



RELEASE - TRANSMISSION OF REVISED MATERIAL TO BE INCORPORATED INTO THE FEDERAL (EEOICPA) PROCEDURE MANUAL: CHAPTERS 1-0100, Introduction; 1-0200, Processing Mail; and 1-0300, Case Creation.

EEOICPA TRANSMITTAL NO. 16-03

April 2016

EXPLANATION OF MATERIAL TRANSMITTED:

This material is issued as procedural guidance to update, revise and replace Procedure Manual (PM) Chapter 1-0100, Introduction; Chapter 1-0200, Processing Mail; and Chapter 1-0300, Case Creation. These versions incorporate changes that have arisen since the last publication of these chapters, to include:

- Removes pagination from the Chapters and Page Number column on their Table of Contents
- Removes the footer from all pages subsequent to the Table of Contents

Specifically in regard to Chapter 1-0100, Introduction, the following changes were made to content:

- The section previously titled "Contents of Part 1" was removed and consolidated into Section 1, Purpose and Scope.
- The section previously titled "Automated Systems Support" was updated and retitled "Energy Compensation System (ECS)".

In regard to Chapter 1-0200, Processing Mail, the following change was made to content:

- Item 5d revises the procedure of handling priority correspondence to include the cover letter outlining the claimant's appeal rights regarding Privacy Act requests.

In regard to Chapter 1-0300, Case Creation, the following changes were made to content:

- Item 6c revises procedures of making corrective actions in ECS, eliminating the use of the ECS Change Form and replacing it with an e-mail process.
- In Exhibit 1, the claimant identification number has been moved from the second page to the first page of the Acknowledgement Letter and is found directly under the Case Id Number.

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FILING INSTRUCTIONS:

File this transmittal behind Part 1 in the front of the new Unified Federal (EEOICPA) Procedure Manual.

Distribution: List No. 3: All DEEOIC Employees
List No. 6: Regional Directors, District
Directors, Assistant District Directors,
National Office Staff, and Resource Center
Staff.

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SUPERSEDED

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1. Purpose and Scope. This part of the Federal EEOICPA Procedure Manual (PM) addresses the processing and movement of mail and case files within the Division of Energy Employees Occupational Illness Compensation (DEEOIC) and the handling of documentation within the District Office (DO), the Secondary Claims Examiner (CE2) Unit, the Final Adjudication Branch (FAB), and the National Office (NO). Topics included in this part relate to processing mail, case creation, case maintenance, and transfers and loans. This involves both traditional paper case files, hybrid case files (part paper, part electronic), and fully imaged case files. It also discusses how to create case files, maintain case files, and assign docket numbers to case files referred to FAB.
 2. Responsibilities. Effective handling of mail and files is a responsibility for all DEEOIC staff.
 - a. Central Mail Room (CMR). The CMR is a centralized mail processing facility operated by contractor staff who are responsible for scanning and creating an electronic image of incoming hardcopy documentation. Once the CMR staff has imaged a paper document, he or she classifies the document based on a list of pre-chosen "index" categories. The CMR staff person then uploads the document in to the Office of Workers' Compensation Program (OWCP) Imaging System (OIS) and assigns it to the associated case file record.
 - b. Mail and File (M&F) Staff. M&F Staff are responsible for maintaining paper case files located at the DO and FAB. They are also responsible for assisting with the physical movement of case files within the DO or FAB, including taking receipt of incoming files or transferring files to other district or FAB offices.
 - c. Claims Examiners (CE), CE2, FAB Representatives, and NO Representatives. The CE, CE2, FAB Representative, and NO Representative are responsible for claims adjudication activities relevant to cases filed under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). CE, CE2, FAB, and NO staff access physical case file documentation, or electronic records maintained in OIS, to perform duties relating to claim decision-making. Responsibilities also include claim record keeping, such as

location and status change updates, in the Energy Compensation System (ECS). Moreover, staff assigned to case files are responsible for screening unreviewed mail in OIS and for bronzing (uploading electronic images into OIS) documents generated or received by DEEOIC staff during claims adjudication.

3. Energy Compensation System (ECS). The work of staff related to mail and file is tied closely to ECS functionality in tracking cases, managing case status and record keeping. Specific instructions for using ECS are set forth in user guidance available to staff.

SUPERSEDED

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1. Purpose and Scope. This chapter identifies the different types of mail received by the Division of Energy Employees Occupational Illness Compensation (DEEOIC) and outlines mail-processing procedures. In addition, the chapter contains procedures for case mail association, outgoing mail processing and handling returned mail. Also provided is information regarding the handling of priority correspondence, including Freedom of Information Act (FOIA) and Privacy Act requests, and the safeguarding of Personally Identifiable Information (PII) in the disclosure of claim records.

2. Types of Mail. Most mail received by a DEEOIC Office is through the U.S. Postal Service (USPS). However, some mail is received by private overnight mail service, facsimile transmission (fax), electronic mail (e-mail), or by hand. Mail is grouped as follows:

a. Priority Correspondence. The Department of Labor (DOL) considers mail to and from the following parties as priority correspondence:

- (1) The President and White House Staff;
- (2) The Vice President and members of the Vice President's staff;
- (3) The President Pro Tempore of the Senate;
- (4) The Speaker of the House of Representatives;
- (5) Other Members of Congress;
- (6) Members of the Cabinet;
- (7) Governors of States;
- (8) Foreign government officials (e.g., Prime Ministers, Cabinet-level officers, Ambassadors, etc.);
- (9) Directors/Managers of employee organizations;
- (10) Directors/Managers of national and international labor organizations;
- (11) Members of the press; and

(12) Requestors of data under the Freedom of Information Act (FOIA) and the Privacy Act.

b. Primary Claim Forms. These documents, which contain information on new claims, include:

- (1) EE-1, Claim for Benefits under the EEOICPA;
- (2) EE-2, Claim for Survivor Benefits under the EEOICPA; and
- (3) Any letter or document containing "words of claim" under the EEOICPA. "Words of claim" simply means that the individual is requesting benefits under the EEOICPA.

c. Bills. Form OWCP-1500 is used to bill the Office of Workers' Compensation Programs (OWCP) for medical services and supplies. Hospital bills are submitted on the Form OWCP-04. Form OWCP-915 is used for employee reimbursement of out-of-pocket medical expenses. Form OWCP-957 is used for employee reimbursement of medical travel expenses.

