims Processed	6,100	8,128	7,884	7,647
Final Decisions Issued	15,800	15,931	14,338	12,904
Payments Issued	6,000	4,040	4,242	4,454

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

Workload Summary

DDEOIC workload activities support the Department of Labor’s budget theme of income support. Successful provision of income support is attained by shortening the duration of income interruptions. This is accomplished by promptly and accurately processing claims to determine entitlement and deliver benefits. DDEOIC must balance quality and accuracy with production demands to ensure that claimants receive in a timely manner the benefits and services to which they are entitled.

DDEOIC has developed four new timeliness goals for FY 2012 that will shorten the overall time to make claims decisions and improves program implementation. The new goals combine Part B and Part E results and account for the various actions a case may require, including dose reconstruction or oral hearing. These goals provide a more transparent view of the claims process, including time spent in case development outside of DDEOIC. The program will focus on improving performance for the cohort of claims that require the longest amount of time to adjudicate; those that require both dose reconstruction and oral hearings. Annual targets for the goals were set based on baseline data developed in FY 2011.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

A new home health care measure has been introduced for FY 2012. It will track the timeliness of actions taken on home health care cases requiring 24/7 care. Resource shifts to focus on this new measure are not expected to negatively impact program performance in other areas.

For established measures, the program performance exceeded the out-year targets for the initial claims processing and final decisions measures. However, there are several new initiatives that begin in FY 2012, that are anticipated to adversely affect performance during the transition period. While ultimately these initiatives will result in greater efficiency and faster development and adjudication once they are integrated into operations, the timeliness of claims processing in 2012 and 2013 will be affected. They include the deployment of the new claims system ECS, a new District Medical Consultant/Second opinion contract, and deployment of a new electronic method of sharing information with DOE for verification of employment and other records. These new initiatives will require DEEOIC to train all of the employees nationwide and will result in a transition period while the employees learn the new processes and get used to the new ways of doing business. Therefore, the program scaled back the targets for these goals.

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT PART B**

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Enacted	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	22,028	19,167	19,304	137
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	738	191	192	1
11.9	Total personnel compensation	22,766	19,358	19,496	138
12.1	Civilian personnel benefits	6,743	5,605	5,661	56
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	260	574	574	0
22.0	Transportation of things	30	25	25	0
23.1	Rental payments to GSA	3,030	3,000	3,210	210
23.2	Rental payments to others	35	35	35	0
23.3	Communications, utilities, and miscellaneous charges	460	499	499	0
24.0	Printing and reproduction	14	45	45	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	6,369	9,030	9,030	0
25.3	Other goods and services from Federal sources 1/	9,592	7,796	7,796	0
25.4	Operation and maintenance of facilities	1	1	1	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	2,252	3,484	5,895	2,411
26.0	Supplies and materials	257	345	345	0
31.0	Equipment	1,969	2,350	2,350	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	53,778	52,147	54,962	2,815
	1/Other goods and services from Federal sources				
	Working Capital Fund	7,968	5,938	5,938	0
	DHS Services	181	250	250	0
	GSA Services	1	0	0	0
	Services by Other Government Departments	1,442	1,608	1,608	0

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

CHANGES IN FY 2013 (Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$73
Personnel benefits	16
Employee health benefits	5
Moving allowance	0
One day more of pay	100
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	210
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	2,411
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$2,815**

Net Program **\$0**

Direct FTE **0**

Estimate **FTE**

Base **\$54,962** **219**