



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

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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 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.
 - 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.
- Verify causation.



Part E Eligibility for Survivors

- Must meet Part E definition of survivor.
- Employees death must be related to exposure to toxic substance.





Example 1

- Suppose Tom was accepted under Sec 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; (we also note that Tom would typically also be approved for pulmonary fibrosis under Part E).
- 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 ability to claim Impairment and Wage-Loss for pulmonary fibrosis under Part E.





Example 2



- Suppose Betty was accepted under Sec 5 of RECA for pneumoconiosis as a survivor of a uranium worker. Betty could be accepted under Part B for pneumoconiosis and awarded \$50,000.
- Further suppose that Betty was the surviving spouse of the uranium worker (for over 1 year), there were no non-spousal children, and that pneumoconiosis caused the employee's death.
- Betty could likely also be awarded \$125,000 in survivor benefits under Part E of the Act.



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_4.3-2020.09.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