

EEOICP



Phase II Part E Training Exercises

October 17, 2005

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Chapter E-300 – Introduction and Initial Development Exercises

Directions: Answer the following questions. Use Chapter E-300 for guidance.

1. Place a check mark (✓) beside the correct answer: Regardless of the type of claim (Part B only, Part E only, Part D developed by DOE, or both B and E), the claims examiner (CE) will review a claim to determine whether sufficient evidence exists in what three areas:
 - a. _____ medical bills, state worker's' compensation benefits, occupational history
 - b. _____ proof of exposure, verified employment, appropriate claim forms on file
 - c. _____ medical conditions, employment history, survivorship eligibility

2. In developing a claim, the claims examiner (CE) must determine whether the **medical condition claimed** is covered under Part B, Part E, or both. The CE will refer to eligibility criteria for cancer, beryllium illness, and silicosis; evidentiary requirements for causation; and physicians' reports providing diagnosis. For the claimed illnesses listed below (and assuming that none of them received an award under Section 5, RECA), check (✓) whether they are restricted to Part B or Part E only, or possibly eligible for both:

Allergies	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Asbestosis	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Asthma	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Beryllium Sensitivity	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Chronic Obstructive Pulmonary Disease (COPD)	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Cancers caused by radiation exposure	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Chronic Beryllium Disease (CBD)	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Chronic Silicosis	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Consequential illnesses related to either an occupational illness or a covered illness & verified by a physician's report	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Prostate Cancer	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Sleep Apnea	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Stroke	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Pneumoconiosis	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E

Chapter E-300 – Initial Development

3. In developing a claim, the claims examiner (CE) will determine whether **claimed employment** is applicable under Part B, Part E, or both. The CE will look at the facility type, time periods of employment, job titles, and ORISE printouts. For the facility type listed below, check (✓) whether employees who worked there are restricted to Part B or Part E only, or possibly eligible for both:

Beryllium Vendors (BVs)	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Atomic Weapons Employers (AWEs)	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
RECA Section 5 Facility	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
DOE Facilities (except DOE employees)	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
DOE Contractors	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
DOE Subcontractors	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Special Exposure Cohorts	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
AWEs or BVs designated as DOE facilities during remediation	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E

4. Fill in the blanks to accurately complete the statements:

- a. For non-RECA claims, Part B of EEOICPA provides a lump sum payment of _____ per case, plus payment of medical expenses for the covered illness from the date of the claim.
- b. Uranium miners, millers and ore transporters who were already awarded compensation under Section 5 of the Radiation Exposure Compensation Act (RECA) can, under Part B of EEOICPA, receive an additional payment of _____ as well as medical expenses for the covered illness from the date of the claim.
- c. For an employee, Part E provides _____ for each one percent (1%) of whole body permanent impairment caused by a covered condition, based upon the *AMA Guidelines to the Evaluation of Permanent Impairment*.

Chapter E-300 – Initial Development

- d. For an employee, Part E of EEOICPA provides wage loss based upon one of two lump sum amounts for each qualifying year (prior to the employee's normal Social Security retirement age) in which annual earnings fell below the employee's average annual earnings. Employees can receive _____ for any year in which they made less than 50% of their average annual wage as a result of a covered illness, and _____ for any year in which they made more than 50% but less than 75% of their average annual wage.
- e. Under Part E, eligible survivors can receive a lump sum payment of _____ if the employee's death was caused, contributed to, or aggravated by his or her covered illness.
- f. Under Part E, survivors can receive a lump sum payment, plus an additional _____ if the employee had 10 years or more wage loss due to a covered illness.
- g. Under Part E, survivors are eligible for a lump sum payment, plus an additional _____ if the employee had 20 years or more wage loss due to a covered illness.
- h. Under Part E, the amount of compensation provided, excluding medical benefits, may not exceed the total amount of _____ per accepted covered employee.
5. Claimants whose Part B claim was denied, who did not file a Part D claim, can file a Part E claim to be considered for compensation benefits.
- TRUE FALSE
6. Claimants, who received an adverse Physician Panel determination under Part D, will be automatically considered for benefits under Part E.
- TRUE FALSE
7. Survivors of claimants who were DOE contractor and subcontractor employees whose diagnosed conditions were already accepted under Part B cannot file a claim under Part E of EEOICPA.
- TRUE FALSE

Chapter E-300 – Initial Development

8. Place a check mark (✓) beside those tools a CE would use in Initial Development:
- a. _____ database from the Building Trades National Medical Screening Program
 - b. _____ contact with the claimant by letter and phone
 - c. _____ Former Workers Program
 - d. _____ Web searches (sanctioned by the National Office only)
 - e. _____ Physician Panels from former Part D cases
 - f. _____ EEOICPA statute
 - g. _____ EEOICPA regulations
 - h. _____ EEOICPA Procedure Manual
 - i. _____ EEOICPA Bulletins and Transmittals
 - j. _____ ORISE database
 - k. _____ Part D case file information

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure Exercises

Directions: Answer the following questions. Use Chapter E-400 for guidance.

1. The role of Resource Centers has recently been expanded. Indicate whether the responsibilities listed below are those of a Resource Center or a District Office by writing 'R,' 'D,' 'B' for both, or 'N' neither:

_____ Informs potential claimants of program filing requirements and available benefits.

_____ Reviews claim materials for a determination as to benefits being sought and conditions claimed to determine under which Part (Part B, E or both) a claim is being filed.

_____ Weighs evidence and makes recommended entitlement determinations.

_____ Maintains compliance with Privacy Act mandates.

_____ Handles initial employment verification steps for Part B, Part E, and B/E claims.

_____ Conducts Occupational History Interviews for claimants.

_____ Responds to claim status requests.

_____ Enters "OR" claim status codes to correspond with the dates that ORISE actions are taken.

_____ Makes case-by-case decisions and provides guidance as to whether or not employment or occupational history development is required for already-existing claims.

_____ Handles all employment verification steps submitted by RECA claimants.

_____ Provides customer service through telephone and face-to-face contact with claimants.

_____ Requests that claimants sign the SSA-581.

_____ Enters appropriate ECMS notes and telephone calls.

_____ Enters appropriate ECMS claim codes.

_____ Forwards SSA-581 Forms to the National Office for referral to the Social Security Administration.

_____ Collects exposure data using a Document Acquisition Request (DAR).

_____ Assists claimants in understanding development letters.

_____ Uses the ORISE database to check if an employee is in the database, and prints the results found in ORISE as part of the evidence of file.

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure

2. Employment and exposure under the EEOICPA are verified using the EE-5 process and an Occupational History Questionnaire (OHQ) and interview. Indicate 'true' or 'false' for the following statements:

_____ For List 1 claims, the Resource Center includes in their packet a copy of the DOE Employment Memorandum which serves as acknowledgment that DOE has no employment information to provide.

_____ An employee's letters and certificates of achievement and participation in certain events cannot be used to verify periods of claimed employment.

_____ Part E claims must always be referred to a resource center for occupational history development even when there is evidence of Former Worker Program (FWP) information in the file.

_____ The Occupational history Questionnaire is necessary when it is a cancer claim arising out of a Part E facility.

_____ With regard to the Occupational History Questionnaire and interview, in cases with multiple survivors, all claimants must be interviewed unless one or more claimants or authorized representatives have been designated to represent all of the claimants.

_____ Resource Centers may ask a claimant to sign the SSA-581 so that records of their Social Security earnings can be requested.

_____ AWE contractors and subcontractors (which do not have a period of remediation) are not afforded coverage under the Part E of EEOICPA and no occupational history development is required.

_____ The Resource Center has 14 calendar days from the date of claim filing to complete the Occupational History Questionnaire.

_____ If the Department of Justice has accepted a RECA claim and the claim has yet to be accepted by DEEOIC, no Occupational History Questionnaire is necessary.

_____ Employment verification and occupational history development are not required in instances where there is no eligible survivor (especially in the case of adult children under Part E).

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure

_____ In all cases where employment verification is undertaken, the Resource Center prepares a memorandum documenting all the dates on which verification actions were taken for each claimant. The Resource Center has 30 days from the receipt of the EE-1 or EE-2 to complete and forward the memorandum to the District Office.

_____ In order to properly conduct an Occupational History Questionnaire and interview, Resource Center staff members must possess an understanding of work performed by DOE employees, the types of hazardous materials present at DOE and Section 5 RECA sites, the covered illness resulting from exposure, standard lengths of exposure for illness to occur, and the medical diagnosis required to verify the illness.

_____ Part D/E claims previously filed could potentially require occupational history interviews. It is the responsibility of the District Office to ascertain the need for further development by the Resource Center.

_____ If an Occupational History Questionnaire is incomplete or has inaccurate data, the district office must alert the resource center manager by writing a memo outlining specific instructions as to the deficiency found and the required remedy. The resource center must complete a "rework" within 7 calendar days.

_____ Occupational history interviews generally take about thirty (30) minutes to complete.

3. The collection of exposure data by a district office is known as a Document Acquisition Request (DAR). Check (✓) items below that might be contained in a DAR response:

- job descriptions
- radiation exposure records (e.g., dosimetry badge readings)
- incident or accident reports in which the employee was affected
- bus tickets showing transportation to and from work
- employee medical records
- affidavits from co-workers attesting to exposure
- industrial hygiene or safety records
- ethnicity forms
- pay and salary records if wage loss is being claimed
- formal grievances filed by the employee
- workers' compensation claims
- records of personal protective equipment issued and worn
- unemployment compensation records
- employee awards files
- records of the facility's emergency and evacuation drills

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure

4. The Resource Center uses DEEOIC tools, including procedures, bulletins, and employment verification updates and will have access to DEEOIC shared drive for viewing these materials.

TRUE

FALSE

Chapter E-500 – Evidentiary Requirements for Causation Exercises

Directions: Answer the following questions. Use Chapter E-500 for guidance.

1. The Former Worker Program screening information provides a diagnosis.

TRUE

FALSE

2. Place a check mark (✓) beside the following tools if they could be used to support the presence of a toxic substance in the work place:

_____ Former Worker Program

_____ DMC

_____ NIOSH site profiles

_____ Medical Reports

_____ Affidavits from co-workers

_____ Spouse

_____ Occupational Health Questionnaire (OHQ)

_____ Medical Test Results (i.e. LPT tests, PFT tests, etc.)

_____ Hazmap

_____ DAR Records

_____ Exposure Matrices

Chapter E-500 – Evidentiary Requirements for Causation

3. Place a check mark (✓) beside the tool you could use to assist you in determining if the worker came into contact with the substance.

- Former Worker Program
- DMC
- NIOSH site profiles
- Medical Reports
- Affidavits from co-workers
- Spouse
- Occupational Health Questionnaire (OHQ)
- Medical Test Results (i.e. LPT tests, PFT tests, etc.)
- Hazmap
- DAR Records
- Exposure Matrices

4. Place a check mark (✓) beside the following tools if they could be used to support causation between a medical condition and a toxic substance in the work place:

- Former Worker Program
- DMC
- NIOSH site profiles
- Medical Reports
- Affidavits from co-workers
- Spouse
- Occupational Health Questionnaire (OHQ)
- Medical Test Results (i.e. LPT tests, PFT tests, etc.)

