

Individual Training Exercise – Development Letters
Short Answer – Facilitator Version

1. What is wrong with the following statement?

DEEOIC reviewed DAR records received from DOE and conducted a thorough review of SEM, but there was no evidence to demonstrate that your GERD was linked to your job at the NTS during the 1950s.

Answer-

Acronym overuse.

2. Can you identify a content error in this phrase?

On April 1, 2004, a letter was sent to physician Dr. Elizabeth Moeller for an assessment of your COPD. She felt the fact that your duty station was at a guard post outside the main buildings, it was unlikely your employment caused your lung disease. However, he felt that given that you did have to periodically walk a route that took you through some of the main labs, exposure to fumes and other airborne contaminants could have contributed to the onset of your problem.

Answer-

Pronoun Mixing

3. Describe the problem with this paragraph? Explain your response.

A letter has already been sent to you on this matter and you failed to provide any response. It is not possible for the DEEOIC to prove the allegation that you actually have skin cancer until you provide a pathology report. Your failure to provide this information will result in a decision being issued within the next thirty days to deny entitlement to \$150,000 under Part B of the EEOICPA.

Answer-

Confrontational

4. How would you reword the sentence in question 3?

Answer-

Use versions that the class comes up with to discuss best option.

5. Is this an appropriate request? Explain your response.

After a review of existing exposure records pertaining to your late husband's work at the Hanford site between 1948 - 1952, we can not confirm that he was exposed to any chemical or biological toxic which could be affiliated with his claimed heart disease. We did conduct a very thorough analysis of employment and medical records that the Department of Energy submitted. In addition, research was conducted using the Site Exposure Matrix (SEM), which contains information about toxic substances at Hanford that could cause disease. You also reported in a telephone interview that "He came home all the time with dust on his cloths that had to be washed, but never told me what he was doing at the plant." Our review of this information has not been successful in showing that your husband had a heart problem linked to an occupational toxic exposure. To help us issue a decision, please provide us with a statement listing the specific materials your husband worked with that caused his heart problem.

Answer-

No - survivor in this situation has already acknowledged no information and he doesn't have the knowledge anyway given the specific nature of the question. Good write up though.

6. Identify the deficiencies that exist in the following request:

We have received a medical report from your doctor noting that he had performed an excision of a cancerous skin lesion on your left cheek. Accompanying the report was a biopsy confirming that the lesion was cancerous. However, we note that the doctor also indicated that you have heart disease and early onset spinal stenosis. Neither of these conditions has been claimed as part of your Part E claim for compensation.

What we need from you –

1. If you want to claim heart disease and early onset spinal stenosis – please submit a claim in writing to the address at the top of this letter.
2. To establish claimed heart disease and early onset spinal stenosis, you will need to provide additional medical evidence that shows the date of diagnosis for each condition, the treatment you have received to date, and any diagnostic testing that confirms the diagnosed condition.
3. If you do not want to file a claim for these conditions, please mail the district office a letter that clearly states that no further action is needed with regard to those conditions.
4. If you feel that your diagnosed condition was not due solely to radiation exposure, we are going to proceed with an evaluation of your Part E claim for chemical or biological exposures. This will mean that we must obtain information that (1) shows that your skin cancer was related to some specific toxic substance and (2) that you were exposed to that material. If this is found to be the case, the medical evidence must then show that the exposure was at least as likely as not a significant factor in causing your diagnosed condition (s).
5. If we find that your condition(s) are accepted, you will need to decide whether you wish to pursue a claim for impairment. Up to \$250,000 is available to you, if you file an impairment claim. This can be done by calling your local resource center at 886-540-4977. They will be able to provide you the information you need to file. For claimed impairment, you must provide a medical report that lists the whole person percentage of permanent impairment to the organ system related to your accepted illness.

Answer-

Confusing

Asking for information you really don't need

Work that the CE should really do

Don't solicit claims for illness that will ultimately be denied.

Filing claim doesn't = money

Wrong causation standard

7. Should you undertake additional causation development of the hyperthyroidism in the following Part E claim? Yes or No – explain answer.

A claimant submits a Part B survivor claim for an employee. It is claimed that the employee developed prostate cancer and hyperthyroidism due to employment at Rocky Flats from 1965-1974. The POC is calculated at 38.7% for the cancer. A recommended and final decision under Part B is issued denying both medical conditions. The Part E claim is subsequently developed, but no further documentation is submitted. No information is presented to suggest the prostate cancer was related to a chemical or biological toxic exposure. However, the CE reviews the file and finds the following medical report from an endocrinologist dated June 16, 1982 –

I have reviewed the medical history of the patient and understand that for some period in the 1960s into 1970s, he worked at the Rocky Flats weapons reservation. He self-reports exposure to various materials including radioactive dust and metals. I am not in a position to confirm this information, but clearly if he did have a radiological exposure during his employment it certainly could have played a predominant role in the development of his thyroid problems. Numerous studies, including the evaluation of Hiroshima and Nagasaki atomic bomb survivors, show elevated risk of thyroid disease in individuals exposed to either external or internal radiation.

Answer-

No – it really is sufficient based on what you've got. Medical specialist states relationship. Provides rationale that is reasonable. Dose reconstruction would substantiate exposure. What you do not want to do is send this to DMC or you run risk of a negative response.

8. On the next several pages is a sample development letter for a causal link between kidney cancer and a toxic substance that has been sent to an employee. (Note: assume the case file and SEM show no reported connection between kidney cancer and a biological or chemical toxin) – identify problems with the request and options for improvement.

Answer-

Too long. Eliminate the ¾ of the beginning. Took several hours to prepare. Inefficient use of CE time. Drives the claimant to want to give up. Development letters are a sales pitch to get the claimant to help you get to an approval.