

## The 2010 Black Lung Benefits Act Amendments

The comprehensive healthcare reform legislation signed by President Obama on March 23, 2010, contains changes to the Black Lung Benefits Act. They affect claims for total disability benefits filed by miners with long histories of employment in the coal industry and some widows and other surviving dependents of totally disabled coal miners who were entitled to receive benefits at the time of their deaths. These changes reinstate provisions which were removed from the law in 1981. They will make it easier for some coal miners and their surviving dependents to receive total disability and survivors benefits. The amendments apply to claims which were filed after 2004 which were pending on their effective date and thereafter. The amendments became effective immediately upon the President's signature on the bill on Tuesday, March 23, 2010.

**Q. Which coal miners will benefit from these amendments and how will they benefit?**

**A.** Previously, to be eligible for total disability benefits a coal miner had to prove that he or she had a totally disabling respiratory impairment, that it was due to black lung disease and that it arose from coal mine employment. Now miners covered by the amendment can be awarded total disability benefits if they can prove that they worked fifteen or more years in or around coal mines and have a totally disabling respiratory impairment and their employer or its insurer is unable to prove the disability was due to some cause other than black lung disease or that it was not due to work in the coal mines.

**Q. How will some survivors benefit from these amendments?**

**A.** Previously the dependent survivors of many coal miners who were entitled to receive total disability at the time of their deaths had to prove that black lung disease caused, contributed to or hastened the miners' deaths to qualify for survivors' benefits. For the affected survivors, continuation of the benefits will now be automatic.

**Q. How can someone find out if they may be helped by these amendments?**

**A.** If the person has a claim for benefits currently pending with the Department of Labor or a claim that was denied within the past year, they should consult with their attorney or lay representative or benefits counselor, if they have one. If not, they can contact the nearest office of the Division of Coal Mine Workers' Compensation (DCMWC) to inquire about the status of their claim. Each of those offices can be contacted

using its toll free 800 telephone number. Those nine DCMWC offices with their 800 phone numbers are listed in the Office of Workers' Compensation Programs portion of the Department of Labor website.

- Q. What if the inquirer filed a claim at some time in the past, but it was denied more than a year ago?**
- A.** They should begin by consulting with the person who assisted them with their earlier claim, if possible. If that is not possible, they may receive assistance from benefits counselors at black lung clinics or local legal aid societies or they can contact the nearest DCMWC office for assistance.
- Q. How can someone whose claim was denied more than a year ago or who has never filed a claim for these kinds of benefits find out if they can benefit from these amendments?**
- A.** The only way to definitively answer the question of whether specific people will be benefited by these amendments is for that person to have a claim now in the system or for them to file a claim which can be decided under the law as it now exists. Claim forms can be downloaded from the DCMWC website. Alternatively, people can call the nearest DCMWC office which will mail the forms needed to apply for benefits to the caller.