d. Fiscal Documents. Fiscal items may include an EN-20, payment transaction forms (PTF), payment cancellation forms, etc.

e. Routine Mail. Other types of mail typically received by the DEEOIC include:

- (1) Documents from claimants and/or their authorized representative (AR), such as: medical records, employment records, exposure records, birth certificates, marriage certificates, death certificates, school records, affidavits, address changes, waivers, requests for an oral hearing, review of the written record, reconsideration, or reopening;
- (2) Documents from the Department of Energy (DOE), contractors, and/or subcontractors;
- (3) Information from other agencies, such as the Department of Health and Human Services (HHS), National Institute for Occupational Safety and Health (NIOSH), Social Security Administration (SSA), and the Department of Justice (DOJ);

- (4) Medical reports from attending physicians;
- (5) Mail from contractual sources, including reports from a Contract Medical Consultant (CMC), Center for Construction Research and Training (CPWR), and second opinion and referee specialists;
- (6) Occupational/Exposure reports from an Industrial Hygienist (IH) and Toxicologist (Tox);
- (7) Requests for information from other Federal, state, and local government agencies; and
- (8) Case-specific documents forwarded from other offices within DEEOIC, including a Resource Center (RC), for file association.

3. Electronic Recordkeeping. The DEEOIC maintains case file records in both paper and electronic form. Incoming paper mail is processed and scanned for electronic storage by a contractor at the Central Mail Room (CMR), located in London, Kentucky. The CMR date stamps the document(s) and its corresponding envelope, assesses the quality of the electronic image, and associates the document(s) with the appropriate case record in the OWCP Imaging System (OIS). The electronic document(s) is then indexed according to predetermined subjects and categories. The subjects and categories into which mail is sorted and filed, and the types of documents included in each, can be found in Exhibit 1, OIS Subjects and Categories.

4. Unreviewed Mail Notification. Once the CMR has imaged a document and associated it with an existing case file record, an electronic notification is sent through OIS to the appropriate Claims Examiner (CE), notifying him/her that mail has been received in a case for which he/she is assigned. The assigned CE is to verify that the unreviewed mail has been associated with the appropriate case file, that the document was indexed correctly into the appropriate subject/category, and must review the entirety of the document and ensure that proper action is taken in response to the information provided. It is important that the CE check OIS for new mail on a daily basis.

5. Handling of Mail Received in a DEEOIC Office. While the CMR contractor handles the bulk of incoming mail for scanning and association with claim records, some mail and faxes will occasionally be received in DEEOIC offices. The Mail & File (M&F) Clerk(s) in each office carefully inspect the contents of

incoming envelopes to ensure that all contents are removed. For faxes, the M&F Clerk inspects the submission to make sure that it is complete and relates to a single claim. The envelope (or in case of fax, the top page of the document) must be date-stamped, indicating the DEEOIC office location in which the mail was received and the year, month, day, and time of receipt. Subsequently, the M&F Clerk forwards the faxes and mail to the CMR for incorporation into OIS.

The nature of some correspondence may require action at the DEEOIC district office level to image documents into OIS locally, at the office's discretion. Such documents may include, but are not limited to:

a. EE/EN-20 Acceptance of Payment Under the EEOICPA.

At the time a payment is *Authorized* by the District Director (or an approved person with the DD role), all documents associated with the payment (i.e. EN-20, Payment Transaction Form (PTF), Payment Memo, Screen Print, etc.) are to be bronzed and saved as a "payment packet" in OIS. Once the payment packet is bronzed, the documents will be labeled with a unique identifier and filed under the Category: Forms and Claims; Subject: PTF. The payment packet will be described using a unique identifier consisting of the letters "PMT" followed by the first 4 letters of the payee's last name, the last 4 numbers of the payee SSN, and the *Authorization Date* as it appears on the PTF. For example, a payment to someone named Jones, with a "last 4" of 9876, and an Authorization Date of 01/01/2014 would be stored in OIS as follows:

Category:	Forms & Claims
Subject:	PTF
Description:	PMT JONE9876, 01-01-2014

b. SSA-581 Authorization to Obtain Earnings Data from the Social Security Administration (SSA). The SSA requires an original signed copy of the SSA-581. As such, a copy of the SSA-581 is to be bronzed into the appropriate case record in OIS, and the original is sent to SSA for processing.

c. Documents Pertaining to a Terminal Claimant. Because documents in terminal cases are time-sensitive and require swift action, mail of this kind received at a DEEOIC office is directed to the assigned CE for immediate incorporation into OIS and appropriate handling.

d. Priority Correspondence. Priority correspondence generally pertains to the request for information and/or status of a claim from the claimant or an authorized third party. Consequently, priority correspondence is time sensitive and requires careful attention in its review and response.

Of the priority correspondence listed in paragraph 2a above, the most common are FOIA requests, Privacy Act requests, and Congressional inquiries. In instances when a third party makes such a request (other than a FOIA request), a waiver signed by the claimant or AR must be included.

(1) FOIA Requests. FOIA requests allow third parties to request and gain access to existing Federal Government information, as outlined under 5 U.S.C. §552. FOIA requests are highly time sensitive and require careful attention as they involve the disclosure of specific documentation pertaining to the DEEOIC and/or its claimants. Each DEEOIC Office is to have a FOIA coordinator to effectively facilitate the identification and processing of FOIA requests.

Exhibit 2 shows a FOIA Process Flow chart which identifies the steps to be taken in order to accurately and expeditiously process a FOIA request received in a DEEOIC office.

(2) Congressional Inquiries. On behalf of their constituents, Congresspersons submit requests for information pertaining to a claimant's EEOICPA claim. The responsible district office or Final Adjudication Branch (FAB) office is responsible for ensuring that these inquiries receive a comprehensive review and that a response is prepared in a timely manner.

(3) Privacy Act. The Privacy Act of 1974, 5 U.S.C. §552a, applies to an individual seeking information about him or herself. The law provides an individual the right to access records maintained in federal systems of record (e.g., claim files) that are retrievable by his or her name or other personal identifiers.

Examples of Privacy Act requests received by DEEOIC include requests for a copy of a case file or a

specific document from a case file (e.g., CMC report, SSA records). Privacy Act requests may be submitted by claimants, an AR or authorized third parties.

