



RELEASE - TRANSMISSION OF REVISED MATERIAL TO BE  
INCORPORATED INTO THE FEDERAL (EEOICPA) PROCEDURE MANUAL:  
CHAPTER 0-0100, Introduction.

EEOICPA TRANSMITTAL NO. 12-02

April 2012

EXPLANATION OF MATERIAL TRANSMITTED:

This material is issued as procedural guidance to update, revise and replace the text of EEOICPA Procedure Manual (PM) Chapter 0-0100, Introduction.

Incorporates changes that have arisen since last publication of PM Chapter 0-0100, Introduction; including the following:

- This material outlines the updated Office of Workers' Compensation Programs (OWCP) organizational structure.
- Updates DEEOIC personnel and office location changes.
- Provides greater detail regarding the responsibilities of the Policies, Regulations and Procedures Unit.

*Rachel P. Leiton*

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Energy Employees Occupational Illness Compensation

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FILING INSTRUCTIONS:

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

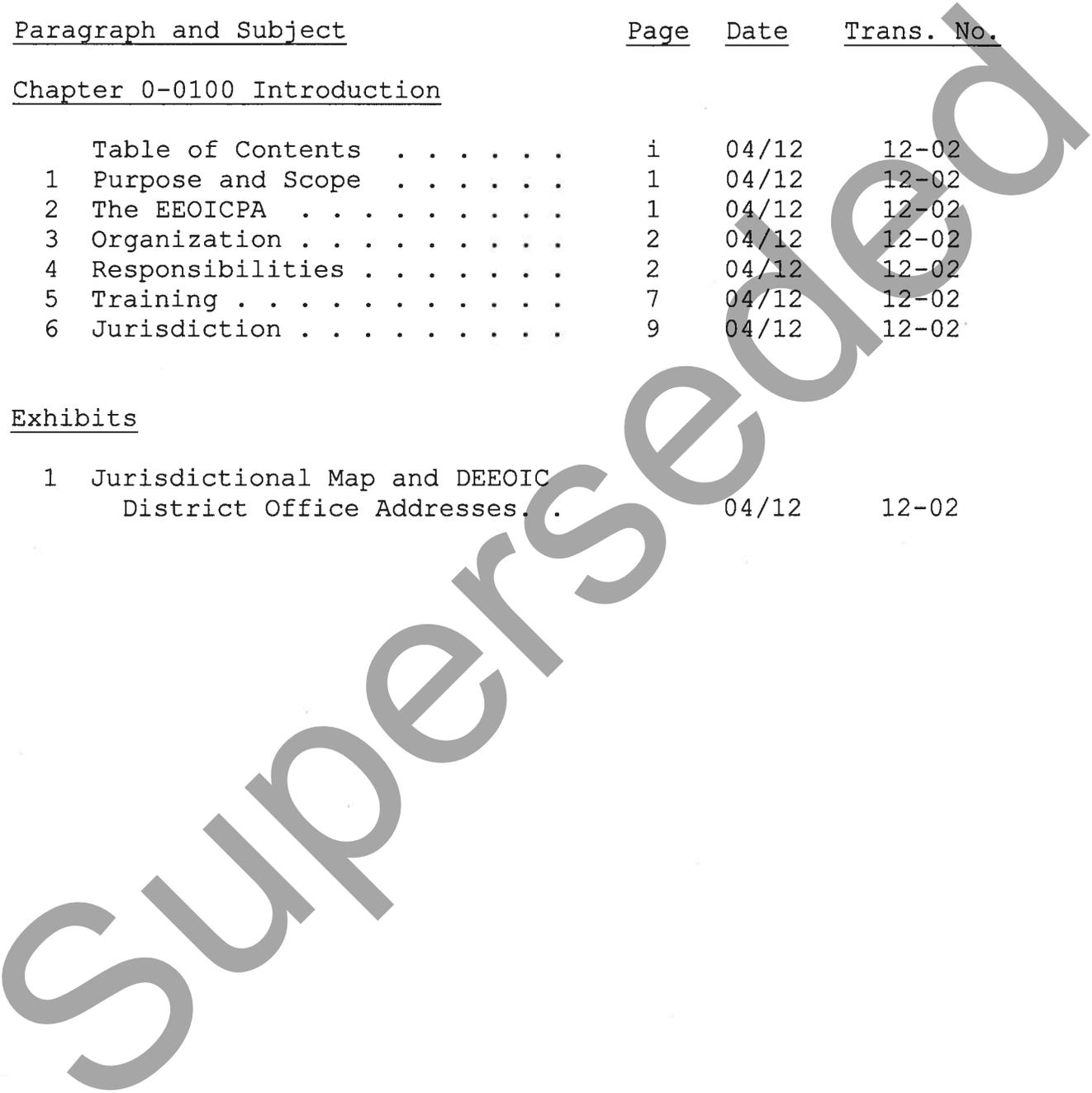
Distribution: List No. 3: All DEEOIC Employees  
List No. 6: Regional Directors, District  
Directors, Assistant District Directors,  
National Office Staff, and Resource Center  
Staff.

