



EEOICPA BULLETIN NO. 24-02

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Subject: Categorization of basal cell carcinoma (BCC) and squamous cell carcinoma (SCC) as non-melanoma skin cancers.

Background: Federal (EEOICPA) Procedure Manual Chapter 24.10 describes several situations where a claimed medical condition can be approved by a letter decision issued by the district office, rather than requiring the issuance of a recommended decision (RD) and final decision (FD). One of the specific instances where this is permitted is listed in subsection 24.10g, which stipulates that “For any primary skin cancer that is accepted under Part E for toxic substance exposure other than radiation (e.g., chemical or biological exposure), Division of Energy Employees Occupational Illness Compensation (DEEOIC) may accept by letter decision any subsequent claim of the same type of primary skin cancer diagnosed at a different anatomical location.” With this procedure it is necessary to provide clarifying guidance to staff about the primary skin cancers that DEEOIC may accept as being the “same type.” For case adjudication purposes, DEEOIC staff may accept that diagnosed BCC and SCC are considered the same type of primary non-melanoma skin cancer.

References: Federal (EEOICPA) Procedure Manual (Version 8.0)

Purpose: To provide guidance as to the proper application of Procedure Manual Chapter 24.10g, regarding situations where additional primary BCC or SCC skin cancers can be approved by letter decision under Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

Applicability: All staff.

Actions:

1. Claims situations may arise when a primary non-melanoma BCC or SCC skin cancer is claimed, and there has been a previous final decision acceptance of a primary BCC or SCC skin

cancer under Part E based on exposure to a toxic substance other than radiation. In such a situation, the guidance set forth in Procedure Manual Chapter 24.10g is to be interpreted by claims staff as meaning that BCCs and SCCs are the same type of primary skin cancer.

2. If an employee has previously been approved by a final decision issued by the Final Adjudication Branch (FAB) for a primary BCC or SCC skin cancer under Part E, based on a positive causation determination for a toxic substance other than radiation, then that positive causation determination applies to any additional primary BCC or SCC skin cancers that the employee is diagnosed with, and that are properly claimed under Part E. As such, under Part E, the additional primary BCC or SCC skin cancers, and associated medical benefits, are in posture for acceptance by letter decision issued by the district office.

3. Melanoma skin cancers are not the “same type” of skin cancer as BCC and SCC.

Disposition: Retain until incorporated in the Federal (EEOICPA) Procedure Manual.

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