(a) Handling document requests. In instances when a claimant, AR or authorized third party is seeking a copy of the entire case file record, or a specific document in a case file, the CE is to:

(i) Access the Energy Compensation System (ECS) to determine if the case file has an imaged component.

(ii) Copy relevant documents from the paper case file and/or OIS.

(iii) Determine what information, if any, needs to be redacted.

(iv) Before copies are sent, the CE/HR reviews the case file and the redacted copies, and completes a Data Release Form (Exhibit 3). The CE/HR then provides a copy of the redacted case file to the appropriate Supervisory CE, Senior CE, or HR for review to ensure the documents are appropriately redacted. A cover letter outlining the claimant's appeal rights is to be included. The CE/HR is only permitted to release documents that have been reviewed, and whose release has been approved by the appropriate Disclosure Officer or his/her designee. The Data Release Form is to be bronzed into the appropriate case record in OIS.

6. Physical Evidence. Any documents or other physical evidence submitted by a claimant is to be retained by the Program as part of the case record. Program literature and other public notices are to include instruction to the claimants as to the appropriate types of evidence to submit in support of a claim. Claimants should not send original documents to the CMR (e.g., birth certificates, death certificates, marriage certificates). The CMR will scan these types of records, but it may not be possible to return them to the submitting claimant.

a. Portable Media. The types of documents and evidence received by the DEEOIC in support of EEOICPA claims is

varied and can occasionally consist of physical evidence which cannot be imaged into OIS, such as portable media, X-rays, etc. In such instances, the district office is to incorporate this information with the paper case file, making a notation in the electronic OIS record that physical evidence exists in the case. If no paper case file exists, a new file is to be created in which to store the physical evidence and is maintained by the district office.

7. Personally Identifiable Information (PII). PII is defined as information that can be used to distinguish or trace an individual's identity, such as his or her name, SSN, or biometric records, alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as a date and place of birth or mother's maiden name.

During the adjudication process, the DEEOIC collects, maintains, and shares a large amount of data. It is of the utmost importance that all DEEOIC staff maintains the privacy of all claimants and safeguards PII contained within the case record from unauthorized and improper disclosure.

a. Protected PII. Protected PII is information, which if disclosed, can result in harm to the individual whose name or identity is linked to that information. Examples of Protected PII include, but are not limited: SSN, credit card number, bank account number, biometric identifiers (e.g. image, fingerprint, and iris), date of birth, place of birth, mother's maiden name, criminal records, medical records, and financial records.

b. Non-Sensitive PII. Non-sensitive PII is information, which if disclosed, cannot reasonably be expected to result in personal harm to the individual the information is linked to. Examples of non-sensitive PII that can become Protected PII if linked with other Protected PII include, but are not limited to: first/last name, e-mail address, business address, business telephone, and general education credentials.

c. Categories of PII that Indirectly Identify an Individual.

(1) Any information where it is reasonably foreseeable that the information can be linked with other information to identify an individual;

(2) Documentation not containing a name or SSN but containing a place of birth and mother's maiden name, which when taken together, can identify a specific individual; and

(3) Documentation containing the name or names of other individuals (e.g., names of co-workers).

d. Information Pertaining to Deceased Individuals. An individual's right to privacy ends upon his or her death. Therefore, a deceased person's name, address or SSN is not considered PII. However, documentation referring to a deceased person can contain PII regarding other living individuals.

e. Information Pertaining to Living Individuals. All DEEOIC staff are to prevent the unauthorized release of PII contained in paper records, electronic records (e.g. e-mails), or any other material for any living individual. This includes materials received from NIOSH, DOE, CPWR, corporate verifiers, unions, or any other source.

(1) CDs from NIOSH and DOE may contain PII on other individuals. DEEOIC staff must thoroughly review all documents on a CD before releasing the information. If a document contains PII on an individual other than the claimant, the document is printed and the appropriate PII is redacted. A photocopy is then made of the newly redacted record to ensure that the redacted information cannot be detected. This redacted document is then scanned into OIS.

If the CD is identified as containing PII pertaining to individuals other than the claimant, DEEOIC staff will place a label on the CD that states:

NOTICE:

This CD and/or printed documents from the CD, includes confidential information on workers other than this employee. This information must be carefully reviewed and redacted before release, whether by electronic or printed version, pursuant to the Privacy Act. Monetary fines may be imposed on an individual government employee for release of confidential information or personally identifiable information.

f. E-Mail. All DEEOIC staff must comply with all prescribed OWCP directives concerning the use of e-mail containing PII.

(1) E-mails sent from one DEEOIC employee to another through the internal OWCP wide-area network (WAN) are considered secure. E-mails to and from contractors who use the OWCP network (OWCP owned and properly configured equipment, including remote laptops that access the WAN) are also considered secure. Central Bill Process "threads" provided through the secure website of the Bill Processing Agent (BPA) conform to this policy, as they are also secured within an accredited network.

DEEOIC staff are permitted to list the employee's name and case file ID in the body of an e-mail message. However, the subject portion of the e-mail may not contain both the employee's name, combined with any identifier considered Protected PII, outlined above.

(2) E-mails between DEEOIC employees and parties outside of the OWCP network (e.g., Resource Centers, corporate verifiers, NIOSH, DOE) are not secure. As such, DEEOIC staff are not permitted to disclose any protected PII in any part of the e-mail message and any attachments containing protected PII must be password protected or encrypted.

Therefore an e-mail message can contain the last name and case ID number in the text of the message, as long as the SSN, full name, or other PII is not listed anywhere in the e-mail message. Accordingly, development letters must be faxed or mailed to corporate verifiers.

(a) SSA Exception. Communications with the SSA are through digital fax, and as such, do not subject to the above restrictions.

(3) Case specific e-mails received from an outside party containing Protected PII are to be printed and uploaded into the OIS case file. DEEOIC staff are permitted to reply with an acknowledgement e-mail, removing any PII from the sender's message and also advising the sender (e.g., claimants, physicians, Congressional offices) that DEEOIC does not conduct

claims communication via e-mail, but only by telephone or letter, as e-mail cannot be considered secure.

In addition, DEEOIC staff are to remove protected PII in any e-mail message chain and their attachments prior to forwarding them outside of the OWCP network. However, if this is not possible, the documents should be faxed or sent via mail or courier. Packages containing extracts of multiple protected PII records (e.g. to CPWR, DOE, RC) sent via courier must be tracked (e.g., sent by Registered Mail, Return Receipt, Fed Ex).