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1. Purpose and Scope. This chapter provides an overview of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and the structure of the Division of Energy Employees Occupational Illness Compensation (DEEOIC). It also addresses the relationships between DEEOIC and the Office of Workers' Compensation Programs (OWCP), the various components of the DEEOIC, and training for DEEOIC employees.

2. The EEOICPA. The EEOICPA, as amended, 42 U.S.C. § 7384 et seq., was enacted as Title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398. The Act as amended has two parts, Part B and Part E. On October 28, 2004, the President signed into law an amendment that repealed Part D of the EEOICPA and created a new program called Part E. The amendment gives the Department of Labor the responsibility for administering this new program.

The amendment grants covered Department of Energy (DOE) contractor employees compensation based on the level of their impairment and/or wage-loss, if they develop an illness as a result of exposure to a toxic substance at a DOE facility. Medical benefits will also be available to qualifying employees for treatment and care of the accepted covered illness. Eligible survivors may receive compensation, if the employee's death was aggravated, contributed to, or caused by the covered illness.

a. Part B. The purpose of Part B is to provide a lump sum payment of \$150,000 and medical benefits as compensation to covered employees suffering from occupational illnesses incurred as a result of their exposure to radiation, beryllium, or silica while in the performance of duty for the DOE and certain of its vendors, contractors and subcontractors.

The legislation also provides for the payment of compensation to certain survivors of these covered employees, as well as for payment of a smaller lump sum of \$50,000 to individuals or their survivors who were determined to be eligible for compensation under Section 5 of the Radiation Exposure Compensation Act (RECA). Compensation for individuals with beryllium sensitivity is limited to medical monitoring and medical benefits.

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2. The EEOICPA. (Continued)

b. Part E. The purpose of Part E is to provide variable amounts of compensation to DOE contractor employees or to their survivor(s) where it is at least as likely as not that exposure to a toxic substance while employed at a covered facility was a significant factor in aggravating, contributing to or causing the employee's illness or death. Variable amounts of compensation up to an aggregate total of \$250,000 (for the employee and any survivors) are determined based on causation, wage-loss, and impairment.

3. Organization. This paragraph describes the structure and authority of the National, Regional, and District Offices (DOs). OWCP has six divisions, of which DEEOIC is one. (The others are the Division of Federal Employees' Compensation; the Division of Longshore and Harbor Workers' Compensation; the Division of Coal Mine Workers' Compensation; the Division of Planning, Policy, and Standards; and the Division of Technology and Standards (DTS).

a. Regional Director. OWCP Programs, in each of its six regions, are administered by a Regional Director (RD), who reports to the Director for OWCP.

b. District Director. DEEOIC has four DOs, which are located in Jacksonville, Florida; Cleveland, Ohio; Denver, Colorado; and Seattle, Washington. Each DO is managed by a District Director (DD), who reports to the RD. (Exhibit 1 contains a list of addresses, telephone numbers, and fax numbers for the DOs.)

4. Responsibilities. This paragraph describes the roles of the various components within the DEEOIC.

a. District Offices. Within each DO there are a variety of roles:

(1) Claims Functions. Supervisory Claims Examiners manage units of Senior Claims Examiners, Journey Level Claims Examiners and Claims Examiners (CEs). Staff in these units adjudicate claims, authorize compensation and medical benefits, respond to inquiries from interested parties, and maintain case files.

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#### 4. Responsibilities. (Continued)

(2) Fiscal Operations. Fiscal Officers (FOs) are designated for each DO. The primary responsibility of these individuals is to ensure the integrity of the compensation payment process. The FO is also responsible for monitoring financial management records and serves as the DO point of contact for medical billing issues.

