



Joint Outreach Task Group

U.S. Department of Labor, U.S. Department of Justice, U.S. Department of Energy  
and their Former Worker Program, National Institute for Occupational Safety and  
Health, and the DOL and NIOSH Offices of the Ombudsman

# Energy Employees Occupational Illness Compensation Program Act (EEOICPA) 2024 Authorized Representative Workshop

**LEARN MORE ABOUT YOUR ROLE AS AN AUTHORIZED REPRESENTATIVE  
GET HANDS ON, IN-DEPTH TRAINING DIRECTLY FROM SUBJECT MATTER EXPERTS**

**Tues. July 16<sup>th</sup> & Wed. 17<sup>th</sup>, 2024**

**Sheraton Lisle Naperville**

**3000 Warrenville Rd.**

**Lisle, IL 60532**

**Workshop attendance is extended to representatives and attorneys residing in Illinois and surrounding states. Space is limited! Reservations are on a first-come, first-serve basis for those who have not attended a prior Authorized Representative (AR) Workshop. Should space remain, DEEOIC will offer invitations to those outside of this area.**

**For more information, or to reserve your seat, call (702) 743-3447 or email [chelseamonko@dolrc.com](mailto:chelseamonko@dolrc.com).**

**The Workshop is a two-day event for Authorized Representatives (AR) and attorneys who represent claimants under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). During the workshop, U.S. Department of Labor (DOL) staff, as well as representatives from the U.S. Department of Energy (DOE), and the National Institute for Occupational Safety & Health (NIOSH) will be presenting information on their roles in the Program. In addition, you will have the opportunity to attend several half-hour to one-hour long, in-depth sessions on a variety of specific topics.**

## 2024 Authorized Representative Workshop ▪ Course Descriptions

### Welcome ▪ Overview of EEOICPA ▪ Agency Roles ▪ Claims Adjudication Process

Rachel Pond, Director, Division of Energy Employees Occupational Illness Compensation (DEEOIC), U.S. Department of Labor (DOL), welcomes you to the 2024 Authorized Representative Workshop. This session provides an overview of compensation and medical benefits provided under Part B and Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA or Act). You'll learn general information about the roles of DOL, the Department of Energy (DOE), and the Department of Health and Human Services' National Institute for Occupational Safety and Health (NIOSH) in implementing the EEOICPA, and you'll meet representatives from all agencies face-to-face. We'll describe the development process for claims under the EEOICPA; explain the roles of DEEOIC's Resource Centers, District Offices, and Final Adjudication Branch (FAB) in the adjudication process; and cover how recommended and final decisions are issued; how to waive or object to a decision; how to submit requests for reconsideration and/or reopening of a claim; and how payments are made. We're here to help you in any way we can!

**DOE Former Worker Medical Screening Program** – The Former Worker Medical Screening Program (FWP) provides ongoing medical screening examinations, at no cost, to all former DOE Federal, contractor, and subcontractor workers who may be at risk for occupational diseases. The screening examinations provided through the FWP are designed to check for adverse health outcomes related to a broad range of potentially hazardous exposures, including radiation, beryllium, asbestos, lasers, silica, lead, cadmium, chromium, solvents, noise, and other occupational exposures. The components of the screening examination are based on an individual's work and exposure history and may include a physical exam, chest x-ray, breathing test, hearing exam, basic blood work, and urinalysis, as well as specialized blood and urine tests for certain at-risk individuals. In this workshop, your presenter will explain how the FWP administers medical screenings and how screenings help employees who have filed claims under the EEOICPA.

**Department of Energy (DOE) Records Searches** – In this session, a DOE representative discusses the important step of collecting employment records to support a claim (e.g., an employee's personnel records, radiological dose records, incident or accident reports, industrial hygiene or safety records, and job descriptions, etc.). You will learn how DOE searches for and gathers individual records, view a sample search, and discover ways to independently research DOE information. You'll learn how DOE supports the Department of Labor (DOL) and National Institute for Occupational Safety & Health (NIOSH) in collecting employment evidence to support EEOICPA claims. In addition, you will learn how to file a Freedom of Information Act inquiry and Privacy Act request with DOE.

**Dose Reconstruction/Special Exposure Cohort** - For cases involving radiogenic cancer under Part B of the EEOICPA, there are two different routes toward development. Some cases will

involve workers who developed a “specified cancer” and who worked for at least 250 days at a facility designated by NIOSH as a Special Exposure Cohort (or SEC) facility. For these cases, the Act provides a presumption that any of twenty-two “specified cancers” incurred by an SEC worker were caused by radiation exposure at an SEC facility. For Part B cases involving cancers that are not covered by SEC provisions, there is a step in the process called dose reconstruction. Dose reconstructions conducted by NIOSH measure the level and extent of occupational radiation dose that workers may have been exposed to. The measurements allow DOL to determine the probability that a cancer was caused by a person's exposure to radiation. The standard is met if the cancer is “at least as likely as not” related to covered employment, as indicated by a determination of at least 50 percent “probability of causation.” In this session, we will explain the dose reconstruction process, the rationale behind “probability of causation,” what happens in dose reconstruction when the claimant is suffering from more than one type of cancer; the approximate length of time for dose reconstructions; how the final report of dose reconstruction is provided; and your options if you disagree with the results of the dose reconstruction. We’ll also cover the process for petitioning for an SEC and show you how the number of SECs has grown since the onset of the Program. You’ll be able to view the NIOSH website to see the current list of SECs and you’ll learn how to navigate the website to obtain the information you need.