(4) E-mail messages with the BPA concerning claimants may only include the claimant's Central Bill Process Member ID. Claimant names are not to be included in the e-mail, unless in an encrypted attachment.

g. Protected PII and Portable Media.

(1) Protected PII is only to be stored on portable media when absolutely necessary. Protected PII on portable media devices including laptops issued by DOL are to be protected with agency-approved encryption. All reasonable measures are to be taken to ensure that portable media containing protected PII are stored inside a safe or in a secured, locked cabinet, room, or area during periods when the media is not in transit or active use.

(2) Delivery of portable media containing protected PII, including CDs, DVDs, or other writable media is done through the USPS or other DOL authorized delivery service with the ability to track pickup, receipt, transfer, and delivery. The portable media must be encrypted according to DOL standards and then double-wrapped in an opaque package or container that is sufficiently sealed to prevent inadvertent opening or reveal signs of tampering. The decryption key is not included in the same package as the portable media, but instead sent in a separate package.

h. Disposal of Documents and Electronic Media Containing Protected PII. Hard copy documents and electronic media containing PII are not simply discarded in a wastebasket, but instead discarded in bins specifically designated for shredding or burning.

i. Improper Release of Protected PII. If protected PII is improperly released to an incorrect individual, or documentation sent to the correct individual contains protected PII of another individual that was not redacted, DEEOIC staff must:

(1) Contact the individual via telephone and registered mail to request the return of the document. The DEEOIC staff member provides a self-addressed, stamped envelope for the return of the material directly to the DEEOIC;

(2) Immediately notify Appropriate Management (District Director, Final Adjudication Branch (FAB) Manager or FAB Branch Chief) who in turn notifies the Regional Director or National Office, who complies with established departmental reporting requirements, documenting the type of PII disclosure, the circumstances surrounding the disclosure, how it was discovered, the appropriate actions taken to recover the document in question, and the disposition of the recovery effort; and

(3) Track each PII recapture request within the Regional or FAB Office.

(a) If the recapture of the PII documentation is successful, the incident becomes closed with the incident record filed and maintained in OWCP.

(b) If the third party in possession of the improperly released documentation refuses to return it, the DEEOIC staff member reports the situation through appropriate management, through the Regional Director (except FAB), to the National Office, who will provide guidance.

8. Outgoing Mail. Outgoing mail is processed as follows:

a. Envelopes. All envelopes show the addressee's full mailing address, including the ZIP code. If the addressee provides a P.O. Box and a street address, both are listed on the envelope. Some post offices require a further separation of local mail, and such requirements are honored.

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- b. Postage. A postage meter is used to affix postage. Airmail letters for overseas delivery are bundled separately from regular mail.
- c. Registered and Certified Mail. These types of mail are processed according to USPS regulations and specific procedures established in each DEEOIC office.
- d. Overnight Express Mail. The services of the designated contractor are used at the discretion of the DEEOIC.
9. Returned Mail. Occasionally, mail sent out by the DEEOIC is returned by the USPS as undeliverable. The effective handling of claims depends heavily on ensuring that the claimant and/or AR receive the correspondence sent by a DEEOIC Office. Therefore, it is important that the DEEOIC maintain the current mailing address and phone number(s) of the claimant and/or AR.
- a. Inaccurate or Unreadable Mailing Address. On occasion, printing errors occur in which the mailing address contains a typo, is transposed, or is incomplete, and is thus returned as undeliverable. In such instances, the mailing address on the correspondence is examined and compared to the mailing address on file. If it is determined that a mistake was made by the DEEOIC, a corrected correspondence, with a new effective date, is prepared and resent to the correct mailing address and the release date is updated in ECS.
- b. Unknown Address. In such instances, sufficient attempts to obtain a correct address are made prior to administratively closing the claim.
- (1) Check the Social Security Death Index to verify the recipient is alive. A print out of the search is to be imaged into the case record.
- (2) Call the claimant or AR and request the current mailing address be verified in writing. This request is also memorialized in writing.
- (3) Review the case file in its entirety to determine if any new/different contact information for the claimant or authorized representative exists in any of the evidence;

(4) Contact the RC to see if they have contact information on the claimant or authorized representative. In instances of multiple claimants, they may also be contacted in an attempt to obtain updated contact information on the claimant or AR;

(5) Send a letter to the USPS Postmaster. Exhibit 4 shows a sample USPS Postmaster Address Request Letter. Information regarding the appropriate postmaster to which this letter is to be sent can be obtained at <http://www.usps.com/> under "Locate a Post Office".

e. Administrative Closure of Claim. If all efforts are exhausted and no updated information is obtained, the claim is in posture for administrative closure. A memorandum is prepared outlining the unsuccessful efforts of obtaining a current address and that the claim is being administratively closed as a result.

OIS Subjects and Categories

VERSION 2.4 - April 15, 2014

Forms and Claims
EE-1 (Claim for Benefits)
EE-2 (Survivor's Claim for Benefits)
EE-3 (Employment History)
EE-4 (Employment History Affidavit)
EE-5 (DOE Response to Employment History)
EE-7 (Medical Requirements)
EE/EN-8 (Smoking History Identification)
EE/EN-9 (Racial/Ethnic Identification)
EE-10 (Claim for Additional WL and/or IMP)
EE/EN-11A (Impairment Letter & Response Form)
EE/EN-11B (Wage Loss Letter & Response Form)
EE/EN-12 (Req for Update-State Workers Comp)
EE/EN-13 (Ltr to State Authority on Workers Comp)
EE/EN-16 (Comp payment questionnaire)
EE-17 (Home Health Care)
EE/EN-20 (Acceptance of Payment)
L460 (SSA response)
SF-50 (Notification of Personnel Actions)
SSA-1826 (Itemized Statement of Earnings)
SSA-581 (Authorization to Obtain Earnings Data)
OWCP-915 (Claim for Medical Reimbursement)
OWCP-957 (Medical Travel Refund Request)
OWCP-1500 (Health Insurance Claim)
Alternative Filing Claims
Case Create Worksheets
Claim Withdrawals
Consequential Claims
Data Release Form
Impairment Claims
Other Forms & Claims Received
Payment Cancellation Form
Payment Transaction Form (PTF)
Wage Loss Claims
Words of Claim
Employment
AWE
Beryllium Vendor
Corporate Verifier
DAR/SERT