(3) Medical Referrals. DEEOIC uses the services of a contractor to assist in obtaining medical opinions on a range of issues including causation, impairment, wage-loss, etc. The contractor is also responsible for the scheduling of second opinion medical examinations. Within each DO, a designated District Medical Scheduler is responsible for coordinating case referrals with the contractor.

(4) Mail and File. Personnel in this area open, sort and place mail, compile case files, retire case records according to established schedules, and transfer case files in and out of the DO.

(5) Contact and Technical Assistance. Customer Service Representatives are responsible for answering phones, referring calls within the DO and responding to general inquiries. Technical assistants are responsible for providing technical guidance and assistance to DO personnel and maintaining liaison with organizations outside the DO.

b. National Office (NO). The Director of DEEOIC has final authority to manage and administer the program. With the exception of the FAB Chief, who reports directly to the Director, the Deputy Director supervises the DEEOIC Branch Chiefs and serves as the Acting Director in the Director's absence. Under the immediate jurisdiction of the Director and Deputy Director are the:

(1) Policy Branch. Personnel in the Policy Branch consist of the Policy, Regulations and Procedures Unit (PRPU), Secondary Claims Examiner (CE2) Unit, and the Medical, Health & Science Unit (MHSU).

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#### 4. Responsibilities. (Continued)

(a) The Policy, Regulations and Procedures Unit (PRPU) develops program policies and procedures to carry out the functions of the DEEOIC. In particular, PRPU staff:

(i) Prepare and maintain the program's Procedure Manual and issue program Bulletins or Circulars, which entail significant coordination with the Office of the Solicitor for the Department of Labor, especially with regard to statutory and regulatory changes;

(ii) Conduct accountability reviews;

(iii) Participate in the development of training materials;

(iv) Handle functions relating to employment verification and records, including the tracking of covered time frames for employment;

(v) Review memoranda to the Director submitted by the Final Adjudication Branch (FAB) and DO requesting the reopening of a claim or the vacating of a FAB decision based upon new and/or relevant evidence, by reviewing the case record and making a determination whether a reopening of the claim or the vacating of a FAB decision is warranted. The Director or the appropriately designated authority issues a denial letter to the party requesting the reopening; or a Director's Order to the FAB or DO, setting the FAB decision or FAB Remand Order aside and outlining the course of action required to resolve the issue(s).

(vi) Issue decisions regarding overpayments.

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#### 4. Responsibilities. (Continued)

(b) The Secondary Claims Examiner (CE2) Unit handles DO development and adjudication required while a case is pending review at the FAB. The CE2 Unit only adjudicates issues that are outside the scope of the issue(s) being addressed by the FAB. In particular, CE2 staff:

(i) Conduct all necessary development on outstanding claim elements not related to the recommended decision (RD) currently in front of the FAB for review, and appropriately reflecting those actions in the Energy Compensation System (ECS) for the duration of the FAB review process;

(ii) Prepare a memorandum for the case file explaining what development actions have been taken and what future actions are required to address any outstanding issues; and

(iii) Issue an RD whenever the case record contains enough evidence on file to support an RD on any of the outstanding claim elements.

(c) The Medical, Health & Science Unit (MHSU) consists of a Medical Director, Health Physicists, Industrial Hygienists, Epidemiologist/Toxicologist, and support personnel. The MHSU function includes the following:

(i) Review, research and respond to case referrals from the FAB, DOs and PRPU. Serve as the DEEOIC technical experts on medical, radiological, and toxicological causation and exposure issues; and

(ii) Serve as the liaison between the National Institute for Occupational Safety and Health (NIOSH) and DEEOIC on all dose reconstruction related issues.

4. Responsibilities. (Continued)

(2) Branch of Outreach and Technical Assistance (BOTA). Personnel in the BOTA are responsible for technical assistance and outreach activities, including developing informational materials and maintaining the Web page. In particular, BOTA staff:

- (a) Develop and conduct training for DEEOIC staff;
- (b) Manage the program's priority correspondence activity, including Freedom of Information Act (FOIA) requests; preparing responses for the Secretary of Labor; Office of Congressional and Intergovernmental Affairs; OWCP Director, and the Director of the DEEOIC;
- (c) Facilitate development of comprehensive outreach plans; including local outreach by Resource Centers; monitor and approve outreach expenses, and conduct and arrange outreach events; and
- (d) Promote and maintain cooperative relations with individuals and groups having EEOICPA interests through technical assistance and public relations activities.