Chapter E-500 – Evidentiary Requirements for Causation

- _____ Hazmap
- _____ DAR Records
- _____ Exposure Matrices

5. If a claim for cancer goes to NIOSH and there is a POC greater than 50%, do we still have to develop for toxic exposure?

YES NO

6. You have an accepted surviving spouse case under Part B where

- the employee was a DOE contractor at a DOE facility,
- the accepted condition was lung cancer,
- death certificate lists lung cancer as the cause of death signed by a physician.

Is this sufficient to accept causation under Part E for the **surviving** spouse?

YES NO

7. You have a case that was accepted for CBD under part B. The employee worked at a DOE facility and the surviving spouse is the claimant. The case may be accepted under E for causation if the death certificate (or other medical evidence) suggests cause of death is which of the following: Place a check mark (✓) beside all that are appropriate:

- _____ Silicosis
- _____ Chronic Obstructive Pulmonary Disease
- _____ Lung Cancer
- _____ Asbestosis
- _____ Pulmonary Fibrosis
- _____ Emphysema
- _____ Heart Attack
- _____ Pancreatic Cancer
- _____ Liver Disease

Chapter E-500 – Evidentiary Requirements for Causation

8. Using the scenario in Exercise #7 above, in order for causation to be accepted, the memo from Dr. Cohen must be printed, inserted in the case file, and referenced in the decision as rationale.

TRUE FALSE

9. Using the scenario in Exercise #7, if the cause of death is “respiratory failure” the CE may accept for causation based on Dr. Cohen’s memo.

TRUE FALSE

10. Place a check mark (✓) beside all that are appropriate:

The exposure matrices

- a. _____ are used in the identification of toxins present at a certain facility or process and to assist DEEOIC in establishing a causal link between an employee’s illness, impairment, disease or death and employment at a given facility
- b. _____ are used to determine if a DOE employee worked at a certain DOE facility
- c. _____ assist the CE in evaluating exposure and causation
- d. _____ could contain occupational medical and site exposure information.
- e. _____ serve as a comprehensive list of all toxins that could be present at a facility.

Chapter E-600 – Establishing Survivorship

Chapter E-600 – Establishing Survivorship Exercises

Directions: Answer the following questions. Use Chapter E-600 for guidance.

1. Place a check mark (✓) beside all possible covered survivors under Part E:
 - a. Jane was married to the employee for only six months prior to his death
 - b. William was married to the employee for one and a half years prior to her death
 - c. Jack, a child of an employee, was under the age of 18 at the time of the employee's death
 - d. Sue, a child of an employee, was 19 at the time of the employee's death and going to college full time, since she was 18
 - e. Mark was 55 at the time of the employee's death, a child of the employee, and was incapable of self-support, but married.
 - f. Joe and Ann are the parents of an employee
 - g. Dylan is the six year old grandchild of employee
 - h. Aileen and Bill are the grandparents of employee

2. Place a check mark (✓) beside examples of documentation that can be used to support the claim of being incapable of self-support:
 - a. medical records
 - b. social security disability records
 - c. tax returns
 - d. affidavits
 - e. driver's license showing restrictions

Chapter E-600 – Establishing Survivorship

3. Place a check mark (✓) beside the following scenarios if they fit the requirements for a covered full-time student. Assume that each is the survivor of a covered employee (father).
- a. John was 22 at the time of his father's death but dropped out of college at the age of 20.
 - b. Betty was 20 at the time of her father's death and attending college since the age of 18.
 - c. Michelle and Sherry are identical twins and were 20 years of age at the time of the employee's death. Both have been attending the same college in Ohio since the age of 18. Michelle got married when she turned 19. Sherry does not plan to marry until she completes college.
 Michelle
 Sherry
 - d. Tina was single and 23 at the time of her father's death and has been attending college since the age of 18.
4. From the list below, check each instance when you need to issue a decision to all survivors:
- a. A Part B claim was filed with many survivors. Under Part D/E, only one survivor filed a claim for all claimants.
 - b. A Part B claim was accepted for a spouse. Children filed under Part D/E not covered.
 - c. One Part E survivor is a covered child and another survivor is not a covered child.
 - d. A Part B claim was filed and denied. No Part D/E was filed.

Chapter E-600 – Establishing Survivorship

5. According to the definition of survivor for Part E under EEOICPA, step-children cannot be considered covered children.

TRUE

FALSE

Chapter E-700 – Establishing Requirements for Certain Uranium Workers Exercises

Chapter E-700 – Establishing Requirements for Certain Uranium Workers Exercises

Directions: Answer the following questions. Use Chapter E-700 for guidance.

1. Under Part E, there are no survivor differences from Part B for RECA claimants accepted by DOJ.

TRUE

FALSE

2. If a Section 5 RECA award is confirmed, the CE accepts this as proof of covered employment under EEOICPA.

TRUE

FALSE

3. Place a check mark (✓) beside all that apply: If a Part E case, that also has a pending RECA case with DOJ, is in posture for denial, the CE may issue the recommended decision

a. ___ immediately

b. ___ after DOJ has issued its decision regarding the Section 5 award

c. ___ after requesting more information from the claimant

d. ___ after administratively closing the claim

4. The Resource Center initially conducts occupational history interviews on RECA claims unless there is an accepted DOJ award.

TRUE

FALSE

Chapter E-700 – Establishing Requirements for Certain Uranium Workers Exercises

5. Under Part E, employees or their covered survivors are entitled to the \$50,000 lump sum payment if accepted by DOJ.

TRUE FALSE

6. If a surviving child receives a RECA award from DOJ, he/she is automatically entitled to Part E benefits.

TRUE FALSE

Chapter E-800 – Establishing Wage-Loss Exercises

Directions: Answer the following questions. Use Chapter E-800 for guidance.

1. Provide the normal retirement age for the following dates of birth.

- | | |
|---------------------|---------------------|
| a. 01/15/1947 _____ | e. 06/02/1957 _____ |
| b. 07/27/1939 _____ | f. 02/01/1962 _____ |
| c. 10/04/1955 _____ | g. 12/31/1941 _____ |
| d. 09/02/1938 _____ | h. 04/15/1958 _____ |

2. If an employee claiming wage loss was unemployed during any of the 12 quarters prior to the first quarter of wage loss, that period of unemployment is included in the "average annual wage."

TRUE FALSE

3. A quarter of unemployment is defined as any period in which the earnings reported to SSA for the quarter were \$700 or less (in 2005 constant dollars).

TRUE FALSE

4. Referring to the table on page 4 and 5 of your procedure manual, for each of the following years is the quarterly wage less than or greater than the \$700 (in constant 2005 dollars) required for unemployment:

Less than/ Greater than	Year	Quarterly Wage
_____	1953	\$105.88
_____	1987	\$407.55
_____	1945	\$59.02
_____	1973	\$160.11
_____	2001	\$636.36
_____	1968	\$125.23
_____	1994	\$536.82
_____	2004	\$689.25

Chapter E-800 – Establishing Wage-Loss

5. Place a check mark (✓) beside the appropriate instances below in which you should send an initial development letter asking if wage loss is claimed:
- a. The employee was diagnosed with a covered illness after retirement age.
 - b. The employee has a covered condition and employment under Part E, but his/her lost time from work is unclear.
 - c. The employee only worked for beryllium vendor that was not designated as a DOE facility at any time.
 - d. A survivor files a claim for benefits. The death certificate shows that the employee's death occurred more than 10 years before normal retirement age. The employee died of a covered condition.
 - e. A survivor files a claim for benefits. The employee died of a covered condition less than 10 years before normal retirement age.
 - f. The evidence of record shows that the employee lost time from work only after normal retirement age.

Chapter E-800 – Establishing Wage-Loss

6. Choose the calculation which is correct for the following scenario:

Joe Smith files a Part E claim. After verification of exposure, employment and medical condition, he replies to your development letter that he has experienced wage loss due to his illness. You received the following information from Social Security for quarterly earnings for him.

1966 Earnings reported by Social Security for Joe Smith

\$2,150	\$2,500	\$1,950		\$6,600
1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Total

Calculate his covered wages for 1966.

- a. DEEOIC calculates Joe Smith's wages to be \$9,650
- because Joe met the maximum earnings of \$6,600 for 1966
 - the largest amount earned was in the 2nd quarter (\$2500) which you use for the 3rd and 4th quarters where Joe's wages were reduced. ($\$2150 + \$2500 + \$2500 + \$2500 = \$9650$)
- b. DEEOIC calculates Joe Smith's wages to be \$6,600 because that is the maximum earnings for 1966.
- c. DEEOIC calculates Joe Smith's maximum wages to be \$10,000 because you multiply the highest quarter amount of \$2,500 by 4 quarters.

Chapter E-800 – Establishing Wage-Loss

8. Below is an Earnings Report from Social Security for Joe Claimant for the 12 quarters prior to the first quarter of wage loss. Place a check mark (✓) beside the average annual wage calculation that is accurate

Year	Quarter	Earnings	
1985	3 rd	\$9,200	
	4 th	\$9,500	
1986	1 st	\$9,500	
	2 nd	\$9,300	
	3 rd	\$10,000	
	4 th	\$10,500	
1987	1 st	\$9,500	
	2 nd	\$9,800	
	3 rd	\$10,000	
	4 th	\$11,000	
1988	1 st	\$11,000	
	2 nd	\$11,500	
	3 rd	\$7,200	*first quarter of wage loss

- a. _____ DEEOIC calculates Joe's average annual wage to be \$120,800.00
 b. _____ DEEOIC calculates Joe's average annual wage to be \$40,266.67
 c. _____ DEEOIC calculates Joe's average annual wage to be \$42,666.67
 d. _____ DEEOIC calculates Joe's average annual wage to be \$10,066.67

Use the space below for making calculations:

Chapter E-800 – Establishing Wage-Loss

8. Below is an Earnings Report from Social Security for Joe Claimant for the 12 quarters prior to the first quarter of wage loss. Place a check mark (✓) beside the average annual wage calculation that is accurate

Year	Quarter	Earnings	
1985	3 rd	\$9,200	
	4 th	\$9,500	
1986	1 st	\$9,500	
	2 nd	\$9,300	
	3 rd	\$10,000	
	4 th	\$10,500	
1987	1 st	\$9,500	
	2 nd	\$9,800	
	3 rd	\$10,000	
	4 th	\$11,000	
1988	1 st	\$11,000	
	2 nd	\$11,500	
	3 rd	\$7,200	*first quarter of wage loss

- a. DEEOIC calculates Joe's average annual wage to be \$120,800.00
 b. DEEOIC calculates Joe's average annual wage to be \$40,266.67
 c. DEEOIC calculates Joe's average annual wage to be \$42,666.67
 d. DEEOIC calculates Joe's average annual wage to be \$10,066.67

Use the space below for making calculations:

Chapter E-800 – Establishing Wage-Loss

9. Below is an Earnings Report from Social Security for Sue Claimant. Place a check mark (✓) beside the average annual wage calculation that is accurate

Year	Quarter	Earnings		
1985	3 rd	\$9,800	Qtr of unemployment	
	4 th	\$600		
1986	1 st	\$10,500		
	2 nd	\$390		
	3 rd	\$10,000		
	4 th	\$9,800		
1987	1 st	\$ -		Qtr of unemployment
	2 nd	\$10,500		
	3 rd	\$11,000		
	4 th	\$10,800		
1988	1 st	\$14,000	*first quarter of wage loss	
	2 nd	\$10,850		
	3 rd	\$6,895		

a. Referring to the table on page 4 of the procedure manual, should you consider the second quarter earnings of \$390 for 1986 as unemployment? Hint: Convert the \$390 into constant dollars for 2005.