DOE Records (not EE-5)
DOJ Records (RECA)
Facility Lists & Descriptions
Letter Affidavits
Occupational History Interview
ORISE
Other Employment Records
SEC Worksheets
Site Exposure Matrix (SEM)
SSA Records
Sub-contractor Records/BT Comp
Union Records/CPWR

Medical
ACS
Ancillary Service Documents
CMC/DMC
Consequential Condition Records
DDEOIC Medical Director
DDEOIC Nurse Records
DOE Physician Panel Report
Foreign Medical Services
Former Worker Program
Home Health Care
Impairment/Wage Loss
Medical Records
SECOP/Referee
SOAF
Terminal Documents

Other Documents
Accommodation Requests
Authorized Representative
CE-2 Memos
Change of Address/Phone
Death Records
Development Letters
Environmental/Scientific Studies
HP Records (DDEOIC)
IH Records (DDEOIC)
Impairment & Wage Loss Solicitation
Internal Forms/Worksheets
Memos to File

NICS Documents
NIOSH Documents
NRSD/ANRSD
Other Documents
Physical Evidence
POA Documents
Policy/Procedure Documents
Returned Mail
Survivorship Eligibility
Telephone Records
Toxicology Records (DEEOIC)
Transfer Sheets

Adjudication Documents
Administrative Closure
Alternative Filing Decisions
Final Decisions
Hearing Documents
Hearing Transcripts
Other Adjudication Documents
Recommended Decisions
Remands
Review of the Written Record Documents
SOL Opinions
Untimely Objections to the RD
Waivers

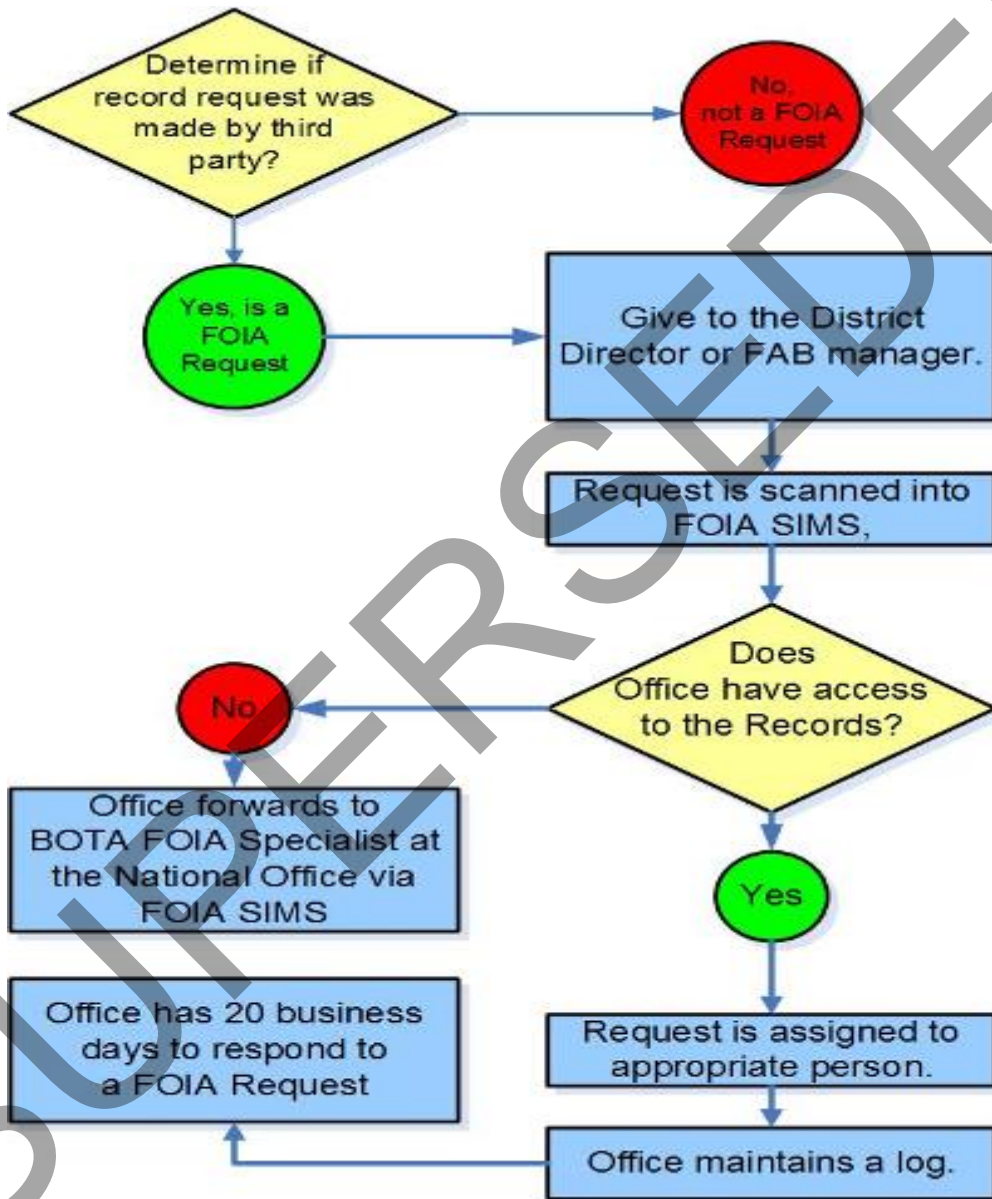
Post Adjudication Documents
Director's Orders
Letter Decisions
Litigation Documents
Overpayment Documents
Reconsideration Documents
Reopening Documents

Fiscal Records
Fee Schedule Appeal Documents
Medical Bill Processing
Other Fiscal Records
State Workers' Comp Documents
Tort Documents
U.S. Treasury Documents
Wage Loss Worksheets

Other Inquiries
Advocacy Group
Congressionals
Federal/State Agency
FOIA Documents
Investigation/Fraud
Ombudsmen
Other Priority Inquiries
President/Vice President
Press/Media
Privacy Act Requests

SUPERSEDED

FOIA Process Flow



Data Release Form

FOR ALL FILE COPY REQUESTS: This form must be completed and placed on the spindle in the claim file.

