Energy Employees Occupational Illness Compensation Program Act (EEOICPA)

How do I qualify for an impairment award under Part E of the EEOICPA?

Impairment Awards under the EEOICPA

Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) provides for an impairment benefit. While a claim for impairment benefits can be filed at any time, the Department of Labor (DOL) cannot make a determination on an impairment claim until the employee has received a Part E final decision from DOL’s Division of Energy Employees Occupational Illness Compensation’s (DEEOIC) Final Adjudication Branch (FAB), which concludes that he or she contracted a covered illness due to exposure to a toxic substance at a covered Department of Energy facility or Radiation Exposure Compensation Act Section 5 facility.

A recommended decision issued by one of DEEOIC’s four district offices is not a final decision. All recommended decisions must be reviewed by the FAB for accuracy before a final decision can be issued.

What is an impairment award?

An impairment award is monetary compensation for the permanent loss of function of a body part or organ, due to a covered illness under the EEOICPA, as established by medical evidence and measured by percentage points. For each one percent of impairment, $2,500 is awarded.

To determine the percentage of impairment, DOL considers the following:

- Loss of function (whole person);
- Standard applied from the American Medical Association’s (AMA’s) *Guides to the Evaluation of Permanent Impairment, Fifth Edition*; and
- Condition has reached maximum medical improvement (MMI)
  - well-stabilized and unlikely to improve with medical treatment
  - not required if an illness is in a terminal stage.

A claimant may request re-evaluation every two years. A new evaluation may also be requested whenever DOL accepts a new illness that increases a claimant’s impairment.
Physician’s evaluation

DOL determines impairment ratings based upon a physician’s evaluation. The evaluation can be performed by a physician of the employee’s choice, or DOL gathers the appropriate tests and has a qualified physician complete an impairment evaluation based on those test results.

To be considered by DOL, the evaluation must have been performed by a physician who is:

- Board-certified in the medical specialty relevant to the covered illness; and
- Trained and certified to perform impairment ratings using the AMA’s Guides to the Evaluation of Permanent Impairment, or experience in using the Guides.

Who pays for an impairment rating?

DOL is committed to delivering benefits to eligible claimants.

- DOL pays for one impairment rating as long as the evaluation meets the criteria.
- DOL pays for tests needed to obtain an impairment evaluation.
- An evaluation must have occurred within one year of the date that your claim was received by DOL for its expense to be eligible for reimbursement.
- Impairment ratings performed by unqualified physicians are not reimbursable.

In addition to an impairment award, benefits under Part E of the EEOICPA can include payment of medical expenses, wage loss benefits, and survivor benefits. The maximum compensation amount for all claims relating to one individual under Part E of the EEOICPA is $250,000. However, any medical benefits awarded are in addition to and not included in calculating the $250,000 maximum compensation amount.