



U.S. DEPARTMENT OF LABOR

Office of Workers' Compensation Programs (OWCP)

Radiation Exposure Compensation Act

Division of Energy Employees Occupational Illness Compensation

JOTG Webinar Series

March 30, 2022



Radiation Exposure Compensation Act (RECA)

- October 5, 1990 – Congress passed RECA
 - Administered by Department of Justice (DOJ).
 - Individuals (or their survivors).
 - Compensation only, not medical benefits from DOJ.
- October 30, 2000 – Congress passed EEOICPA
 - Included provision to pay benefits and compensation to RECA Section 5 recipients/survivors.



DOJ pays \$100,000, DOL pays \$50,000 plus medical benefits.



How is a RECA Claim Identified

- DOL develops the claim for benefits based on RECA Section 5 when:
 - Claimant identifies RECA Section 5 on incoming claim form (EE-1 or EE-2).
 - Some other indication (e.g. employment history) that the claimant may be eligible for RECA Section 5 benefits.





Processing a Uranium Employee Part B Claim

- Covered under Part B if claimant is entitled to RECA Section 5 benefits (employee or survivor).
- DOJ confirms RECA Section 5 award.
 - DOJ reviews forms EE-1 or EE-2 as Privacy Act waiver.
 - Advises DOL as to status of RECA award (pending, approved, denied).
- DOL pays \$50,000 plus medical benefits to award recipients for conditions covered under RECA.





Eligible Survivors under Part B



- If DOJ awards benefits to a deceased employee's survivor, that survivor is eligible for \$50,000 under EEOICPA.
- If covered uranium employee (employee or deceased employee's survivor) dies before receiving supplemental Part B compensation:
 - Coverage for additional survivors are subject to Part B survivorship definition.



Part E Eligibility for Covered Employees

- If *employee claim* accepted under Part B, also accepted under Part E.
- If denied under RECA, may still be eligible for Part E benefits.
- Verify covered Part E employment in uranium mines/mills.
 - Through DOJ or other means – SSA Records, EE-4 Employment History Affidavit, employment records, Site Information in the Site Exposure Matrices, etc.
 - Employment occurred in one of the 11 states covered under RECA.
 - Employment occurred from Jan 1, 1942 to Dec 31, 1971.
- Verify exposure to toxic substances – Site Exposure Matrices, Industrial Hygienist Referral, Exposure Presumptions.
- Verify causation – Physician Opinion, Causation Presumption, NIOSH Dose Reconstruction



Part E Eligibility for Survivors

- Must meet Part E definition of survivor.
- Employee's death must be related to exposure to toxic substance at a RECA section 5 facility.





Additional Part E Conditions

- If an employee was already accepted under the EEOICPA based on RECA employment and the employee develops additional condition(s) believed to be related to occupational toxic exposure, the employee (or survivor) can file a Part E claim for the additional condition(s).
- For the Part E claim to be accepted, we must establish that the illness or death resulted from exposure to a toxic substance during a period of covered employment at a RECA Section 5 facility.
- Acceptance of additional Part E condition(s) will result in medical benefits for the condition(s). The condition may also result in eligibility for impairment and/or wage loss compensation.

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Please fix the EEOICPA acronym

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Consequential Conditions

- If it is determined that an accepted condition caused, contributed to, or aggravated a claimed consequential condition, the consequential condition will be accepted under the same part types as the accepted condition.
 - Medical benefits will be awarded retroactive to the eligibility date of the accepted condition.
 - Acceptance of a consequential condition may also result in impairment and/or wage loss compensation eligibility under Part E.



Example 1: Claim with RECA Acceptance

- Suppose Tom was accepted under Section 5 of RECA for pulmonary fibrosis as a uranium miner. Tom can then typically be accepted under Part B and Part E of the EEOICPA for pulmonary fibrosis, and would be awarded \$50,000 under Part B.
- He would then receive medical benefits for pulmonary fibrosis under Parts B and E retroactive to when he filed for pulmonary fibrosis under EEOICPA.
- He would also have the ability to claim Impairment and Wage-Loss for pulmonary fibrosis under Part E.





Example 2: Claim without RECA Acceptance

- Now let's suppose Tom filed a claim under the EEOICPA without having been accepted under Section 5 of RECA for the condition of pulmonary fibrosis.
- In the absence of a RECA acceptance, evidence would need to establish Tom's employment, medical diagnosis and that exposure to a toxic substance at a covered RECA Section 5 facility caused, contributed to or aggravated his pulmonary fibrosis.
- If the evidence meets the previously mentioned criteria, Tom's claim would typically be accepted under Part E and denied under Part B.
- He would then receive medical benefits for pulmonary fibrosis under Part E retroactive to when he filed and have the ability to claim wage loss and impairment under Part E.





Example 3: Survivor Claim



- Suppose Betty filed a claim as the surviving spouse of a uranium worker without having been awarded survivor compensation under section 5 of RECA.
- Betty would need to submit evidence that she is the eligible survivor of the uranium worker, along with evidence of his employment. The evidence would then need to establish that her husband's death resulted from exposure to a toxic substance at a DOE or RECA section 5 facility.
- If the evidence meets the criteria above, Betty would likely be awarded survivor benefits under Part E.
- Note: For this example, if the uranium worker had previously been accepted under the EEOICPA before he passed away, the survivor may not need to provide employment evidence.



Implications of a Section 4 Acceptance

- Some EEOICPA claimants may have filed a claim and received an award for cancer from DOJ under Section 4 of the RECA.
 - Claimant recipients of a RECA Section 4 award are not eligible to receive a supplemental payment of compensation under Part B of EEOICPA.
 - In some instances, survivors of Section 4 RECA recipients may be eligible.
- A RECA Section 4 award has no effect on non-cancerous conditions claimed under EEOICPA.
- Under RECA, an individual cannot receive an award under both Section 4 and Section 5.



Uranium Worker EEOICPA claims: Tools and Links

EEOICPA Procedure Manual (see chapter 19 for uranium worker claims)

https://www.dol.gov/sites/dolgov/files/owcp/energy/regs/compliance/PolicyandProcedures/procedure_manual_5.1-2021.09.pdf

How is my EEOICPA claim for RECA Section 5 processed?

https://www.dol.gov/sites/dolgov/files/owcp/energy/regs/compliance/brochure/EEOICPA_RECA_Section5.pdf

Significant Decisions Library: (note there is a link/section for claims implicating the Radiation Exposure Compensation Act)

<https://www.dol.gov/agencies/owcp/energy/regs/compliance/Decisions/finalfabdecs>

RECA Website (Operated by the Dept. of Justice)

<https://www.justice.gov/civil/common/reca>

Resource Center contact info:

<https://www.dol.gov/agencies/owcp/energy/regs/compliance/ResourceMeetings/ResourceCenters>

District Office/Claims Examiner contact info:

<https://www.dol.gov/agencies/owcp/energy/regs/compliance/law/JurisdictionMap>



Questions



Questions can also be submitted to DEEOIC-Outreach@dol.gov

Thank you very much for attending the DEEOIC Webinar