Employee Name: _____

File Number: _____

Assigned Claims Examiner: _____

Date of Request for File Copy: _____

Name of Requestor: _____

File Copy to be Sent to: _____

Initial Reviewer Name: _____

Initial Review Date: _____

Final Reviewer Name: _____

Final Review Date: _____

I have carefully reviewed the documents and/or electronic media being sent pursuant to this claimant request for a copy of file documents. To the best of my knowledge these documents and/or electronic media do not contain Personally Identifiable Information (PII) of other individuals aside from the requestor or any PII that has been redacted.

(CE, CE2, FAB, or NO Representative) (Date)

(Final Reviewer) (Date)

As per 39 USC 404... "the USPS does not disclose mailing information except in the following limited circumstances; Authorized disclosures include limited circumstances such as the following: (a) to other government agencies or bodies: when relevant to a decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or benefits"...

The correspondence in question fits within the aforementioned parameters and our agency is requesting the aforementioned information as formatted in the USPS Administrative Support Manual Section 352.44. Please respond to our office via return mail or fax with the aforementioned postal patron's new address/contact information.

If you have any questions regarding this letter, please call me at XXX-XXX-XXXX

Physical Address: US Department of Labor - DEEOIC
P.O. Box 8306
London, KY 40742-8306

Sincerely,

Name
Title

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1. Purpose and Scope. This chapter describes the role of the Resource Center (RC), Central Mail Room (CMR), district office, and Final Adjudication Branch (FAB) in the case creation process. In addition, the chapter covers the process of creating an Energy Employees Occupational Illness Compensation Program Act (EEOICPA) case file electronically in the OWCP Imaging System (OIS) and Energy Compensation System (ECS). The chapter contains instructions for deciding whether a new claim is considered filed under Part B and/or Part E of the EEOICPA. Finally, the chapter provides guidance regarding the proper handling of additional claims received during claim adjudication and the handling of withdrawn claims.

2. New Cases. A new case usually consists of a Claim for Benefits, Form EE-1 or EE-2, with the accompanying Form EE-3, Employment History for a Claim Under the EEOICPA. A new case is created based on a signed written communication from the claimant; a claimant's authorized representative (AR), or a person acting on behalf of the claimant (e.g., a relative or guardian). Any one of the following documents is considered a request for benefits:

- a. Form EE-1, Employee's Claim for Benefits;
- b. Form EE-2, Survivor's Claim for Benefits; or
- c. Any letter or document containing "words of claim" under the EEOICPA. "Words of claim" means that the individual has communicated in writing his or her intent to seek benefits under the EEOICPA.

3. Receipt of a New Claim. Designated staff at the Division of Energy Employees Occupational Illness Compensation (DEEOIC) district office or RC take new claim documentation, including the postmarked enveloped used to mail a claim form, and affix an inked date stamp on all documents. The date stamp is to identify the receiving office location and received date. Once date stamped, CMR contract staff then make an electronic image of the documents and upload them into the Energy Document Portal (EDP), which goes directly into the Case Create Queue in OIS. The CMR then send a notification to the Centralized Case Create (CCC) office of their action. The EDP also allows claimants, their attorneys, Authorized Representative, family members, etc. to upload claim documentation into OIS.

Case create clerks at the CCC are responsible for checking the Case Create Queue daily to identify new incoming claims. The CCC

records the relevant demographic data relating to the claim into ECS, such as personal, medical, employment and other component data. Upon completion, a copy of the claim form is uploaded into OIS, which automatically generates a unique ECS Case Identification Number (Case ID number).

a. Terminal Claims. In instances where a claim form is received by the DEEOIC office or a RC from, or on behalf of, a terminal claimant, the claim form and all supporting documentation is date-stamped, scanned, converted to a PDF attachment and immediately sent via e-mail to zzOWCP-DEEOIC-Centralized Case Create Group.

The subject line for any e-mail concerning a terminal claim should include "Terminal Case Create" followed by the name of the office sending the email, the claimant's last name (or case number in case of an existing case). For example, a subject line would read: Terminal Case Create DEN Smith; or Terminal Case Create JAC 50100000.

To comply with program procedure, district office staff prioritizes any claim with a terminal status. Should a District Director or FAB Manager determine that even a short delay in processing the forms would adversely affect the claimant, they are to contact the OIS Coordinator or Cleveland District Director by telephone.

(1) If a terminal claim is received in the RC, the RC uploads all claim documentation to the EDP.

(2) The District Director or designee reviews the documentation to determine whether the medical records necessitate the claim be expedited. If the claim is to be expedited, the district office follows the procedure described above. If the claim documentation does not support a designation of terminal status, the district office forwards the claim documents to the CMR for processing.

c. Occupational History Development. For Part E causation claims, RC staff completes an Occupational History Questionnaire (OHQ) by interviewing claimants about their knowledge of employee exposure to toxic substances. The RC staff completes the OHQ interview either in-person or telephonically within 14 days of assignment or receipt of claim. If the OHQ interview cannot be completed within 14 days, the RC staff may request an extension with the

jurisdictional district office. Once the OHQ interview is complete, the RC staff scans and uploads the completed OHQ interview to the case file, via the Energy Document Portal along with the approved DEEOIC checklist. While the RC is generally the recipient of new incoming claims, occasionally the district office will receive new claim documentation. In these situations, the district office receiving the new claim coordinates with the appropriate RC to have it conduct an OHQ.

4. Assignment of Claims to a District Office. The assignment of a claim to a particular district office occurs based on the state where the employee's most recent location of covered employment occurred, as listed on Form EE-3. Each district office is responsible for claims originating from a state for which it has jurisdictional responsibility. Information regarding district office jurisdictional boundaries is located on the DEEOIC main webpage. If the claimant does not submit a Form EE-3 with his claim, the CCC uses the claimant's state of residence to make a district office assignment. Each district office is to provide the CCC with an up to date case create digit assignment list so that upon creation, the CCC directs the claim to appropriate CE. When CE digit assignments change, the District Director or a designee is to email the updated list to **zzOWCP-DEEOIC-Centralized Case Create Group.**

5. Creating Cases in Energy Compensation System (ECS). The CCC enters into ECS information reported by the claimant from the incoming claim form, such as personal, medical, employment and any other relevant claim data. Important demographic information from the claim form necessary to create a claim include the employee/survivor name, Social Security Number, mailing address, phone number, date of birth, sex, etc. The CCC also enters information concerning the nature of the claim to include the medical conditions claimed as work-related, the employment history for the employee, and responses to the receipt of other award or other legal information. Once this information is entered and saved, ECS assigns a unique Case ID# for the entire case file.