(3) Branch of Automated Data Processing Systems (BAS). Members of this Branch provide data processing and payment systems support services for the DEEOIC. In particular, the Branch is responsible for:

- (a) Developing and maintaining activities related to ECS;
- (b) Providing statistical reports and data;
- (c) Providing overall computer services;
- (d) Overseeing medical and compensation system issues; and
- (e) Coordinating activities of the bill

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#### 4. Responsibilities. (Continued)

processing agent.

(4) Management Unit. Members of this unit support the efficient operations of the DEEOIC by providing the following functions:

- (a) Oversee DEEOIC budget and ensure that budget limitations are not exceeded;
- (b) Monitor and manage personnel and procurement actions; and
- (c) Provide administrative support to the Director and the Deputy Director.

c. Final Adjudication Branch (FAB). Personnel in this Branch are responsible for issuing all final decisions under the EEOICPA, except for decisions on overpayments. The FAB also processes all objections by holding oral hearings or reviewing the written record. FAB representatives issue final decisions that affirm, remand, or reverse recommended decisions issued by the DEEOIC DOs.

A FAB Office is located in Washington, D.C., and a FAB unit is co-located with, but independent from, each of the four DOs. The manager of each FAB DO reports to the FAB Chief. (Exhibit 1 contains a list of addresses, telephone numbers, and fax numbers for the FABs.)

5. Training. This paragraph describes the information new employees need and addresses the kinds of training OWCP provides to its employees.

a. Orientation. The RD and/or DD provide orientation for all new employees in their respective DOs. This orientation includes the following topics:

- (1) Organization of the DO, the Regional Office, and OWCP.
- (2) Mission and objectives of the DEEOIC;
- (3) General description of duties;

5. Training. (Continued)

- (4) Staffing pattern, chain of command;
- (5) Floor plan/physical layout of office, unit locations, emergency procedures, office security, etc.;
- (6) Mail handling, paper and case flow;
- (7) Working hours, breaks, lunch hour, sick and annual leave arrangements, flextime, telephone use, overtime authorization, etc.;
- (8) Introduction to staff;
- (9) Reference materials; and
- (10) Role of partner agencies, e.g. National Institute for Occupational Safety and Health (NIOSH), Department of Energy (DOE), Department of Justice (DOJ), Resource Centers, etc.

b. Courses. Three formal training courses have been developed for the DEEIOC staff. These include:

- (1) All Staff Members Orientation. This is a course designed by each DO to explain the basic concepts of the EEOICPA.
- (2) Claims Examiner Course. CEs, Journey level CEs, Senior CEs, Supervisors, and FAB Representatives take this course.

It is delivered in a classroom or through self-instructional format. A resource person is available to respond to questions if the self-instructional format is used.

The course, which requires about two weeks to complete, is designed to explain the claims adjudication process and to develop case management skills.

5. Training. (Continued)

(3) Secondary Training. Additional training is provided to all claims personnel to address developing needs of the program (e.g., complex medical terminology/issues, facilities lists, additions to the Special Exposure Cohort (SEC), precedent-setting decisions, Resource Centers). This training may include advanced CE and FAB training. In addition, training in ECS is available.

6. Jurisdiction. This paragraph describes the jurisdiction of the four DEEOIC DOs. The DO that handles a claim is determined by where the employee last worked as a covered employee. A DO acquires jurisdiction if the last covered facility is/was located within the geographical area it serves. (Exhibit 1 contains a DEEOIC DO Jurisdictional Map.)

a. Survivor Claims. This rule applies to claims from survivors as well as those brought by the employee.

b. Uranium Workers. Normally, all claims for uranium workers (or their survivors) who may have been awarded benefits under Section 5 of the Radiation Exposure Compensation Act (RECA) are within the jurisdiction of the Denver DO. (However, if a worker filed for both RECA Section 5 and silicosis benefits, and the Nevada Test Site was the last place of employment, the case would go to the Seattle DO rather than the Denver DO).