YES NO

- b. Choose Sue's correct average annual wage from below:
- _____ DEEOIC calculates Sue's average annual wage to be \$105,135.00
 - _____ DEEOIC calculates Sue's average annual wage to be \$42,054.00
 - _____ DEEOIC calculates Sue's average annual wage to be \$39,140.00
 - _____ DEEOIC calculates Sue's average annual wage to be \$9,785.00

Use the space below for making calculations:

Chapter E-800 – Establishing Wage-Loss

10. Directions: Based on the average annual wage of \$36,000, fill in the percentage of Average Annual Wage and the compensation paid for each year of wage loss in the appropriate columns below.

Yr.	Actual Earnings	Adjusted Earnings	Percent of Average Annual Wage of \$36,000	Compensation
1985	\$32,000	\$32,000		
1986	\$30,000	\$29,450		
1987	\$28,000	\$26,520		
1988	\$27,000	\$24,560		
1989	\$26,000	\$22,560		
1990	\$22,000	\$18,110		
1991	\$29,000	\$22,910		
1992	\$25,000	\$19,170		
1993	\$28,000	\$28,085		

Calculations:

Chapter E-800 – Establishing Wage-Loss

11. Beth Employee filed a claim in June of 2005 for Part E for Chronic Beryllium Disease. She worked for a covered DOE facility during a covered time frame. You have accepted her claim for CBD under both Parts B and E of EEOICPA. She informs you that she has wage loss associated with the CBD. She claims that her first day of wage loss is September 20, 2001. She provides evidence of wages for three years prior to her lost wages. She submits evidence of the wage loss and medical evidence showing that her CBD caused her wage loss. You obtain records from the Social Security Administration (SSA) for 1998 through 2004. SSA Records for 1998 through 2001 only are shown below.

a. In which quarter of 2001, did Beth's wage loss first occur?

- _____ first
- _____ second
- _____ third
- _____ fourth

The Social Security Administration supplied the following evidence of wages for Beth Employee:

Year	Quarter	Earnings
1998	1 st	\$22,080.00
	2 nd	\$22,080.00
	3 rd	\$22,080.00
	4 th	\$2,160.00
1999	1 st	\$23,184.00
	2 nd	\$289.56
	3 rd	\$23,184.00
	4 th	\$23,184.00
2000	1 st	\$23,400.00
	2 nd	\$23,400.00
	3 rd	\$23,400.00
	4 th	\$6,000.00
2001	1 st	\$24,500.00
	2 nd	\$24,500.00
	3 rd	\$12,000.00
	4 th	\$10,500.00

Chapter E-800 – Establishing Wage-Loss

b. What is the maximum amount of taxable earnings for

- 1998 _____
- 1999 _____
- 2000 _____
- 2001 _____

c. For which year did Beth exceed the maximum taxable earnings

- 1998 _____
- 1999 _____
- 2000 _____
- 2001 _____

d. Estimate the amount of earnings for 1998 and 2000:

- 1998 _____
- 2000 _____

e. For the 2nd quarter of 1999, SSA submitted evidence that Beth earned \$289.56 for that quarter. Using the table on page 4 of your procedure manual is that amount considered unemployment for 1999?

YES

NO

Calculations:

Chapter E-800 – Establishing Wage-Loss

f. Using the information supplied above, complete the worksheet below:

Part E Wage Loss Worksheet - # 1			
Employee's Name: Beth Employee	File #:	Claims Examiner's Name: me	District Office: Denver
Calculate Average Annual Wage			
1.	Enter date of first wage loss (MM/DD/YYYY)		
2.	Of the 12 quarters prior to but not including the quarter of the date entered in line 1, Was the employee unemployed? (Earned \$700 or less in constant 2005 dollars?)		<input type="checkbox"/> YES <input type="checkbox"/> NO
3.	If answer in line 2 is "YES", enter the number of quarters of unemployment: Then, go to line 4. If answer in line 2 is "NO", skip to line 5.		
4.	Subtract the number in line 3 from 12. (12-C = N). Enter number (N) to the right. Then, skip line 5 and go to line 6.		
5.	Enter the total of all earnings for the 12 quarters prior to, but not including the quarter of the date entered in line 1. Then skip to line 9.		
6.	Enter the total of all earnings, excluding earnings reported during the quarters of unemployment, for the 12 quarters prior to, but not including the quarter of the date entered in line 1.		
7.	Divide line 6 by line 4. (line 6 / line 4)		
8.	Multiply line 7 by 4. (line 7 X 4) This is your Average Annual Wage . Stop here.		
9.	Divide line 5 by 12 (line 5 / 12)		
10.	Multiply line 9 by 4 (line 9 X 4) This is your Average Annual Wage .		

Use this space for calculations:

Chapter E-800 – Establishing Wage-Loss

- g. We are providing you with the following calculations since we do not have access to the CPI website in our classrooms:

Part E Wage Loss Worksheet - # 2 year 2005			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Adjust Wages for Each Year of Claimed Wage Loss			
1.	Calendar year in which wage loss commenced .	2001	
2.	Calendar year in which wage loss is claimed .	2005	
3.	Total amount of wages earned in the claimed year of wage loss.	\$71,500.00	
4.	Divide line 3 by 10. (Line 3 / 10)	\$7150.00	
5.	Using Inflation Calculator	a. \$7150.00	
	a. Dollar amount from line 4 .	b. 2005	
	b. Year from line 2 .	c. 2001	
	c. Year from line 1 .	d. \$6,369.54	
6.	Multiply amount in line 5d by 10. (Line 5d X 10). This is your Adjusted Earnings for this year of wage loss.*	\$63,695.40	

The following wages were provided for 2002

Part E Wage Loss Worksheet - # 2 year 2002			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Adjust Wages for Each Year of Claimed Wage Loss			
1.	Calendar year in which wage loss commenced .	2001	
2.	Calendar year in which wage loss is claimed .	2002	
3.	Total amount of wages earned in the claimed year of wage loss.	\$51,500.00	
4.	Divide line 3 by 10. (Line 3 / 10)	\$5150.00	
5.	Using Inflation Calculator	a. \$5150.00	
	e. Dollar amount from line 4 .	b. 2002	
	f. Year from line 2 .	c. 2001	
	g. Year from line 1 .	d. \$5,069.84	
6.	Multiply amount in line 5d by 10. (Line 5d X 10). This is your Adjusted Earnings for this year of wage loss.*	\$50,698.40	

Chapter E-800 – Establishing Wage-Loss

h. Calculate the award amount using the above information:

Part E Wage Loss Worksheet - # 3 year 2005			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Determine Percentage of Wage Loss and Award Amount			
1.	Adjusted Earnings (from Worksheet # 2, line 6).		
2.	Divide line 1 by the Average Annual Wage (from Worksheet # 1)		
3.	Multiply line 2 by 100 (line 2 X 100). Enter percentage .		
4.	If percentage from line 3 is less than or equal to 50% (line 3 \leq 50%), enter \$15,000. If percentage from line 3 is greater than 50 %, but less than or equal to 75% (50% < line 3 \leq 75%), enter \$10,000. This is the award amount for claimed year of wage loss.*		

Part E Wage Loss Worksheet - # 3 2002			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Determine Percentage of Wage Loss and Award Amount			
1.	Adjusted Earnings (from Worksheet # 2, line 6).		
2.	Divide line 1 by the Average Annual Wage (from Worksheet # 1)		
3.	Multiply line 2 by 100 (line 2 X 100). Enter percentage .		
4.	If percentage from line 3 is less than or equal to 50% (line 3 \leq 50%), enter \$15,000. If percentage from line 3 is greater than 50 %, but less than or equal to 75% (50% < line 3 \leq 75%), enter \$10,000. This is the award amount for claimed year of wage loss.*		

Be aware that for this example you would also need to perform these calculations for 2003 and 2004.

Chapter E-900 – Establishing Impairment Ratings Exercises

Directions: Answer the following questions. Use Chapter E-900 for guidance.

1. Mental conditions related to neurological impairment can be assigned a rating pursuant to the AMA's Guides and may be compensable.

TRUE FALSE

2. Place a check mark (✓) beside the answers below that are appropriate for the following scenario: if an employee elects option one for an impairment rating and obtains a rating from his/her treating physician, which of the following criteria must be met in order for DOL to pay for the report:

- a. ____ Physician must be Board certified
- b. ____ The physician must be a District Medical Consultant
- c. ____ Physician must have certification in ABIME or AADEP
- d. ____ The physician may not have worked on the physician's panel
- e. ____ The report must contain specific reference to tables and page numbers in most current edition of AMA's Guides
- f. ____ The impairment determination must be made within one year of submission of the physician's report

3. DOL will not pay for an impairment evaluation if there is no final decision to accept under Part E.

TRUE FALSE

4. DOL will not pay for the tests related to an impairment rating when the employee selects Option 2.

TRUE FALSE

Chapter E-900 – Establishing Impairment Ratings

5. After a recommended decision is issued, if an employee disagrees with the determination, he/she bears the burden of proof in overcoming the report relied on by the DO in the recommended decision.
- TRUE FALSE
6. An employee must wait 2 years after an award for impairment under Part E before he/she may file an EE-10 for additional impairment for the same condition.
- TRUE FALSE
7. Place a check mark (✓) beside the answers below that are appropriate for the following: An impairment that is the result of any accepted covered illness, that cannot be assigned a numerical impairment percentage using the most current AMA's Guides,
- a. _____ will be accepted by the CE
 - b. _____ will not be included in the employee's impairment rating
 - c. _____ requires the CE to perform specific calculations
 - d. _____ will require that the physician performing the impairment evaluation explains the rationale as to why a numerical impairment percentage cannot be assigned.
8. Place a check mark (✓) beside the answers below that are appropriate for the following: The impairment rating
- a. _____ is based on a whole person impairment of the employee
 - b. _____ does not require physician input
 - c. _____ is based on the organs or systems affected by an accepted covered illness or illnesses
9. Place a check mark (✓) beside the answers below that are appropriate for the following: For impairment, the CE sends a development letter to the employee that
- a. _____ advises the employee that he/she may select a qualified physician to perform an impairment evaluation.

Chapter E-900 – Establishing Impairment Ratings

- b. _____ advises the employee that a whole body impairment is a percentage of a person based on the organ (s) and or system (s) affected by the covered illness (es).
- c. _____ advises the employee that DEEOIC can arrange for a qualified physician to perform an impairment evaluation.
- d. _____ advises the employee that he/she should call his/her claims examiner and respond in writing or by phone.