In addition, each person who has filed a claim within a case is assigned a unique claimant identification number. If the CCC is processing a claim based on the submission of correspondence that contains words of claim, he or she is to enter as much information as possible to permit ECS to assign a Case and Claimant ID#. At a minimum, ECS requires the entry of name and mailing address of the claimant (in the case of a survivor, it

is necessary to name the employee) to permit the creation of a case. Once the CCC creates a claim under this circumstance, the matter is referred to the assigned CE to notify the claimant of the need to complete an EE-1 or 2 to allow for claim adjudication. A claimant signature is not necessary on any form or letter with words of claim for case creation to occur; however, for claim adjudication a signed EE-1 or EE-2 is required. Without a properly completed form, the claim is administratively closed.

For a systematic guide to ECS case create procedures, refer to the Claim Form Entry and Initial Review (Red Pane Review) instructions located in the ECS Procedures folder available to district office staff on the shared drive.

a. Handling Alternative Filings. A non-covered spouse or child of a deceased DOE contractor employee or RECA Section 5 uranium worker may submit a written request for an informal evaluation of whether the employee contracted a covered illness as a result of employment at a covered facility. As no recommended or final decisions are issued in these instances, an EE-2 is not required. Accordingly, alternative filing requests are entered into ECS as "Words of Claim" under the form EE-2. The alternative filing request will be processed in ECS as a survivor claim according to instructions provided in Chapter 2-1200.13.

6. Claims Examiner Review. Once a new claim is received from the CCC, but prior to initial development and adjudication, the assigned CE reviews the claim forms, any employment and/or medical evidence, the claimed employment and occupational history development conducted by the RC and ECS to ensure ECS contains accurate information. If the claim requires additional follow up action by the RC, the CE may assign additional tasks to the RC as necessary.

a. Missing Information. If a claim form or document with "words of claim" is missing vital information (e.g., a diagnosed condition, employment information), the assigned CE requests the omitted information and/or the appropriate claim form from the claimant, or the designated Authorized Representative.

b. Acknowledgement Letter. Upon receipt of a new claim, the district office is responsible for sending the claimant a letter acknowledging the receipt of a new claim and providing the claimant with a case ID number and contact

information should the claimant have questions regarding his/her claim. A sample acknowledgment letter is provided as Exhibit 1.

c. Corrective Action. In some instances, a CE or FAB CE/Hearing Representative (HR) will identify a data entry error or receive information that warrants a revision to claimant demographic data recorded in ECS. ECS demographic data such as date of birth, date of death, gender, relationship type, phone numbers, Power of Attorney and Authorized Representative names are editable by the assigned CE or FAB CE/HR. However, in other instances, critical data relating to the claimant, such as address changes or corrections to name, SSN or other payee data, requires extra steps to process. For ECS data changes that the assigned CE or FAB CE/HR cannot perform on his or her own authority, the DEEOIC requires two individuals to process an ECS data change: The person who requests an ECS change and a person who makes the change. This ensures information security and accountability for critical data changes that has the potential to affect payee outcomes.

Should a CE or a FAB CE/HR identify a reason to modify ECS data that he or she cannot input on his or her own authority, they are to prepare an email with a subject line, "ECS Change Request - Case ID xxxx (insert Case ID#)." In the body of the email, the requester will describe the nature of needed ECS change. In addition, he or she will reference the Document ID in OIS or attach as reference any document supporting the data change request (i.e. a claimant submitted signed address change request). The CE or FAB/CE forwards the email to the Payee Change Assistant (PCA) or other ECS data change agent designated with that functionality by the District Director or FAB manager. The PCA or designated ECS data change agent is to process the ECS change request, unless there is some reason to seek clarification beforehand. Once completed, the PCA or designated ECS data change agent responds to the change request with an email confirming the data update. The receiving CE or FAB CE/HR confirms the change occurred as requested and then bronzes a copy of the email, along with any attachments, into OIS for recordkeeping.

7. Creating a Claim Under Part B vs. Part E, or Both.

Identifying when a claim is to be adjudicated under Part B, Part E, or both, it is first necessary to identify the claimed conditions. Conditions covered under Part B include chronic

beryllium disease (CBD), beryllium sensitivity, chronic silicosis and radiogenic cancers. Claims for any other illness not covered under Part B are created and adjudicated solely under Part E, which covers any illness found related to occupational toxic substance exposure.

a. Consideration of Employment. In addition to considering the claimed medical condition(s), claimed employment is also considered. Part B of the EEOICPA covers employees of the Department of Energy (DOE), its contractors and subcontractors, beryllium vendors, atomic weapons employers and eligible survivors. Part E offers benefits to DOE contractors, subcontractors and their eligible survivors.

For claims filed at the RC, the RC verifies employment through the Oak Ridge Institute for Science and Education (ORISE) and/or clarifies the nature of claimed employment.

Example 1: If a claim identifies employment as a federal employee at a DOE facility and a Part B medical condition, the claim is adjudicated under Part B only, because a DOE federal employee is not a covered DOE contractor employee, as required under Part E.

Example 2: If a claim identifies employment at an Atomic Weapons Employer (AWE) or a beryllium vendor and a Part B/E medical condition, the claim is adjudicated under Part B only, because working at an AWE or beryllium vendor is not covered employment under Part E. (The exception to this is if it is indicated that the employee worked at an AWE or beryllium vendor that was designated as a DOE facility for remediation.)

Example 3: If only Part B medical conditions are checked on the claim form (e.g., CBD, beryllium sensitivity, chronic silicosis, or radiogenic cancer) and DOE contractor employment is claimed, the claim will be adjudicated under both Part B and Part E.

Example 4: Some AWE and beryllium vendor facilities are designated as DOE facilities during periods of remediation. If the claimant from Example 1 instead claims employment with an AWE or beryllium vendor during a period of remediation or identifies the AWE

or beryllium vendor as a DOE facility on Form EE-3, the claim is to be adjudicated under both Part B and Part E. In such a case, additional development to establish covered Part E employment would be required.

Example 5: To establish covered employment under Part E, the employee must have been a DOE contractor employee. If the claimant from Example 1 claims only employment as a DOE federal employee, the claim is adjudicated under only Part B.

Example 6: If a non-Part B medical condition (e.g., asbestosis) and DOE contractor employment are claimed, the claim is treated as a Part E claim only.

