# Radiation Exposure Compensation Act

**Division of Energy Employees Occupational Illness Compensation** 

JOTG Webinar Series December 9, 2020

## Radiation Exposure Compensation Act (RECA)

- October 5, 1990 Congress passed RECA
  - Administered by Department of Justice (DOJ).
  - Individuals (or their survivors).
  - Compensation only, not medical benefits from DOJ.
- October 30, 2000 Congress passed EEOICPA
  - Included provision to pay benefits and compensation to RECA Section 5 recipients/survivors.



DOJ pays \$100,000, DOL pays \$50,000 plus medical benefits.

2

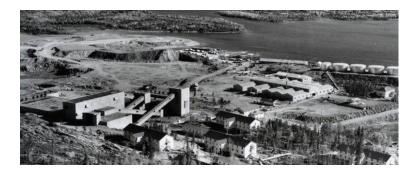
### How is a RECA Claim Identified

- DOL develops the claim for benefits based on RECA Section 5 when:
  - Claimant identifies RECA Section 5 on incoming claim form (EE-1 or EE-2).
  - Some other indication (e.g. employment history) that the claimant may be eligible for RECA Section 5 benefits.



## **Processing a Uranium Employee Part B Claim**

- Covered under Part B if claimant is entitled to RECA Section 5 benefits (employee or survivor).
- DOJ confirms RECA Section 5 award.
  - DOJ reviews forms EE-1 or EE-2 as Privacy Act waiver.
  - Advises DOL as to status of RECA award (pending, approved, denied).
- DOL pays \$50,000 plus medical benefits to award recipients for conditions covered under RECA.



## **Eligible Survivors under Part B**



- If DOJ awards benefits to a deceased employee's survivor, that survivor eligible for \$50,000 under EEOICPA.
- If covered uranium employee (employee or deceased employee's survivor) dies before receiving supplemental Part B compensation:
  - Coverage for additional survivors are subject to Part B survivorship definition.

## Part E Eligibility for Covered Employees

- If employee claim accepted under Part B, also accepted under Part E.
- If denied under RECA, may still be eligible for Part E benefits.
- Verify covered Part E employment in uranium mines/mills.
  - Through DOJ or other means.
  - Employment occurred in one of the 11 states covered under RECA.
  - Employment occurred from Jan 1, 1942 to Dec 31, 1971.
- Verify exposure to toxic substances.
- Verify causation.

## **Part E Eligibility for Survivors**

- Must meet Part E definition of survivor.
- Employees death must be related to exposure to toxic substance.



## **Example 1**

- Suppose Tom was accepted under Sec 5 of RECA for pulmonary fibrosis as a uranium miner. Tom can then typically be accepted under Part B and Part E of the EEOICPA for pulmonary fibrosis, and would be awarded \$50,000 under Part B; (we also note that Tom would typically also be approved for pulmonary fibrosis under Part E).
- He would then receive medical benefits for pulmonary fibrosis under Parts B and E retroactive to when he filed for pulmonary fibrosis under EEOICPA.
- He would also have ability to claim Impairment and Wage-Loss for pulmonary fibrosis under Part E.





# **Example 2**

- Suppose Betty was accepted under Sec 5 of RECA for pneumoconiosis as a survivor of a uranium worker.
  Betty could be accepted under Part B for pneumoconiosis and awarded \$50,000.
- Further suppose that Betty was the surviving spouse of the uranium worker (for over 1 year), there were no non-spousal children, and that pneumoconiosis caused the employee's death.
- Betty could likely also be awarded \$125,000 in survivor benefits under Part E of the Act.

## Implications of a Section 4 Acceptance

- Some EEOICPA claimants may have filed a claim and received an award for cancer from DOJ under Section 4 of the RECA.
  - Claimant recipients of a RECA Section 4 award are not eligible to receive a supplemental payment of compensation under Part B of EEOICPA.
  - In some instances, survivors of Section 4 RECA recipients may be eligible.
- A RECA Section 4 award has no effect on non-cancerous conditions claimed under EEOICPA.
- Under RECA, an individual cannot receive an award under both Section 4 and Section 5.

## **Uranium Worker EEOICPA claims: Tools and Links**

**EEOICPA Procedure Manual (see chapter 19 for uranium worker claims)** 

https://www.dol.gov/sites/dolgov/files/owcp/energy/regs/compliance/PolicyandProcedures/procedure\_manual\_4.3-2020.09.pdf

How is my EEOICPA claim for RECA Section 5 processed?

https://www.dol.gov/sites/dolgov/files/owcp/energy/regs/compliance/brochure/EEOICPA RECA Section5.pdf

Significant Decisions Library: (note there is a link/section for claims implicating the Radiation Exposure Compensation Act)

https://www.dol.gov/agencies/owcp/energy/regs/compliance/Decisions/finalfabdecs

**RECA Website (Operated by the Dept. of Justice)** 

https://www.justice.gov/civil/common/reca

**Resource Center contact info:** 

https://www.dol.gov/agencies/owcp/energy/regs/compliance/ResourceMeetings/ResourceCenters

**District Office/Claims Examiner contact info:** 

https://www.dol.gov/agencies/owcp/energy/regs/compliance/law/JurisdictionMap

## Questions



Questions can also be submitted to <a href="mailto:DEEOIC-Outreach@dol.gov">DEEOIC-Outreach@dol.gov</a>

Thank you very much for attending the DEEOIC Webinar