Chapter E-1000 – State Workers' Compensation Exercises

Directions: Answer the following questions. Use Chapter E-1000 for guidance.

1. Place a check mark (✓) next to the **most** appropriate answer(s):

It is important to coordinate Part E benefits with state workers' compensation benefits because:

- a. _____ Compensation under Part E may need to be reduced to reflect benefits previously awarded under a state workers' compensation program for the same covered illness.
- b. _____ If the beneficiary under a state workers' compensation program received state workers' compensation benefits for a different illness, or for both a covered and a non-covered illness arising out of and in the course of the same work-related exposure, compensation under Part E will need to be reduced.
- c. _____ Part E compensation benefits and state workers' compensation benefits are paid from the same fund.

2. Place a check mark (✓) next to the **most** appropriate answer(s):

If an *employee* settles a state workers' compensation claim for asbestosis, and the accepted covered illness for which the *surviving spouse* is entitled to Part E benefits is also asbestosis, then:

- a. _____ there will be a reduction of benefits to the surviving spouse under Part E.
- b. _____ there will be no reduction of benefits to the surviving spouse under Part E.
- c. _____ there will be no reduction of benefits to the surviving spouse under Part E unless that spouse also received some form of state workers' compensation benefits for asbestosis, such as death benefits.
- d. _____ an error has been made since compensation cannot be paid twice for the same covered illness.

Chapter E-1000 – State Workers' Compensation

3. Place a check mark (✓) next to the most appropriate answer(s):

The Office of Workers' Compensation Programs (OWCP) may waive the requirement to coordinate Part E benefits with benefits paid under a state workers' compensation program, if it determines that:

- a. _____ the total amount of state workers' compensation benefits the employee/claimant received was under \$2,000 but more than \$200.
- b. _____ the total amount of state workers' compensation benefits the employee/claimant received was under \$200.
- c. _____ OWCP never grants waivers.

4. Place a check mark (✓) next to the **most** appropriate answer(s):

If an employee/claimant has filed a state claim for the same covered illness, but payment of the state workers' compensation benefits is pending at the time of the Part E payment, then:

- a. _____ Part E benefits are awarded without a reduction, since the employee/claimant did not yet receive state workers' compensation benefits.
- b. _____ the claims examiner would defer issuing the Recommended Decision to award benefits under Part E.
- c. _____ the claim will be remanded by FAB.
- d. _____ Part E benefits are awarded without a reduction. However, if the employee/claimant receives state workers' compensation benefits after the issuance of the Recommended Decision or Final Decision, but before issuance of the Part E payment, the Part E payment will not be issued until further action is taken.

Chapter E-1000 – State Workers' Compensation

5. Place a check mark (✓) next to the **most** appropriate answer(s):

If an employee/claimant received *only* medical benefits under a state workers' compensation program, then:

- a. _____ the claims examiner treats it as a pending claim and issues a Recommended Decision to award Part E benefits without a reduction.
 - b. _____ the claim is administratively closed and the claimant is advised that no additional action will be taken.
 - c. _____ the total amount of medical benefits awarded under the state workers' compensation program will be deducted from the Part E payment.
 - d. _____ impairment under Part E will be re-calculated.
6. To verify the existence of a state workers' compensation claim, a claims examiner will request from the state commission, board, or payment-issuing agency an itemized account of benefits paid to the employee/ claimant. The claims examiner will use an "*EEOICPA/SWC Coordination of Benefits Worksheet*" to calculate how much to reduce a claimant's EEOICPA Part E benefits based on benefits received from a state workers' compensation program for a covered illness compensable under Part E.

Indicate whether the following statements are **true** or **false** regarding this process.

- a. The claims examiner may attempt to collect information about the employee's/claimant's disability benefits, medical benefits, death benefits, attorney fees, vocational rehabilitation, and settlement amounts awarded under state workers' compensation.

TRUE

FALSE

- b. If Part E benefits to which the employee/claimant are currently entitled are MORE THAN the amount of state workers' compensation benefits, the 'balance due' to the employee/claimant will be referenced and explained in the Recommended Decision.

TRUE

FALSE

Chapter E-1000 – State Workers' Compensation

- c. If Part E benefits to which the employee/claimant is currently entitled are LESS THAN the amount of state workers' compensation benefits, the 'surplus' will be noted in the Recommended Decision. OWCP will not pay medical benefits, wage loss, or impairment until the surplus is absorbed. The FAB award letter will inform employees/claimants to submit all proofs of payment of medical bills that will offset the surplus.

TRUE FALSE .

- d. Should an unpaid medical bill be submitted during the surplus period, it will be returned to the employee/ claimant indicating that it cannot be paid at this time due to the existence of a surplus.

TRUE FALSE

Chapter E-1100 – Hearings and Decisions Exercises

Directions: Answer the following questions. Use Chapter E-1000 for guidance.

1. Place a check mark (✓) next to the most appropriate answer. The CE will send a bifurcated waiver with a Recommended Decision
 - a. _____ to accept only
 - b. _____ for partial accept /partial deny only
 - c. _____ to deny only
 - d. _____ to partial accept only

2. Place a check mark (✓) next to the most appropriate answer. When would a CE refer an issue to the secondary CE (while case is at FAB)?
 - a. _____ when the issue is within the scope being addressed by FAB
 - b. _____ when the case has been accepted for medical benefits under E for asbestosis, denied for cancer, evidence exists employee was out of work before retirement, requested hearing on cancer, so the secondary CE would develop for wage loss concurrently
 - c. _____ when the case is an easy acceptance with waivers submitted

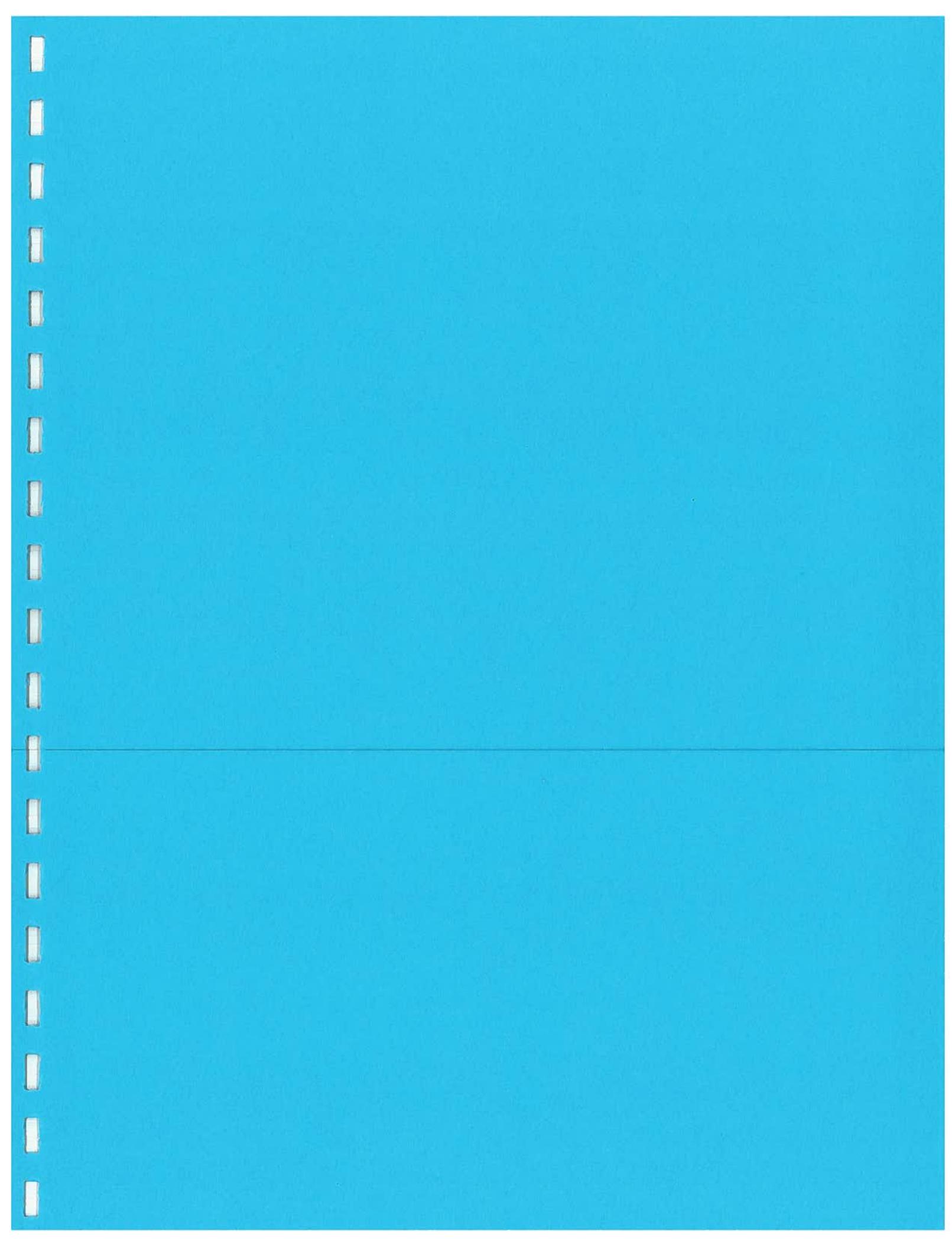
3. Place a check mark (✓) next to the most appropriate answers. The CE may “defer” wage loss and/or impairment in which of the following situations:
 - a. _____ **wage loss:** the employee is under retirement age
 - b. _____ **wage loss:** evidence comes in after the recommended decision that the survivor’s husband died many years ago of a covered condition
 - c. _____ **wage loss:** the employee was diagnosed with a covered illness after retirement age
 - d. _____ **impairment:** survivors are the only claimants and employee never filed a claim.

Chapter E-1100 – Hearings and Decisions

4. Place a check mark (✓) next to those statements that are true:
- a. _____ If multiple conditions are claimed in a survivor case, but only one covered condition caused the employee's death, the CE accepts the case based on that accepted condition and does not need to make a determination on all conditions in the recommended decision.
 - b. _____ If multiple conditions are claimed, but only one covered condition caused the employee's death, the CE accepts the case based on that accepted decision but must address all conditions in the recommended decision.
 - c. _____ The claimant must be advised of the right to request wage loss if the evidence suggests that the employee may have had such prior to attaining "normal retirement age" and the maximum amount of \$175,000 has not been paid to the survivors.
 - d. _____ Survivors are not entitled to wage-loss benefits and therefore do not need to be advised of the right to request wage-loss benefits.
5. When a CE issues a recommended decision, he/she must be aware of any outstanding claim issues that need further development.

TRUE

FALSE



EEOICP



Phase II Part E Training Exercises

Answer Key

October 17, 2005

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Chapter E-300 – Introduction and Initial Development Exercises

Directions: Answer the following questions. Use Chapter E-300 for guidance.