Example 7: If the claimant claims diabetes (a non-Part B medical condition) and employment with an AWE or beryllium vendor during a period in which remediation did not occur, or does not identify the AWE or beryllium vendor as a DOE facility on the Form EE-3, the claim is adjudicated under only Part B, as the employee must be a DOE contractor employee to be covered under Part E.

Example 8: If an employee claims prostate cancer and DOE contractor employment, the claim is adjudicated under both Parts B and E. If the same employee claims both prostate cancer and asbestosis, the prostate cancer is treated as a Part B and Part E condition, while asbestosis is adjudicated under Part E only.

Example 9: If a claimant identifies chronic silicosis on the Form EE-2, the claim is evaluated under both Parts B and E only when the claimed employment was in underground tunnels in Nevada or Amchitka Island, Alaska. If the claimant employment is outside of these facilities, the claim is adjudicated under only Part E.

Example 10: All new Radiation Exposure Compensation Act (RECA) 5 claims are to be adjudicated under both Part B and Part E.

8. New Claims in Existing Cases. In situations where there is an existing case record, if a district office or RC receives a new claim for an additional medical condition, or new survivor, the new claim form is date-stamped and forwarded to the CMR for processing, as outlined in Item 3 above.

a. Case Assignments. New claims in existing cases are assigned to the appropriate district office and CE, as outlined above in Item 4. However, if the case is found to be currently outside of the jurisdictional office (i.e. at FAB or National Office), the new claim will be assigned to the district office CE assigned to the case.

b. Medical Evidence Only. If the claimant submits medical evidence for an unclaimed condition (i.e., medical evidence indicating the presence of an illness which identified as being potentially work-related) without a claim form, or document with "words of claim" for a covered condition, the CE contacts the claimant to request the appropriate claim form. He or she can also forward the evidence to a RC for assistance in initiating a new claim.

c. Survivorship Evidence Only. If a new survivor submits survivorship evidence (e.g., birth certificate, marriage certificate, school records) without a claim form, the district office or RC contacts the claimant to request he or she complete Form EE-2.

d. Wage-Loss and Impairment Claims. In cases in which a claimant submits Form EE-10, Claim for Additional Wage-Loss and/or Impairment under the EEOICPA, the CMR does not submit the form into the Case Create Queue. Any EE-10 received in the CMR is scanned as regular mail and appears in the assigned CE's "Unreviewed Assigned" document queue, at which time the CE is responsible for reviewing the claim form, entering the appropriate information into ECS and completing appropriate development actions. This data entry process also applies when a claimant submits "words of claim" in lieu of Form EE-10 to requesting wage-loss and/or impairment benefits.

9. Withdrawal of a Claim. A claimant is able to withdraw his or her claim for benefits for any claimed condition(s), or wage-loss or impairment, prior to the issuance of a Final Decision for the requested benefit(s). All requests to withdraw a claim for benefits must be in writing, signed by either the claimant or his or her authorized representative, and specific in reference to what Part or Parts under the EEOICPA the claim is to be withdrawn.

LETTER OF ACKNOWLEDGEMENT

Date

Case ID Number:

Claimant ID Number:

Energy Employee's Last Name:

Last 4 of Energy Employee's SSN:

Name

Address

City, State Zip

Dear Mr./Ms. Claimant:

We have received your claim under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). We have entered your claim into our system and assigned it the above Case ID number. You should refer to this number when calling our office and write it on the top right corner of any correspondence you submit in support of your claim.

Your claim has been assigned to a Claims Examiner for review. If additional information is required, the Claims Examiner will request it through a separate correspondence. During the adjudication of your claim you may be assigned a new Claims Examiner due to unforeseen circumstances. In these instances, the new Claims Examiner will review your file and handle your claim expeditiously so as to not cause delays.

Submission of Documents and Claimant Status Web Page: All correspondence are to be mailed to our Central Mail Room in London, KY or uploaded electronically through our secure internet service called the Energy Document Portal (EDP). Information about these two methods of document submission is included in the attached information sheet. We also have an online web-based Claimant Status Web Page that makes information available online to claimants. Instructions for accessing this website are also included in the attached information sheet.

To speak with someone directly, our Customer Service Representatives are available to answer many of your questions regarding the processing of your claim. Our representatives are available Monday through Friday between 8:00 am and 4:30 pm. You may also obtain information through your local resource center or by visiting our website at: <http://www.dol.gov/owcp/energy/>. I assure you every effort will be made to process your claim in a timely manner. If you have any questions, please feel free to contact us, toll free, at 1-888-859-7211.

If you have a disability (a substantially limiting physical or mental impairment), please contact our office for information about the kinds of help available, such as communication assistance (alternate formats or sign language interpretation), accommodations and modifications.

Sincerely,

District Director
District Office

cc: Authorized Representative Name, Authorized Representative

SUPERSEDED

**U.S. Department of Labor
Important Information about your EEOICPA claim**

For Correspondence by Mail

Please write your **Case ID Number** on the top right hand corner of any correspondence and mail to:

Energy Employees Occupational
Illness Compensation Program
DOL DEEOIC Central Mail Room
P.O. Box 8306
London, KY 40742-8306

Do not send original documents such as certified copies of birth certificates, pictures, death certificates, medical films, or marriage certificates with a raised seal – **These documents will NOT be returned to you.**

Energy Document Portal (EDP)

The Energy Document Portal allows you to electronically submit documents directly to your case and will decrease mailing delays. You can access our EDP at <https://eclaimant.dol-esa.gov> and you will need the following information:

- your Case ID as indicated above;
- the Energy Employee's last name; and
- the last 4 digits of the Energy Employee's Social Security Number.

Online Claimant Status Page

You may obtain a general status of your claim by visiting our Claimant Status Page website. This website allows claimants access to limited claims information from the same electronic claims database that is used by DEEOIC claim examiners. Available information includes: claimed medical conditions, worksite locations, most recent claim action, payment information, and current case location.

The website can be accessed at:

http://www.dol.gov/owcp/energy/regs/compliance/Claimant_status.htm

You will be asked to provide 3 pieces of data unique to your individual claim:

- (1) The last four digits of the **Employee's** social security number;
- (2) Your full date of birth; and,
- (3) The unique 8-digit claimant identification number. This is for internet access only.

Questions and concerns regarding this website should be directed to this office.

SUPERSEDED