

# Energy Employees Occupational Illness Compensation Program Act (EEOICPA)



## Eligibility for Compensation and Benefits under the EEOICPA

The Energy Employees Occupational Illness Compensation Program provides benefits authorized by the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). Part B of the Program was enacted on July 31, 2001 and Part E of the Program was enacted on October 28, 2004. The Department of Labor's Office of Workers' Compensation Programs is responsible for adjudicating and administering claims filed by current or former employees or certain qualified survivors.

### Part B of the EEOICPA

Compensation of \$150,000 and payment of medical expenses from the date a claim is filed is available to:

- Employees of the Department of Energy (DOE), its contractors or subcontractors, and atomic weapons employers with radiation-induced cancer if:
  - The employee developed cancer after working at a covered facility of the DOE, its contractors and subcontractors; and
  - The employee's cancer is determined to be "at least as likely as not" related to that employment in accordance with guidelines issued by the Department of Health and Human Services, or
- Employees who are members of the Special Exposure Cohort (SEC) and who developed one of the 22 specified cancers. The SEC designation allows for a presumption of causation for these cancers under Part B. Currently, there are 4 statutory SEC classes and 77 additional SEC classes of employees, which represent workers at 61 different facilities.
- Employees of the DOE, its contractors and subcontractors, or designated beryllium vendors who worked at covered facilities where they were exposed to beryllium and who developed Chronic Beryllium Disease (CBD); and
- Employees of the DOE or its contractors and subcontractors who worked at least 250 days during the mining of tunnels at underground nuclear weapons tests sites in Nevada or Alaska and who developed chronic silicosis.

Compensation of \$50,000 and payment of medical expenses from the date a claim is filed is available for:

- Uranium workers (or their survivors) previously awarded benefits by the Department of Justice under Section 5 of the Radiation Exposure Compensation Act (RECA).

If the employee is no longer living, the Part B compensation may be payable to eligible survivors in the following order: spouse, children, parents, grandchildren, and grandparents of the deceased covered Part B employee.

Employees of the DOE, its contractors and subcontractors who were exposed to beryllium on the job and now have beryllium sensitivity will receive medical monitoring to check for development of CBD.

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## Part E of the EEOICPA

Compensation and payment of medical expenses is available to employees of DOE contractors and subcontractors, or their eligible survivors, who develop an illness due to exposure to toxic substances at certain DOE facilities. Uranium miners, millers, and ore transporters are also eligible for benefits if they develop an illness as a result of toxic exposure at a facility covered under Section 5 of RECA. Under Part E, toxic substances include chemicals, solvents, acids and metals as well as radiation.

Compensation up to \$250,000 per employee may be available for the employee's whole-body impairment and/or wage loss due to an accepted condition.

In addition to medical benefits, covered employees may receive:

- Impairment compensation – based on a decrease in the functioning of a body part or organ as it affects the whole body, as a result of a covered illness. An impairment rating is performed by a qualified physician once the claimant has reached Maximum Medical Improvement (i.e. the condition is unlikely to improve with additional medical treatment). Impairment compensation is calculated at:
  - \$2500 for each one percent of whole body impairment
- Wage loss compensation – based on the number of years that the employee sustained a reduction in earnings as a result of a covered illness. Wage loss compensation is payable for years of lost wages that are prior to regular Social Security Retirement age (usually age 65). Wage loss compensation is calculated at:
  - \$10,000 for each year in which wages were 25-50% less than the Average Annual Wage (AAW). The AAW is the average earnings for the 12 quarters (36 months) prior to the first quarter of wage loss.
  - \$15,000 for each year in which wages were less than 50% of the AAW

Eligible survivors may receive compensation of \$125,000 if the employee's death was caused, contributed to or aggravated by the covered illness. Eligible survivors include:

- A spouse who was married to the employee for one year prior to his/her death.
- If there is no surviving spouse, then compensation may be awarded to a covered child if, at the time of the employee's death, the child was under the age of 18, under the age of 23 years and a full-time student, or any age and incapable of self support .

Survivor benefits may be increased if the employee sustained wage loss prior to retirement age as a result of the covered illness, as follows:

- An additional \$25,000 – if the employee had between 10 and 19 years of wage loss or
- An additional \$50,000 – if the employee had 20 years or more wage loss

Medical expenses awarded are in addition to and not included in calculating the \$250,000 maximum compensation amount.