1. Place a check mark (✓) beside the correct answer: Regardless of the type of claim (Part B only, Part E only, Part D developed by DOE, or both B and E), the claims examiner (CE) will review a claim to determine whether sufficient evidence exists in what three areas:
 - a. _____ medical bills, state worker’s compensation benefits, occupational history
 - b. _____ proof of exposure, verified employment, appropriate claim forms on file
 - c. _____ medical conditions, employment history, survivorship eligibility

2. In developing a claim, the claims examiner (CE) must determine whether the **medical condition claimed** is covered under Part B, Part E, or both. The CE will refer to eligibility criteria for cancer, beryllium illness, and silicosis; evidentiary requirements for causation; and physicians’ reports providing diagnosis. For the claimed illnesses listed below (and assuming that none of them received an award under Section 5, RECA), check (✓) whether they are restricted to Part B or Part E only, or possibly eligible for both:

Allergies	<input type="checkbox"/> Part B only	<input checked="" type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Asbestosis	<input type="checkbox"/> Part B only	<input checked="" type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Asthma	<input type="checkbox"/> Part B only	<input checked="" type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Beryllium Sensitivity	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
Chronic Obstructive Pulmonary Disease (COPD)	<input type="checkbox"/> Part B only	<input checked="" type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Cancers caused by radiation exposure	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
Chronic Beryllium Disease (CBD)	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
Chronic Silicosis	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
Consequential illnesses related to either an occupational illness or a covered illness & verified by a physician’s report	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
Prostate Cancer	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
Sleep Apnea	<input type="checkbox"/> Part B only	<input checked="" type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Stroke	<input type="checkbox"/> Part B only	<input checked="" type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Pneumoconiosis	<input type="checkbox"/> Part B only	<input checked="" type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E

Chapter E-300 – Initial Development

3. In developing a claim, the claims examiner (CE) will determine whether **claimed employment** is applicable under Part B, Part E, or both. The CE will look at the facility type, time periods of employment, job titles, and ORISE printouts. For the facility type listed below, check (✓) whether employees who worked there are restricted to Part B or Part E only, or possibly eligible for both:

Beryllium Vendors (BVs)	<input checked="" type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
Atomic Weapons Employers (AWEs)	<input checked="" type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input type="checkbox"/> Both B & E
RECA Section 5 Facility	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
DOE Facilities (except DOE employees)	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
DOE Contractors	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
DOE Subcontractors	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
Special Exposure Cohorts	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E
AWEs or BVs designated as DOE facilities during remediation	<input type="checkbox"/> Part B only	<input type="checkbox"/> Part E only	<input checked="" type="checkbox"/> Both B & E

4. Fill in the blanks to accurately complete the statements:
- For non-RECA claims, Part B of EEOICPA provides a lump sum payment of **\$150,000** per case, plus payment of medical expenses for the covered illness from the date of the claim.
 - Uranium miners, millers and ore transporters who were already awarded compensation under Section 5 of the Radiation Exposure Compensation Act (RECA) can, under Part B of EEOICPA, receive an additional payment of **\$50,000** as well as medical expenses for the covered illness from the date of the claim.
 - For an employee, Part E provides **\$2,500** for each one percent (1%) of whole body permanent impairment caused by a covered condition, based upon the *AMA Guidelines to the Evaluation of Permanent Impairment*.

Chapter E-300 – Initial Development

- d. For an employee, Part E of EEOICPA provides wage loss based upon one of two lump sum amounts for each qualifying year (prior to the employee's normal Social Security retirement age) in which annual earnings fell below the employee's average annual earnings. Employees can receive **\$15,000** for any year in which they made less than 50% of their average annual wage as a result of a covered illness, and **\$10,000** for any year in which they made more than 50% but less than 75% of their average annual wage.
 - e. Under Part E, eligible survivors can receive a lump sum payment of **\$125,000** if the employee's death was caused, contributed to, or aggravated by his or her covered illness.
 - f. Under Part E, survivors can receive a lump sum payment, plus an additional **\$25,000** if the employee had 10 years or more wage loss due to a covered illness.
 - g. Under Part E, survivors are eligible for a lump sum payment, plus an additional **\$50,000** if the employee had 20 years or more wage loss due to a covered illness.
 - h. Under Part E, the amount of compensation provided, excluding medical benefits, may not exceed the total amount of **\$250,000** per accepted covered employee.
5. Claimants whose Part B claim was denied, who did not file a Part D claim, can file a Part E claim to be considered for compensation benefits.

TRUE

FALSE

All may file a claim.

6. Claimants, who received an adverse Physician Panel determination under Part D, will be automatically considered for benefits under Part E.

TRUE

FALSE

7. Survivors of claimants who were DOE contractor and subcontractor employees whose diagnosed conditions were already accepted under Part B cannot file a claim under Part E of EEOICPA.

TRUE

FALSE

False: They may file a claim under Part E.

Chapter E-300 – Initial Development

8. Place a check mark (✓) beside those tools a CE would use in Initial Development:
- a. database from the Building Trades National Medical Screening Program
 - b. contact with the claimant by letter and phone
 - c. Former Workers Program
 - d. Web searches (sanctioned by the National Office only)
 - e. Physician Panels from former Part D cases
 - f. EEOICPA statute
 - g. EEOICPA regulations
 - h. EEOICPA Procedure Manual
 - i. EEOICPA Bulletins and Transmittals
 - j. ORISE database
 - k. Part D case file information

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure Exercises

Directions: Answer the following questions. Use Chapter E-400 for guidance.

1. The role of Resource Centers has recently been expanded. Indicate whether the responsibilities listed below are those of a Resource Center or a District Office by writing 'R,' 'D,' 'B' for both, or 'N' neither:

- | | |
|--|--|
| B
<hr/> Informs potential claimants of program filing requirements and available benefits. | D
<hr/> Handles all employment verification steps submitted by RECA claimants. |
| B
<hr/> Reviews claim materials for a determination as to benefits being sought and conditions claimed to determine under which Part (Part B, E or both) a claim is being filed. | B
<hr/> Provides customer service through telephone and face-to-face contact with claimants. |
| D
<hr/> Weighs evidence and makes recommended entitlement determinations. | B
<hr/> Requests that claimants sign the SSA-581. |
| B
<hr/> Maintains compliance with Privacy Act mandates. | B
<hr/> Enters appropriate ECMS notes and telephone calls. |
| B
<hr/> Handles initial employment verification steps for Part B, Part E, and B/E claims. | D
<hr/> Enters appropriate ECMS claim codes. |
| R
<hr/> Conducts Occupational History Interviews for claimants. | D
<hr/> Forwards SSA-581 Forms to the National Office for referral to the Social Security Administration. |
| B
<hr/> Responds to claim status requests. | D
<hr/> Collects exposure data using a Document Acquisition Request (DAR). |
| D
<hr/> Enters "OR" claim status codes to correspond with the dates that ORISE actions are taken. | B
<hr/> Assists claimants in understanding development letters. |
| D
<hr/> Makes case-by-case decisions and provides guidance as to whether or not employment or occupational history development is required for already-existing claims. | B
<hr/> Uses the ORISE database to check if an employee is in the database, and prints the results found in ORISE as part of the evidence of file. |

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure

2. Employment and exposure under the EEOICPA are verified using the EE-5 process and an Occupational History Questionnaire (OHQ) and interview. Indicate 'true' or 'false' for the following statements:

TRUE For List 1 claims, the Resource Center includes in their packet a copy of the DOE Employment Memorandum which serves as acknowledgment that DOE has no employment information to provide.

TRUE Resource Centers may ask a claimant to sign the SSA-581 so that records of their Social Security earnings can be requested.

FALSE An employee's letters and certificates of achievement and participation in certain events cannot be used to verify periods of claimed employment.

TRUE AWE contractors and subcontractors (which do not have a period of remediation) are not afforded coverage under the Part E of EEOICPA and no occupational history development is required.

TRUE Part E claims must always be referred to a resource center for occupational history development even when there is evidence of Former Worker Program (FWP) information in the file.

TRUE The Resource Center has 14 calendar days from the date of claim filing to complete the Occupational History Questionnaire.

FALSE The Occupational history Questionnaire is necessary when it is a cancer claim arising out of a Part E facility.

TRUE If the Department of Justice has accepted a RECA claim and the claim has yet to be accepted by DEEOIC, no Occupational History Questionnaire is necessary.

TRUE With regard to the Occupational History Questionnaire and interview, in cases with multiple survivors, all claimants must be interviewed unless one or more claimants or authorized representatives have been designated to represent all of the claimants.

TRUE Employment verification and occupational history development are not required in instances where there is no eligible survivor (especially in the case of adult children under Part E).

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure

FALSE In all cases where employment verification is undertaken, the Resource Center prepares a memorandum documenting all the dates on which verification actions were taken for each claimant. The Resource Center has 30 days from the receipt of the EE-1 or EE-2 to complete and forward the memorandum to the District Office.

TRUE Part D/E claims previously filed could potentially require occupational history interviews. It is the responsibility of the District Office to ascertain the need for further development by the Resource Center.

FALSE Occupational history interviews generally take about thirty (30) minutes to complete.

TRUE In order to properly conduct an Occupational History Questionnaire and interview, Resource Center staff members must possess an understanding of work performed by DOE employees, the types of hazardous materials present at DOE and Section 5 RECA sites, the covered illness resulting from exposure, standard lengths of exposure for illness to occur, and the medical diagnosis required to verify the illness.

TRUE If an Occupational History Questionnaire is incomplete or has inaccurate data, the district office must alert the resource center manager by writing a memo outlining specific instructions as to the deficiency found and the required remedy. The resource center must complete a "rework" within 7 calendar days.

3. The collection of exposure data by a district office is known as a Document Acquisition Request (DAR). Check (✓) items below that might be contained in a DAR response:

- job descriptions
- radiation exposure records (e.g., dosimetry badge readings)
- incident or accident reports in which the employee was affected
- bus tickets showing transportation to and from work
- employee medical records
- affidavits from co-workers attesting to exposure
- industrial hygiene or safety records
- ethnicity forms
- pay and salary records if wage loss is being claimed
- formal grievances filed by the employee
- workers' compensation claims
- records of personal protective equipment issued and worn
- unemployment compensation records

Chapter E-400 – Resource Centers, Establishing DOE Employment and Exposure

- employee awards files
- records of the facility's emergency and evacuation drills

4. The Resource Center uses DEEOIC tools, including procedures, bulletins, and employment verification updates and will have access to DEEOIC shared drive for viewing these materials.

TRUE FALSE

Chapter E-500 – Evidentiary Requirements for Causation Exercises

Directions: Answer the following questions. Use Chapter E-500 for guidance.

1. The Former Worker Program screening information provides a diagnosis.

TRUE FALSE

FWP does not have that kind of information, they have information on exposure to toxic substances and whether an employee was exposed.

2. Place a check mark (✓) beside the following tools if they could be used to support the presence of a toxic substance in the work place:

- | | |
|----------|--|
| <u>✓</u> | Former Worker Program |
| _____ | DMC |
| <u>✓</u> | NIOSH site profiles |
| _____ | Medical Reports |
| <u>✓</u> | Affidavits from co-workers |
| _____ | Spouse |
| <u>✓</u> | Occupational Health Questionnaire (OHQ) |
| _____ | Medical Test Results (i.e. LPT tests, PFT tests, etc.) |
| _____ | Hazmap |
| <u>✓</u> | DAR Records |
| <u>✓</u> | Exposure Matrices |

Chapter E-500 – Evidentiary Requirements for Causation

3. Place a check mark (✓) beside the tool you could use to assist you in determining if the worker came into contact with the substance.