DEEOIC JURISDICTIONAL MAP



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DEEOIC DISTRICT OFFICE ADDRESSESNational Office - Washington, D.C.

U.S. Department of Labor, DEEOIC  
200 Constitution Avenue, NW  
Room C-3321  
Washington, DC 20210

(202) 693-0081 (Main)

(202) 693-1465 (Fax)

Director: Rachel P. Leiton  
Deputy Director: Christy Long

District Office 1 - Jacksonville, Florida

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee)

U.S. Department of Labor, DEEOIC  
400 West Bay Street, Room 722  
Jacksonville, Florida 32202

(904) 357-4705 (Main)

(904) 357-4704 (Fax)

(877) 336-4272 (Toll Free)

Regional Director: Richard Brettell  
District Director: Jim Bibeault  
Assistant District Director: David Miller

District Office 2 - Cleveland, Ohio

(Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, Vermont, the Virgin Islands, Virginia, West Virginia, and Wisconsin)

U.S. Department of Labor, DEEOIC  
1001 Lakeside Avenue, Suite 350  
Cleveland, Ohio 44114

(216) 802-1300 (Main)

(216) 802-1308 (Fax)

(888) 859-7211 (Toll Free)

Acting Regional Director: Lois Maxwell  
 District Director: Annette Prindle  
 Assistant District Director: Thomas J. Pavelka

District Office 3 - Denver, Colorado

(Arkansas, Colorado, Kansas, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming, and all claims from RECA Section 5 awardees)

U.S. Department of Labor, DEEOIC  
 One Denver Federal Center  
 Building 53, Room B1501  
 Denver, Colorado 80225

(720)264-3060 (Main) (720)264-3099 (Fax)  
 (888)805-3389 (Toll Free)

Acting Regional Director: Rebecca Houser  
 District Director: Janet Kapsin  
 Assistant District Director: Ron Sanchez

District Office 4 - Seattle, Washington

(Alaska, Arizona, California, Idaho, Hawaii, Marshall Islands, Nevada, New Mexico, Oregon, and Washington)

U.S. Department of Labor, DEEOIC  
 300 Fifth Avenue, Suite 3050E  
 Seattle, Washington 98104

(206)373-6714 (Main) Fax: (206)373-6798  
 (888)805-3401 (Toll Free)

Regional Director: Sharon Tyler  
 District Director: Joyce Vail  
 Assistant District Director: Tracy Johnson

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Final Adjudication Branch - Jacksonville, Florida

U.S. Department of Labor, DEEOIC  
Final Adjudication Branch  
400 West Bay Street, Room 63B  
Jacksonville, Florida 32202

(904) 357-4705 (Main)

(904) 357-4785 (Fax)

(877) 336-4272 (Toll Free)

FAB Manager : Mark Stewart

Final Adjudication Branch - Cleveland, Ohio

U.S. Department of Labor - DEEOIC  
Final Adjudication Branch  
1001 Lakeside Avenue, Suite 390  
Cleveland, Ohio 44114

(216) 802-1449 (Main)

Fax: (216) 802-1390

(888) 859-7211 (Toll Free)

FAB Manager: Norman Prusa

Final Adjudication Branch - Denver, Colorado

U.S. Department of Labor, DEEOIC  
Final Adjudication Branch  
One Denver Federal Center  
Building 53, Room D2212  
Denver, Colorado 80202

(720) 264-3062 (Main)

Fax: (720) 264-3218

(888) 805-3389 (Toll Free)

FAB Manager: Pauline Lynch

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Final Adjudication Branch - Seattle, Washington

U.S. Department of Labor, DEEOIC  
Final Adjudication Branch  
300 Fifth Avenue, Suite 1050  
Seattle, Washington 98104

(206) 373-6714 (Main)      Fax: (206) 373-6701  
(888) 805-3401 (Toll Free)

FAB Manager:    Nick Literski

Final Adjudication Branch - Washington, D.C.

U.S. Department of Labor, DEEOIC  
Final Adjudication Branch (FAB - National)  
800 N. Capitol Street, NW, Room 565  
Washington, DC 20211

(202) 513-6400 (Main)      Fax: (202) 513-6401  
(866) 538-8143 (Toll Free)

Branch Chief:    LuAnn Kressley

Assistant Branch Chiefs: Michael Johnson  
                                  Thomasyne Hill  
                                  Rhonda Chapelle