

1. Purpose and Scope. This chapter describes the organization, functions, and objectives of DCMWC; lists the established delegations of authority; and describes the relationships of DCMWC with other DOL offices involved in the adjudication process.

2. Organization.

a. National Office. The Department of Labor (DOL) administers the Black Lung Benefits Program (BLBP) through the Office of Workers' Compensation Programs (OWCP), and the Division of Coal Mine Workers' Compensation (DCMWC). DOL administers and operates the program from a National Office (NO) and District Offices (DO). Several Field Stations (FS) also perform outreach and claims functions.

b. Field Organization.

(1) District Offices (DOs). DCMWC has seven District Offices and two sub-district offices that handle claims.

(2) Field Stations. Field Stations are offices that are staffed on a full-time or part-time basis that assist miners or survivors in filing claims, obtaining and submitting required evidence, and providing information on the progress and status of their claims.

c. Adjudication Relationships.

(1) The Office of Administrative Law Judges (OALJ) and the Benefits Review Board (BRB) are independent agencies responsible to the Office of the Deputy Secretary of DOL. The OALJ is responsible for the conduct of formal hearings when so requested. Further details on these procedures are contained in BLBA PM 2-1500 and 2-1501.

(2) The Benefits Review Board (BRB) is authorized to hear and determine appeals involving a question of law or fact raised by a party in interest from decisions or orders with respect to claims for BL benefits. Appeals to the Board will normally come after a formal hearing has been held by the OALJ. (See BLBA PM 2-1501.)

(3) The Solicitor of Labor's Division of Black Lung and Longshore Legal Services (BLLLS) is the legal

representative of the U.S. Department of Labor. The Solicitor makes legal interpretations of the Act and rules and regulations, and acts as legal representative for the DOL in all legal matters. Regional offices of the Solicitor represent DCMWC at hearings before the OALJ, and the BLLL represents DCMWC in all other matters (See BLBA PM 2-1502.)

(4) The Mine Safety and Health Administration (MSHA) and the Office of Workers' Compensation Programs have an (extra space) agreement in order to provide a central processing point for discrimination complaints filed under Sections 105(c) and 428 of the FMSHA of 1977 which prohibits discrimination against miners, representatives of miners, or applicants for employment in mines, including coal, metal, and nonmetal mines. Section 428, however (Title IV), only prohibits discrimination against coal miners who are suffering from pneumoconiosis. The agreement deals with complaints associated with coal mine employment.

(a) DCMWC is responsible for coordinating and consulting with the MSHA Coal Mine Safety and Health Branch of Special Investigations in all CME discrimination complaints.

(b) Any complaint by a coal miner, representative of such miner, or applicant for employment in a coal mine which alleges discrimination prohibited by the Act may be filed at any MSHA or DCMWC office. Such complaints will be considered filed for the purposes of both Sections 105(c) and 428.

(c) MSHA will be responsible for the investigation of all complaints and for initiating appropriate action.

### 3. Delegations of Authority.

a. The Director of OWCP has the authority for the BLBA program as set forth in Secretary Order (S.O.) 16-75. Employment Standards Administrative Order 78-1 redelegated authority for the execution of the program and activities of the DCMWC to the Director, OWCP.

b. Four Regional Directors are responsible for the Black Lung Benefits Program (and other OWCP programs) within their geographic jurisdictions. These are the Southeast, Northeast, Midwest, and Southwest regional directors.

c. The District Director (DD) is authorized, as adjudication officer, to accept evidence and decide claims on the basis of that evidence. The DD is that official of the DCMWC, or designee, who is authorized to perform functions regarding the development, processing, and adjudication of claims in accordance with the applicable DOL regulations. The authority of the DD is specifically set forth in 20 CFR 725.351(a).

d. The Administrative Law Judge (ALJ) is empowered by the Secretary to conduct formal hearings and to adjudicate claims in accordance with the applicable Federal and DOL regulations. The authority of the ALJ is specifically set forth in 20 CFR 725.351(b).

e. The Claims Examiner (CE), under the supervision of the DD or Branch Chief in National Office, is authorized to take action on activities involving the processing, monitoring, and adjudication of claims.

4. Functional Statements. The specific missions and functions of the OWCP, DCMWC NO, DOs, and FSs in administering the BLBP are set forth in OWCP Bulletin No. 16-78. They are summarized below:

a. The OWCP plans for and directs several workers' compensation programs including the BLBP; develops standards and policies for Federal/State programs, and provides technical assistance to States in the development and implementation of their workers' compensation programs.

b. The Division of Coal Mine Workers' Compensation (DCMWC) develops, interprets, and implements program policies, regulations, and procedures necessary for the administration of DOL's responsibilities under the Act, as amended. The Division establishes standards of program evaluation and coordinates the activities of the program with other components of Departmental, Federal, State, and private agencies involved.

(1) The Branch of Standards, Regulations and Procedures (BSRP) serves as a focal point within the DCMWC for the interpretation, development, and application of operational policies, regulations, and procedures for the administration of the Act. It has staff responsibility for program guidance and training, for maintenance of the list of approved diagnostic providers, for maintenance of insurance and self-insurance records of coal mine operators, and for DCMWC responses to Congressional, Freedom of Information Act, and other inquiries. BSRP coordinates its efforts in accordance with overall policies and with other appropriate DOL offices. It also coordinates the DCMWC reports, forms, and directives management systems. BSRP also reviews, maintains, and prepares claims on appeal to the BRB or a Federal Court. (See BLBA PM 0-003 and 8-100/400.)

(2) The Systems Management Section(SMS) develops, operates, and maintains all automated systems for the DCMWC including management information, user and system security, and the claimant and benefits payment systems.

(3) The Branch of Accounting and Accountability (BAA) obligates funds and maintains controls and records for benefit payments to claimants under the Act. The Branch maintains liaison with the U.S. Treasury and Justice Department, regarding the documentation of expenditures and collections. BAA also audits medical bills and payments, analyzes medical policies, and coordinates DCMWC medical policies with the bill payment contractor and OWCP.

(8) The District Offices adjudicate new claims, prepare and forward appealed claims to the OALJ, take necessary actions on claims remanded by the OALJ or other adjudicatory body and take all maintenance and payment actions on claims in their jurisdiction.

The Field Stations, operating under supervision of the DOs, serve as outreach offices of the parent DO. These offices have been located to serve the public in areas where a District Office is not conveniently located.