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Former Worker Program |
| <input type="checkbox"/> | DMC |
| <input type="checkbox"/> | NIOSH site profiles |
| <input checked="" type="checkbox"/> | Medical Reports |
| <input checked="" type="checkbox"/> | Affidavits from co-workers |
| <input type="checkbox"/> | Spouse |
| <input checked="" type="checkbox"/> | Occupational Health Questionnaire (OHQ) |
| <input checked="" type="checkbox"/> | Medical Test Results (i.e. LPT tests, PFT tests, etc.) |
| <input type="checkbox"/> | Hazmap |
| <input checked="" type="checkbox"/> | DAR Records |
| <input type="checkbox"/> | Exposure Matrices |

4. Place a check mark (✓) beside the following tools if they could be used to support causation between a medical condition and a toxic substance in the work place:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Former Worker Program |
| <input checked="" type="checkbox"/> | DMC |
| <input type="checkbox"/> | NIOSH site profiles |
| <input checked="" type="checkbox"/> | Medical Reports |
| <input type="checkbox"/> | Affidavits from co-workers |
| <input type="checkbox"/> | Spouse |
| <input type="checkbox"/> | Occupational Health Questionnaire (OHQ) |
| <input checked="" type="checkbox"/> | Medical Test Results (i.e. LPT tests, PFT tests, etc.) |

Chapter E-500 – Evidentiary Requirements for Causation

Hazmap

DAR Records

Exposure Matrices

5. If a claim for cancer goes to NIOSH and there is a POC greater than 50%, do we still have to develop for toxic exposure?

YES

NO

The NIOSH POC establishes causation.

6. You have an accepted surviving spouse case under Part B where
- the employee was a DOE contractor at a DOE facility,
 - the accepted condition was lung cancer,
 - death certificate lists lung cancer as the cause of death signed by a physician.

Is this sufficient to accept causation under Part E for the **surviving** spouse?

YES

NO

7. You have a case that was accepted for CBD under part B. The employee worked at a DOE facility and the surviving spouse is the claimant. The case may be accepted under E for causation if the death certificate (or other medical evidence) suggests cause of death is which of the following: Place a check mark (✓) beside all that are appropriate:

Silicosis

Chronic Obstructive Pulmonary Disease

Lung Cancer

Asbestosis

Pulmonary Fibrosis

Emphysema

Heart Attack

Pancreatic Cancer

Chapter E-500 – Evidentiary Requirements for Causation

_____ Liver Disease

8. Using the scenario in Exercise #7 above, in order for causation to be accepted, the memo from Dr. Cohen must be printed, inserted in the case file, and referenced in the decision as rationale.

TRUE

FALSE

9. Using the scenario in Exercise #7, if the cause of death is “respiratory failure” the CE may accept for causation based on Dr. Cohen’s memo.

TRUE

FALSE

Need to develop for the link between cause of death (respiratory failure) and covered illness.

10. Place a check mark (✓) beside all that are appropriate:

The exposure matrices

- a. are used in the identification of toxins present at a certain facility or process and to assist DEEOIC in establishing a causal link between an employee’s illness, impairment, disease or death and employment at a given facility
- b. _____ are used to determine if a DOE employee worked at a certain DOE facility
- c. assist the CE in evaluating exposure and causation
- d. could contain occupational medical and site exposure information.
- e. _____ serve as a comprehensive list of all toxins that could be present at a facility.

Chapter E-600 – Establishing Survivorship Exercises

Directions: Answer the following questions. Use Chapter E-600 for guidance.

1. Place a check mark (✓) beside all possible covered survivors under Part E:
 - a. Jane was married to the employee for only six months prior to his death
 - b. William was married to the employee for one and a half years prior to her death
 - c. Jack, a child of an employee, was under the age of 18 at the time of the employee's death
 - d. Sue, a child of an employee, was 19 at the time of the employee's death and going to college full time, since she was 18
 - e. Mark was 55 at the time of the employee's death, a child of the employee, and was incapable of self-support, but married.
 - f. Joe and Ann are the parents of an employee
 - g. Dylan is the six year old grandchild of employee
 - h. Aileen and Bill are the grandparents of employee

2. Place a check mark (✓) beside examples of documentation that can be used to support the claim of being incapable of self-support:
 - a. medical records
 - b. social security disability records
 - c. tax returns
 - d. affidavits
 - e. driver's license showing restrictions

Chapter E-600 – Establishing Survivorship

3. Place a check mark (✓) beside the following scenarios if they fit the requirements for a covered full-time student. Assume that each is the survivor of a covered employee (father).
- a. John was 22 at the time of his father's death but dropped out of college at the age of 20. (not continuous schooling)
 - b. Betty was 20 at the time of her father's death and attending college since the age of 18.
 - c. Michelle and Sherry are identical twins and were 20 years of age at the time of the employee's death. Both have been attending the same college in Ohio since the age of 18. Michelle got married when she turned 19. Sherry does not plan to marry until she completes college.
 - Michelle
 - Sherry
 - d. Tina was single and 23 at the time of her father's death and has been attending college since the age of 18. (not under the age of 23)
4. From the list below, check each instance when you need to issue a decision to all survivors:
- a. A Part B claim was filed with many survivors. Under Part D/E, only one survivor filed a claim for all claimants.
 - b. A Part B claim was accepted for a spouse. Children filed under Part D/E not covered.
 - c. One Part E survivor is a covered child and another survivor is not a covered child.
 - d. A Part B claim was filed and denied. No Part D/E was filed.

Chapter E-600 – Establishing Survivorship

5. According to the definition of survivor for Part E under EEOICPA, step-children cannot be considered covered children.

TRUE

FALSE

~~Step children may be considered if they meet the other requirements and a relationship between the employee and step child is established.~~

Chapter E-700 – Establishing Requirements for Certain Uranium Workers Exercises

Directions: Answer the following questions. Use Chapter E-700 for guidance.

1. Under Part E, there are no survivor differences from Part B for RECA claimants accepted by DOJ.

TRUE FALSE

~~See definition of survivor in Survivor section. Adult children are not covered under E. Neither are grandparents, grandchildren, parents, etc.~~

2. If a Section 5 RECA award is confirmed, the CE accepts this as proof of covered employment under EEOICPA.

TRUE FALSE

~~If DOJ awards a RECA Section 5, that acceptance replaces our need for employment verification.~~

3. Place a check mark (✓) beside all that apply: If a Part E case, that also has a pending RECA case with DOJ, is in posture for denial, the CE may issue the recommended decision

a. _____ immediately

b. after DOJ has issued its decision regarding the Section 5 award

c. _____ after requesting more information from the claimant

d. after administratively closing the claim

4. The Resource Center initially conducts occupational history interviews on RECA claims unless there is an accepted DOJ award.

TRUE FALSE

Chapter E-700 – Establishing Requirements for Certain Uranium Workers Exercises

5. Under Part E, employees or their covered survivors are entitled to the \$50,000 lump sum payment if accepted by DOJ.

TRUE FALSE

Employees may receive wage loss, impairment or medical benefits, but not a lump sum.

6. If a surviving child receives a RECA award from DOJ, he/she is automatically entitled to Part E benefits.

TRUE FALSE

Survivorship must be established under Part E.

Chapter E-800 – Establishing Wage-Loss Exercises

Directions: Answer the following questions. Use Chapter E-800 for guidance.

1. Provide the normal retirement age for the following dates of birth.

a. 01/15/1947	<u>66 yrs.</u>	e. 06/02/1957	<u>66 yrs., 6 mos.</u>
b. 07/27/1939	<u>65 yrs., 4 mos.</u>	f. 02/01/1962	<u>67 yrs.</u>
c. 10/04/1955	<u>66 yrs., 2 mos.</u>	g. 12/31/1941	<u>65 yrs., 8 mos.</u>
d. 09/02/1938	<u>65 yrs., 2 mos.</u>	h. 04/15/1958	<u>66 yrs., 8 mos.</u>

2. If an employee claiming wage loss was unemployed during any of the 12 quarters prior to the first quarter of wage loss, that period of unemployment is included in the "average annual wage."

TRUE FALSE

3. A quarter of unemployment is defined as any period in which the earnings reported to SSA for the quarter were \$700 or less (in 2005 constant dollars).

TRUE FALSE

4. Referring to the table on page 4 and 5 of your procedure manual, for each of the following years is the quarterly wage less than or greater than the \$700 (in constant 2005 dollars) required for unemployment:

Less than/ Greater than	Year	Quarterly Wage
<u>Greater than</u>	1953	\$105.88
<u>Less than</u>	1987	\$407.55
<u>Less than</u>	1945	\$59.02
<u>Greater than</u>	1973	\$160.11
<u>Less than</u>	2001	\$636.36
<u>Less than</u>	1968	\$125.23
<u>Greater than</u>	1994	\$536.82
<u>Greater than</u>	2004	\$689.25

Chapter E-800 – Establishing Wage-Loss

5. Place a check mark (✓) beside the appropriate instances below in which you should send an initial development letter asking if wage loss is claimed:
- a. The employee was diagnosed with a covered illness after retirement age.
 - b. The employee has a covered condition and employment under Part E, but his/her lost time from work is unclear.
 - c. The employee only worked for beryllium vendor that was not designated as a DOE facility at any time.
 - d. A survivor files a claim for benefits. The death certificate shows that the employee's death occurred more than 10 years before normal retirement age. The employee died of a covered condition.
 - e. A survivor files a claim for benefits. The employee died of a covered condition less than 10 years before normal retirement age.
 - f. The evidence of record shows that the employee lost time from work only after normal retirement age.

Chapter E-800 – Establishing Wage-Loss

6. Choose the calculation which is correct for the following scenario:

Joe Smith files a Part E claim. After verification of exposure, employment and medical condition, he replies to your development letter that he has experienced wage loss due to his illness. You received the following information from Social Security for quarterly earnings for him.

1966 Earnings reported by Social Security for Joe Smith

\$2,150	\$2,500	\$1,950		\$6,600
1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Total

Calculate his covered wages for 1966.

- a. DEEOIC calculates Joe Smith's wages to be \$9,650
- because Joe met the maximum earnings of \$6,600 for 1966
 - the largest amount earned was in the 2nd quarter (\$2500) which you use for the 3rd and 4th quarters where Joe's wages were reduced. ($\$2150 + \$2500 + \$2500 + \$2500 = \$9650$)
- b. DEEOIC calculates Joe Smith's wages to be \$6,600 because that is the maximum earnings for 1966.
- c. DEEOIC calculates Joe Smith's maximum wages to be \$10,000 because you multiply the highest quarter amount of \$2,500 by 4 quarters.