**Establishing Survivorship under Part B and Part E** – Under the EEOICPA, all survivor claims require evidence to establish the relationship of the claimant to the employee, as well as evidence to establish covered employment and a medical diagnosis to meet standards under Part B and/or Part E. However, survivorship definitions under Part B differ from those under Part E. In this session, we’ll explain the Part B & E definitions; the evidence needed to establish survivorship under the EEOICPA, which forms to file, and how survivor claims are adjudicated. A representative from the DOL District Offices will describe this process in detail and address questions.

**Exposure & Causation** – Chapter 15 of the Federal EEOICPA Procedure Manual describes the procedures DEEOIC uses to establish toxic substance exposure and causation under Part E of the EEOICPA. The program defines a toxic substance as any material that has the potential to aggravate, contribute to, or cause an illness or death because of its radiological, chemical, or biological nature. In this session, we’ll explain the steps your claims examiner will take to: confirm the diagnosis of an illness, verify covered employment, ascertain whether there is evidence to establish that exposure to a toxic substance has a potential scientific or medical relationship to the diagnosed illness, and determine the extent of the employee’s exposure to the toxin(s). Topics include the claimant’s burden of proof, sources of exposure data, toxicologist referrals, industrial hygienist referrals, and how evidence is reviewed. We’ll address your questions regarding “well-rationalized medical reports” and presumptions available for accepting certain illnesses under the EEOICPA.

**Focus Group/Stakeholder Feedback Session** – Stakeholder feedback is one of the best ways to help us understand the experiences and needs of our customers. The newly Customer Experience Team within DEEOIC collects feedback from stakeholders through a variety of methods,

analyzes the data, and makes recommendations for programmatic improvements. During this 60-minute guided discussion, participants will be asked to share “pain points” and “bright spots” for different steps in the claims process. DEEOIC staff want to hear the stakeholders’ perspective about what worked well during the claims process and what may have created stumbling blocks along the way.

**Impairment & Wage Loss under Part E** – Under Part E, an eligible claimant may receive variable compensation up to \$250,000 (medical expenses are not included in the cap) based on his or her wage loss and/or impairment. In this session, we will explain the process for filing claims for wage loss and impairment, the calculation(s) used for determining wage loss and impairment compensation, why each person’s claim is unique, the evidence required for each claim, the physician’s role in impairment evaluations, and how survivors may also be eligible for these benefits. The calculations used for wage loss and impairment can seem complicated at first. However, we’ll take you step-by-step through the information to increase your understanding of these benefits.

**Medical Benefits** - Under the EEOICPA, a covered employee is entitled to medical benefits to cover the reasonable cost of treatment and care of his or her accepted medical condition(s). In this session, we will explain services that may be covered (e.g., doctor’s visits, consultations, emergency room visits, hospitalization, diagnostic laboratory and radiological testing, durable medical equipment, drugs prescribed by a physician, ambulance services, home health care (HHC), nursing home and assisted living facilities, rehabilitative therapy services, and travel to and from the doctor, hospital, clinic, or pharmacy, etc.). We will also address how medical providers can enroll, the billing process, reimbursement of medical expenses, how to process HHC requests and ancillary care requests, which forms to submit, how to use the Medical Benefits Identification Card, how to utilize our Central Bill Processor’s website, and time limits for authorizations and reimbursements. We’ll provide you a copy of our brochure titled DEEOIC Medical Benefits. This session covers a lot of information, but we guarantee you’ll walk away feeling more informed about the medical benefits and services under the Program.

**Site Exposure Matrices (SEM)** - The DEEOIC maintains a database called the Site Exposure Matrices (SEM) which contains data on toxic substances known to have been present at DOE facilities and uranium mines, mills, and ore-buying stations covered under the Radiation Exposure Compensation Act. The SEM links toxic substance(s) to work processes, labor categories, buildings, and incidents, and to information about the scientifically known health effects associated with the toxic substance(s). The SEM is one tool used in the adjudication of claims to help claimants meet their burden of proof to establish work-related exposures to toxic substances. In this hands-on session, we’ll explain the public SEM and demonstrate how it can be used in the adjudication of a claim. Participants will be invited to search the portal for information; learn how the SEM is continually updated; and discover how evidence from the SEM is weighed alongside an employee’s personnel records, radiological dose records, incident or accident reports, industrial hygiene or safety records, job description, medical records, medical opinion, and other development. Don’t miss your chance to conduct a search while one of our staff is right there to assist you!

**Tools and Resources** – There are several tools and resources available to assist you, but it's not always easy to locate them or know exactly how to use them. In this hands-on session, you will learn how to navigate the DEEOIC website. We will show you how to access General Information and the Latest Program Highlights. From there, you'll explore Upcoming Events, Claimant Resources (brochures, forms, how to file a claim, Program News, Statistics, Significant EEOICPA Decisions, DEEOIC's Procedure Manual, Bulletins, Circulars, Laws & Related Materials, Public Reading Room, Medical Provider Resources, and Partner Agency sites. You'll also learn how to use the Energy Document Portal (EDP) to electronically submit documents to your imaged case file managed in the Office of Workers' Compensation Program (OWCP) Imaging System (OIS) (this guarantees they are immediately available to claims staff). You'll also learn how to link from our site to other agencies' websites.

**Your Role as an Authorized Representative (AR) Best Practices** – As an AR you are serving as the sole representative on behalf of an employee's claim for benefits under the EEOICPA. We appreciate your willingness to serve as an AR. We know it takes time, dedication, and a huge commitment. In this session, a representative from the Solicitor's Office discusses your designation and authorization as an AR, power of attorney, how to change an AR designation, privacy protection, fees, and conflicts of interest. They will discuss your role in records searches, case development, submission of forms, correspondence, recommended and final decisions, objections, hearings, payments, and medical assessments and services. They will encourage you in your role and direct you to the information, tools, and resources that you'll need to assist the claimant.