U.S. Department of Labor

Office of Workers' Compensation Programs
Washington, D.C. 20210

JUN 2 0 2012

File Number:

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Ombudsman for the Energy Employees
Occupational Illness Compensation Program

Thank you for the opportunity to respond to the final version of the Ombudsman's 2011 Annual Report to Congress. DEEOIC appreciates the Ombudsman's efforts in assisting EEOICPA claimants and welcomes any suggestions to improve the operation of the program. We look forward to a continued relationship with the Ombudsman's Office to identify areas of improvement and specific changes to better serve our claimant population. To this end, DEEOIC has analyzed the specific recommendations contained in the report and would like to respond. We note that many of the comments and recommendations are repeated from previous years' reports.

Comment:
We continue to encounter individuals who only learn of this program from neighbors or from the media. While the DEEOIC and the other agencies involved with the EEOICPA employ a variety of initiatives to disseminate information concerning this program, it is evident that more needs to be done.

Response:
DEEOIC prioritizes the goal of locating potential claimants. Efforts at reaching these workers include holding Town Hall Meetings with other agencies, including the DOE, the DOE Former Worker Medical Screening Program, NIOSH and the Ombudsman's Office. In Fiscal Year 2011, the program participated in, or administered, ten Town Hall Meetings or Traveling Resource Centers to disseminate information about benefits. For the current fiscal year, DEEOIC has planned or already participated in eleven such meetings. Additionally, DEEOIC has engaged in discussions with the Former Worker Screening Program to determine how to utilize lists of former workers.

Comment:
When covered facilities close some former workers (and/or their families) relocate to other parts of the state or country. Similarly, some former workers relocate following retirement. Efforts at outreach need to extend beyond the areas simply in the vicinity of these covered facilities. Outreach efforts should extend to those areas where former workers (and/or their families) may have relocated.

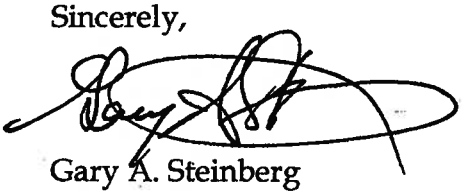
Response:
DEEOIC has limited resources with which to conduct outreach activities. As a result, DEEOIC concentrates efforts to transmit program information in areas near covered facilities in order to reach the largest number of affected workers. We recognize that over time, workers have often relocated to different areas. To this end, DEEOIC Resource Centers advertise about program benefits in various publications covering many different communities. Additionally, the Department of Labor has issued numerous press releases targeted at individuals who worked in covered facilities where less than 50 claims have been filed. In an effort to reach relocated claimants, DEEOIC ensures that press releases are sent out to publications across an entire state, and list all facilities in the state where small numbers of claims have been filed.

Comment:
Upon receiving a decision, claimants often have questions. We have been told that where there is a decision by FAB to remand the case for further review, some claimants encounter a period of time when it is difficult to locate someone to answer their questions. According to these claimants, when they contact FAB, they are told that the claim was remanded to the District Office, yet when they contact the District Office, they are told that the District Office has not received the case. Claimants would appreciate a means to get an immediate answer to their questions.

Response:
DEEOIC understands that the movement of case files can be inconvenient; however, some cases need to be transported to other locations in order to receive fair adjudication. The remand process is a vital part of the adjudication chain, and ensures that decisions are fair and that claimant concerns are addressed. Claimants can be assured that there is always a DEEOIC employee assigned to a case, whether a claims examiner or hearing representative, that can serve as a liaison to the claimant and answer questions. Yet, even during the infrequent instances when a case has been transferred from the National Office Final Adjudication Branch to a District Office, the transit time for a file is limited to a few days.

We appreciate the Ombudsman's analysis of the program and your work with our claimants throughout this last year. We are always looking to improve the program and continue to evaluate ways to implement necessary changes.

Sincerely,



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