Use the following area for calculations:

Chapter E-800 – Establishing Wage-Loss

7. Match the following definitions:

A. Average Annual Wage

A calendar year in which the covered Part E employee's earnings were less than that employee's average annual wage, as a result of a covered illness that is due to the covered Part E employee's exposure to a toxic substance at a facility covered by the program.

D.

B. A Quarter

The age at which an employee may receive Social Security retirement benefits.

C.

C. Normal Retirement age

A measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.

E.

D. A year of wage loss

Refers to four times the average quarterly wage of a covered Part E employee as reported to the Social Security Administration for the 12 quarters (excluding any quarters during which the employee was unemployed) preceding the quarter during which he or she first experienced wage loss due to a covered illness that was caused by exposure to a toxic substance at a DOE facility or RECA section 5 facility.

A.

E. Consumer Price Index

Three-month period of January through March, April through June, July through September, or October through December.

B.

Chapter E-800 – Establishing Wage-Loss

8. Below is an Earnings Report from Social Security for Joe Claimant for the 12 quarters prior to the first quarter of wage loss. Place a check mark (✓) beside the average annual wage calculation that is accurate

Year	Quarter	Earnings	
1985	3 rd	\$9,200	
	4 th	\$9,500	
1986	1 st	\$9,500	
	2 nd	\$9,300	
	3 rd	\$10,000	
	4 th	\$10,500	
1987	1 st	\$9,500	
	2 nd	\$9,800	
	3 rd	\$10,000	
	4 th	\$11,000	
1988	1 st	\$11,000	
	2 nd	\$11,500	
	3 rd	\$7,200	*first quarter of wage loss

- d. DEEOIC calculates Joe's average annual wage to be \$120,800.00
- e. DEEOIC calculates Joe's average annual wage to be \$40,266.67
- f. DEEOIC calculates Joe's average annual wage to be \$42,666.67
- g. DEEOIC calculates Joe's average annual wage to be \$10,066.67

Use the space below for making calculations:

\$9,200
\$9,500
\$9,500
\$9,300
\$10,000
\$10,500
\$9,500
\$9,800
\$10,000
\$11,000
\$11,000
\$11,500
Total \$120,800

$$\frac{\$120,800}{12 \text{ months}} = \$10,066.67 * 4 \text{ (qtrs.)} = \$40,266.67$$

Chapter E-800 – Establishing Wage-Loss

9. Below is an Earnings Report from Social Security for Sue Claimant. Place a check mark (✓) beside the average annual wage calculation that is accurate

Year	Quarter	Earnings		
1985	3 rd	\$9,800	Qtr of unemployment	
	4 th	\$600		
1986	1 st	\$10,500		
	2 nd	\$390		
	3 rd	\$10,000		
	4 th	\$9,800		
1987	1 st	\$ -		Qtr of unemployment
	2 nd	\$10,500		
	3 rd	\$11,000		
	4 th	\$10,800		
1988	1 st	\$14,000	*first quarter of wage loss	
	2 nd	\$10,850		
	3 rd	\$6,895		

a. Referring to the table on page 4 of the procedure manual, should you consider the second quarter earnings of \$390 for 1986 as unemployment?
Hint: Convert the \$390 into constant dollars for 2005.

YES NO

b. Choose Sue's correct average annual wage from below:
 _____ DEEOIC calculates Sue's average annual wage to be \$105,135.00
 _____ DEEOIC calculates Sue's average annual wage to be \$42,054.00
 ✓ DEEOIC calculates Sue's average annual wage to be \$39,140.00
 _____ DEEOIC calculates Sue's average annual wage to be \$9,785.00

Use the space below for making calculations:

3rd **\$9,800**
 4th **\$600**
 1st **\$10,500**
 2nd **Take out \$390 for unemployment**
 3rd **\$10,000**
 4th **\$9,800**
 1st **\$ -**
 2nd **\$10,500**
 3rd **\$11,000**
 4th **\$10,800**

Chapter E-800 – Establishing Wage-Loss

1st	\$14,000	
2nd	\$10,850	
total	\$97,850	= \$9,785.00 x 4 = \$39,140.00
	(12 - 2 =)10	

10. Directions: Based on the average annual wage of \$36,000, fill in the percentage of Average Annual Wage and the compensation paid for each year of wage loss in the appropriate columns below.

Yr.	Actual Earnings	Adjusted Earnings	Percent of Average Annual Wage of \$36,000	Compensation
1985	\$32,000	\$32,000	89%	\$0
1986	\$30,000	\$29,450	82%	\$0
1987	\$28,000	\$26,520	74%	\$10,000
1988	\$27,000	\$24,560	68%	\$10,000
1989	\$26,000	\$22,560	63%	\$10,000
1990	\$22,000	\$18,110	50%	\$15,000
1991	\$29,000	\$22,910	64%	\$10,000
1992	\$25,000	\$19,170	53%	\$10,000
1993	\$28,000	\$28,085	78%	\$0

Calculations:

Yr.	Actual Earnings	Adjusted Earnings	Percent of Average Annual Wage of \$36,000	Compensation determination
1985	\$32,000	\$32,000	=32000/36000 = 89%	Greater than 75%
1986	\$30,000	\$29,450	=29450/36000 = 82%	Greater than 75%
1987	\$28,000	\$26,520	=26520/36000 = 74%	Greater than 50% and less than 75%
1988	\$27,000	\$24,560	=24560/36000 = 68%	Greater than 50% and less than 75%
1989	\$26,000	\$22,560	=22560/36000 = 63%	Greater than 50% and less than 75%
1990	\$22,000	\$18,110	=18110/36000 = 50%	Less than or equal to 50%
1991	\$29,000	\$22,910	=22910/36000 = 64%	Greater than 50% and less than 75%
1992	\$25,000	\$19,170	=19170/36000 = 53%	Greater than 50% and less than 75%
1993	\$28,000	\$28,085	=28085/36000 = 78%	Greater than 75%

Chapter E-800 – Establishing Wage-Loss

11. Beth Employee filed a claim in June of 2005 for Part E for Chronic Beryllium Disease. She worked for a covered DOE facility during a covered time frame. You have accepted her claim for CBD under both Parts B and E of EEOICPA. She informs you that she has wage loss associated with the CBD. She claims that her first day of wage loss is September 20, 2001. She provides evidence of wages for three years prior to her lost wages. She submits evidence of the wage loss and medical evidence showing that her CBD caused her wage loss. You obtain records from the Social Security Administration (SSA) for 1998 through 2004. SSA Records for 1998 through 2001 only are shown below.

a. In which quarter of 2001, did Beth's wage loss first occur?

- _____ first
- _____ second
- third
- _____ fourth

The Social Security Administration supplied the following evidence of wages for Beth Employee:

Year	Quarter	Earnings
1998	1 st	\$22,080.00
	2 nd	\$22,080.00
	3 rd	\$22,080.00
	4 th	\$2,160.00
1999	1 st	\$23,184.00
	2 nd	\$289.56
	3 rd	\$23,184.00
	4 th	\$23,184.00
2000	1 st	\$23,400.00
	2 nd	\$23,400.00
	3 rd	\$23,400.00
	4 th	\$6,000.00
2001	1 st	\$24,500.00
	2 nd	\$24,500.00
	3 rd	\$12,000.00
	4 th	\$10,500.00

Chapter E-800 – Establishing Wage-Loss

b. What is the maximum amount of taxable earnings for

- o 1998 \$68,400.00
- o 1999 \$72,600.00
- o 2000 \$76,200.00
- o 2001 \$80,400.00

c. For which year did Beth exceed the maximum taxable earnings

- o 1998 ✓
- o 1999
- o 2000 ✓
- o 2001

d. Estimate the amount of earnings for 1998 and 2000:

- o 1998 \$88,320.00
- o 2000 \$93,600.00

e. For the 2nd quarter of 1999, SSA submitted evidence that Beth earned \$289.56 for that quarter. Using the table on page 4 of your procedure manual is that amount considered unemployment for 1999?

YES

NO

Chapter E-800 – Establishing Wage-Loss

f. Using the information supplied above, complete the worksheet below:

Part E Wage Loss Worksheet - # 1		
Employee's Name: Beth Employee	File #:	Claims Examiner's Name: me
		District Office: Denver
Calculate Average Annual Wage		
1.	Enter date of first wage loss (MM/DD/YYYY)	09/20/2001
2.	Of the 12 quarters prior to but not including the quarter of the date entered in line 1, Was the employee unemployed? (Earned \$700 or less in constant 2005 dollars?)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3.	If answer in line 2 is "YES", enter the number of quarters of unemployment: Then, go to line 4. If answer in line 2 is "NO", skip to line 5.	1
4.	Subtract the number in line 3 from 12. (12-C = N). Enter number (N) to the right. Then, skip line 5 and go to line 6.	11
5.	Enter the total of all earnings for the 12 quarters prior to, but not including the quarter of the date entered in line 1. Then skip to line 9.	
6.	Enter the total of all earnings, excluding earnings reported during the quarters of unemployment, for the 12 quarters prior to, but not including the quarter of the date entered in line 1.	\$256,312.00
7.	Divide line 6 by line 4. (line 6 / line 4)	\$23,301.09
8.	Multiply line 7 by 4. (line 7 X 4) This is your Average Annual Wage . Stop here.	\$93,204.36
9.	Divide line 5 by 12 (line 5 / 12)	
10.	Multiply line 9 by 4 (line 9 X 4) This is your Average Annual Wage .	

\$22,080.00
\$22,080.00
\$23,184.00
\$23,184.00
\$23,184.00
\$23,400.00
\$23,400.00
\$23,400.00
\$23,400.00
\$24,500.00
\$24,500.00
\$256,312.00
\$23,301.09 \$93,204.36

Chapter E-800 – Establishing Wage-Loss

- g. We are providing you with the following calculations since we do not have access to the CPI website in our classrooms:

Part E Wage Loss Worksheet - # 2 year 2005			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Adjust Wages for Each Year of Claimed Wage Loss			
1.	Calendar year in which wage loss commenced.	2001	
2.	Calendar year in which wage loss is claimed.	2005	
3.	Total amount of wages earned in the claimed year of wage loss.	\$71,500.00	
4.	Divide line 3 by 10. (Line 3 / 10)	\$7150.00	
5.	Using Inflation Calculator		
	a. Dollar amount from line 4.	a. \$7150.00	
	b. Year from line 2.	b. 2005	
	c. Year from line 1.	c. 2001	
	d. Press "Calculate" button. Enter calculated dollar amount.	d. \$6,369.54	
6.	Multiply amount in line 5d by 10. (Line 5d X 10). This is your Adjusted Earnings for this year of wage loss.*	\$63,695.40	

The following wages were provided for 2002

Part E Wage Loss Worksheet - # 2 year 2002			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Adjust Wages for Each Year of Claimed Wage Loss			
1.	Calendar year in which wage loss commenced.	2001	
2.	Calendar year in which wage loss is claimed.	2002	
3.	Total amount of wages earned in the claimed year of wage loss.	\$51,500.00	
4.	Divide line 3 by 10. (Line 3 / 10)	\$5150.00	
5.	Using Inflation Calculator		
	a. Dollar amount from line 4.	a. \$5150.00	
	b. Year from line 2.	b. 2002	
	c. Year from line 1.	c. 2001	
	d. Press "Calculate" button. Enter calculated dollar amount	d. \$5,069.84	
6.	Multiply amount in line 5d by 10. (Line 5d X 10). This is your Adjusted Earnings for this year of wage loss.*	\$50,698.40	

