



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

May 22, 2024



## 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 awardees.



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



## How is a RECA Claim Identified

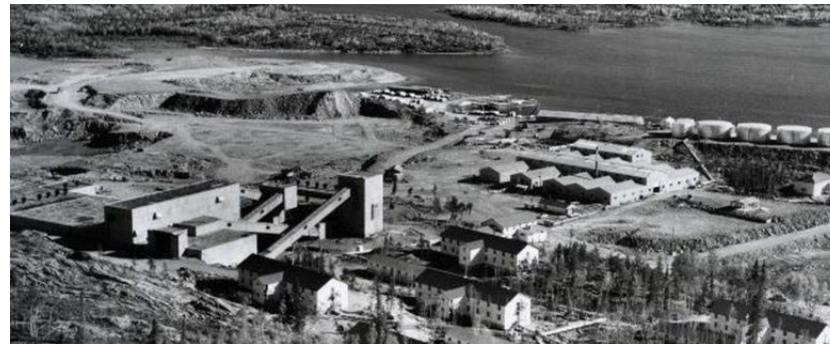
- DOL develops the claim for benefits based on RECA Section 5 when:
  - Claimant identifies RECA Section 5 on incoming claim form (EE-1 or EE-2).
  - Some other indication (e.g. employment history) that the claimant may be eligible for RECA Section 5 benefits.





## Processing a Uranium Employee Part B Claim

- Covered under Part B if claimant is entitled to RECA Section 5 benefits.
- DOJ confirms RECA Section 5 award.
  - DOJ views 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 approved under RECA Section 5.





## 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 or transportation of ore.
  - 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.





## 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 with RECA Acceptance



- Suppose Betty filed a claim for pulmonary fibrosis as the surviving spouse of a uranium worker and was awarded compensation under section 5 of RECA.
- Betty can then typically be accepted under Part B of the EEOICPA for pulmonary fibrosis, and would be awarded \$50,000 under Part B.
- For survivor claims under Part E, the evidence would need to establish that her husband's death resulted from exposure to a toxic substance at a DOE or RECA section 5 facility. (Such as her husband's death certificate listing pulmonary fibrosis as the cause or a contributing factor to his death.)
- If the evidence meets the criteria above, Betty can then typically be accepted under Part E and awarded \$125,000.
- Note: Survivor claims under Part E are not dependent upon a RECA award.



## Example 4: Survivor Claim without RECA Acceptance



- Suppose Betty filed a claim as the surviving spouse of a uranium worker and neither she or her spouse had ever 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.



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# 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\\_8.0-2023.11.pdf](https://www.dol.gov/sites/dolgov/files/OWCP/energy/regs/compliance/PolicyandProcedures/procedure_manual_8.0-2023.11.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](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>



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# Questions



Questions can also be submitted to [DEEOIC-Outreach@dol.gov](mailto:DEEOIC-Outreach@dol.gov)

Thank you very much for attending the DEEOIC Webinar