Chapter E-800 – Establishing Wage-Loss

e. Calculate the award amount using the above information:

Part E Wage Loss Worksheet - # 3 2005			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Determine Percentage of Wage Loss and Award Amount			
1.	Adjusted Earnings (from Worksheet # 2, line 6).	\$63,695.40	
2.	Divide line 1 by the Average Annual Wage (from Worksheet # 1)	.6834	
3.	Multiply line 2 by 100 (line 2 X 100). Enter percentage .	68.34%	
4.	If percentage from line 3 is less than or equal to 50% (line 3 ≤ 50%), enter \$15,000. If percentage from line 3 is greater than 50 %, but less than or equal to 75% (50% < line 3 ≤ 75%), enter \$10,000. This is the award amount for claimed year of wage loss.*	\$10,000	

Part E Wage Loss Worksheet - # 3 2002			
Employee's Name:	File #:	Claims Examiner's Name:	District Office:
Determine Percentage of Wage Loss and Award Amount			
1.	Adjusted Earnings (from Worksheet # 2, line 6).	\$50,698.40	
2.	Divide line 1 by the Average Annual Wage (from Worksheet # 1)	.5439	
3.	Multiply line 2 by 100 (line 2 X 100). Enter percentage .	54.39%	
4.	If percentage from line 3 is less than or equal to 50% (line 3 ≤ 50%), enter \$15,000. If percentage from line 3 is greater than 50 %, but less than or equal to 75% (50% < line 3 ≤ 75%), enter \$10,000. This is the award amount for claimed year of wage loss.*	\$10,000	

Be aware that for this example you would need to also perform these calculations for 2003 and 2004.

Chapter E-900 – Establishing Impairment Ratings

Chapter E-900 – Establishing Impairment Ratings Exercises

Directions: Answer the following questions. Use Chapter E-900 for guidance.

1. Mental conditions related to neurological impairment can be assigned a rating pursuant to the AMA's Guides and may be compensable.

TRUE FALSE

2. Place a check mark (✓) beside the answers below that are appropriate for the following scenario: if an employee elects option one for an impairment rating and obtains a rating from his/her treating physician, which of the following criteria must be met in order for DOL to pay for the report:

- a. Physician must be Board certified
- b. The physician must be a District Medical Consultant
- c. Physician must have certification in ABIME or AADEP
- d. The physician may not have worked on the physician's panel
- e. The report must contain specific reference to tables and page numbers in most current edition of AMA's Guides
- f. The impairment determination must be made within one year of submission of the physician's report

3. DOL will not pay for an impairment evaluation if there is no final decision to accept under Part E.

TRUE FALSE

4. DOL will not pay for the tests related to an impairment rating when the employee selects Option 2.

TRUE FALSE

Chapter E-900 – Establishing Impairment Ratings

5. After a recommended decision is issued, if an employee disagrees with the determination, he/she bears the burden of proof in overcoming the report relied on by the DO in the recommended decision.

TRUE FALSE

6. An employee must wait 2 years after an award for impairment under Part E before he/she may file an EE-10 for additional impairment for the same condition.

TRUE FALSE

7. Place a check mark (✓) beside the answers below that are appropriate for the following: An impairment that is the result of any accepted covered illness, that cannot be assigned a numerical impairment percentage using the most current AMA's Guides,

- a. _____ will be accepted by the CE
- b. will not be included in the employee's impairment rating
- c. _____ requires the CE to perform specific calculations
- d. will require that the physician performing the impairment evaluation explains the rationale as to why a numerical impairment percentage cannot be assigned.

8. Place a check mark (✓) beside the answers below that are appropriate for the following: The impairment rating

- a. is based on a whole person impairment of the employee
- b. _____ does not require physician input
- c. is based on the organs or systems affected by an accepted covered illness or illnesses

9. Place a check mark (✓) beside the answers below that are appropriate for the following: For impairment, the CE sends a development letter to the employee that

- a. advises the employee that he/she may select a qualified physician

Chapter E-900 – Establishing Impairment Ratings

to perform an impairment evaluation.

- b.  advises the employee that a whole body impairment is a percentage of a person based on the organ (s) and or system (s) affected by the covered illness (es).
- c.  advises the employee that DEEOIC can arrange for a qualified physician to perform an impairment evaluation.
- d.  advises the employee that he/she should call his/her claims examiner and respond in writing or by phone.

Chapter E-1000 – State Workers' Compensation Exercises

Directions: Answer the following questions. Use Chapter E-1000 for guidance.

1. Place a check mark (✓) next to the **most** appropriate answer(s):

It is important to coordinate Part E benefits with state workers' compensation benefits because:

- a. Compensation under Part E may need to be reduced to reflect benefits previously awarded under a state workers' compensation program for the same covered illness.
- b. If the beneficiary under a state workers' compensation program received state workers' compensation benefits for a different illness, or for both a covered and a non-covered illness arising out of and in the course of the same work-related exposure, compensation under Part E will need to be reduced.
- c. Part E compensation benefits and state workers' compensation benefits are paid from the same fund.

2. Place a check mark (✓) next to the **most** appropriate answer(s):

If an *employee* settles a state workers' compensation claim for asbestosis, and the accepted covered illness for which the *surviving spouse* is entitled to Part E benefits is also asbestosis, then:

- a. there will be a reduction of benefits to the surviving spouse under Part E.
- b. there will be no reduction of benefits to the surviving spouse under Part E.
- c. there will be no reduction of benefits to the surviving spouse under Part E unless that spouse also received some form of state workers' compensation benefits for asbestosis, such as death benefits.
- d. an error has been made since compensation cannot be paid twice for the same covered illness.

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3. Place a check mark (✓) next to the most appropriate answer(s):

The Office of Workers' Compensation Programs (OWCP) may waive the requirement to coordinate Part E benefits with benefits paid under a state workers' compensation program, if it determines that:

- a. _____ the total amount of state workers' compensation benefits the employee/claimant received was under \$2,000 but more than \$200.
- b. the total amount of state workers' compensation benefits the employee/claimant received was under \$200.
- c. _____ OWCP never grants waivers.

4. Place a check mark (✓) next to the **most** appropriate answer(s):

If an employee/claimant has filed a state claim for the same covered illness, but payment of the state workers' compensation benefits is pending at the time of the Part E payment, then:

- a. _____ Part E benefits are awarded without a reduction, since the employee/claimant did not yet receive state workers' compensation benefits.
- b. _____ the claims examiner would defer issuing the Recommended Decision to award benefits under Part E.
- c. _____ the claim will be remanded by FAB.
- d. Part E benefits are awarded without a reduction. However, if the employee/claimant receives state workers' compensation benefits after the issuance of the Recommended Decision or Final Decision, but before issuance of the Part E payment, the Part E payment will not be issued until further action is taken.

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5. Place a check mark (✓) next to the **most** appropriate answer(s):

If an employee/claimant received *only* medical benefits under a state workers' compensation program, then:

- a. the claims examiner treats it as a pending claim and issues a Recommended Decision to award Part E benefits without a reduction.
 - b. the claim is administratively closed and the claimant is advised that no additional action will be taken.
 - c. the total amount of medical benefits awarded under the state workers' compensation program will be deducted from the Part E payment.
 - d. impairment under Part E will be re-calculated.
6. To verify the existence of a state workers' compensation claim, a claims examiner will request from the state commission, board, or payment-issuing agency an itemized account of benefits paid to the employee/ claimant. The claims examiner will use an "*EEOICPA/SWC Coordination of Benefits Worksheet*" to calculate how much to reduce a claimant's EEOICPA Part E benefits based on benefits received from a state workers' compensation program for a covered illness compensable under Part E.

Indicate whether the following statements are **true or false** regarding this process.

- a. The claims examiner may attempt to collect information about the employee's/claimant's disability benefits, medical benefits, death benefits, attorney fees, vocational rehabilitation, and settlement amounts awarded under state workers' compensation.

TRUE

FALSE

- b. If Part E benefits to which the employee/claimant are currently entitled are MORE THAN the amount of state workers' compensation benefits, the 'balance due' to the employee/claimant will be referenced and explained in the Recommended Decision.

TRUE

FALSE

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- c. If Part E benefits to which the employee/claimant is currently entitled are LESS THAN the amount of state workers' compensation benefits, the 'surplus' will be noted in the Recommended Decision. OWCP will not pay medical benefits, wage loss, or impairment until the surplus is absorbed. The FAB award letter will inform employees/claimants to submit all proofs of payment of medical bills that will offset the surplus.

TRUE

FALSE

- d. Should an unpaid medical bill be submitted during the surplus period, it will be returned to the employee/ claimant indicating that it cannot be paid at this time due to the existence of a surplus.

TRUE

FALSE

Chapter E-1100 – Hearings and Decisions Exercises

Directions: Answer the following questions. Use Chapter E-1000 for guidance.

1. Place a check mark (✓) next to the most appropriate answer. The CE will send a bifurcated waiver with a Recommended Decision
 - a. _____ to accept only
 - b. for partial accept /partial deny only
 - c. _____ to deny only
 - d. _____ to partial accept only

2. Place a check mark (✓) next to the most appropriate answer. When would a CE refer an issue to the secondary CE (while case is at FAB)?
 - a. _____ when the issue is within the scope being addressed by FAB
 - b. when the case has been accepted for medical benefits under E for asbestosis, denied for cancer, evidence exists employee was out of work before retirement, requested hearing on cancer, so the secondary CE would develop for wage loss concurrently
 - c. _____ when the case is an easy acceptance with waivers submitted

3. Place a check mark (✓) next to the most appropriate answers. The CE may “defer” wage loss and/or impairment in which of the following situations:
 - a. **wage loss:** the employee is under retirement age
 - b. **wage loss:** evidence comes in after the recommended decision that the survivor’s husband died many years ago of a covered condition
 - c. _____ **wage loss:** the employee was diagnosed with a covered illness after retirement age
 - d. _____ **impairment:** survivors are the only claimants and employee never filed a claim.

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4. Place a check mark (✓) next to those statements that are true:
- a. If multiple conditions are claimed in a survivor case, but only one covered condition caused the employee's death, the CE accepts the case based on that accepted condition and does not need to make a determination on all conditions in the recommended decision.
 - b. If multiple conditions are claimed, but only one covered condition caused the employee's death, the CE accepts the case based on that accepted decision but must address all conditions in the recommended decision.
 - c. The claimant must be advised of the right to request wage loss if the evidence suggests that the employee may have had such prior to attaining "normal retirement age" and the maximum amount of \$175,000 has not been paid to the survivors.
 - d. Survivors are not entitled to wage-loss benefits and therefore do not need to be advised of the right to request wage-loss benefits.
5. When a CE issues a recommended decision, he/she must be aware of any outstanding claim issues that need further development.

TRUE

FALSE

