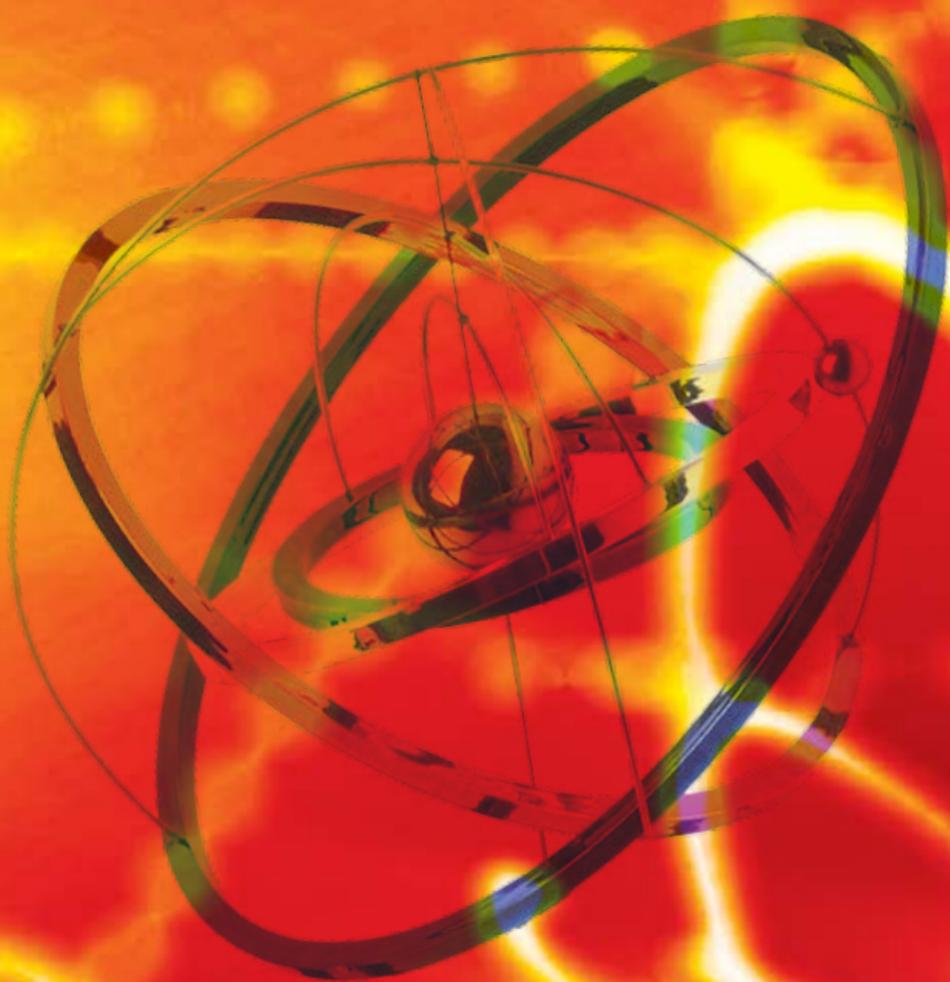
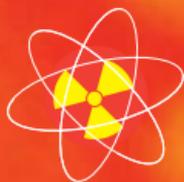


Energy Employees Occupational
Illness Compensation Program

Office of the
Ombudsman
for **Part B & E**





The Office of the Ombudsman

The Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program was created by Congress in October 2004 as an independent office within the Department of Labor to provide information and to address concerns relating to the benefits available under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

As designated by Congress, the Office of the Ombudsman has three primary responsibilities:

1. To provide information to claimants and potential claimants, and other interested parties on the benefits available under EEOICPA and the requirements and procedures applicable to the provision of these benefits;
2. To make recommendations to the Secretary of Labor on where to locate resource centers for the receipt and development of claims;
3. To submit an Annual Report to Congress by July 30 of each year, setting forth the numbers and types of complaints, grievances, and requests for assistance received by the Ombudsman and to provide an assessment of the most common difficulties encountered by claimants and potential claimants during the preceding year.

When originally created in October 2004, the Office of the Ombudsman only had authority with respect to claims filed under Part E of EEOICPA. The National Defense Authorization Act for Fiscal Year 2010 expanded the authority of this Office to include Part B of EEOICPA.



Claimants and potential claimants with questions and issues concerning EEOICPA are encouraged to contact the Office of the Ombudsman.

In addition, the Ombudsman and staff members travel across the country to meet with employees, former employees and surviving family members to hear their concerns and problems.

For more information regarding the Office of the Ombudsman, please visit our website at **www.dol.gov/eeombd** or telephone us using our toll free number: **1-877-662-8363**.

We look forward to hearing from you!



Part B of EEOICPA

Part B of EEOICPA covers current and former workers who have been diagnosed with cancer, beryllium diseases, or silicosis if the illness was caused by exposure to radiation, beryllium or silica while working at a Department of Energy facility; Beryllium Vendor; Atomic Weapons Employer; or at RECA mines or mills.

ELIGIBILITY

EMPLOYMENT ELIGIBILITY (CURRENT OR FORMER)

- Department of Energy employees
- Department of Energy contractors and subcontractors
- Employees of Beryllium Vendors
- Employees of Atomic Atomic Weapons Employers
- Approved Section 5 RECA claims

SURVIVOR ELIGIBILITY

- Eligible Spouse
- Children – regardless of age
- Parents
- Grandchildren
- Grandparents

COVERED ILLNESSES

- Cancer with a 50% or greater probability of causation that the cancer was at least as likely as not caused by radiation exposure;
- Chronic Beryllium Disease (CBD);
- Beryllium Sensitivity;
- Chronic Silicosis (only if the employee worked during mining of atomic weapon test tunnels in Nevada or Alaska).

PART B CANCER CLAIMS

- Two paths to compensation:
 1. Diagnosis of at least one of the 22 specified cancers listed in Part B, **and** sufficient number of workdays at one or more designated Special Exposure Cohort (SEC) facilities; or
 2. Diagnosis of any cancer, **and** probability of causation (PoC) of 50% or higher from radiation dose reconstruction.
- National Institute for Occupational Safety and Health (NIOSH) performs the dose reconstruction.
- Department of Labor uses the dose reconstruction to determine the PoC.

AVAILABLE PART B COMPENSATION

- For Beryllium Sensitivity:
 - Medical monitoring
 - No lump sum compensation
- For approved approved Section 5 RECA claims
 - \$50,000 (lump sum)
 - Medical treatment for covered illness
- For all other illnesses (cancer, CBD, and chronic silicosis) covered by Part B
 - \$150,000 (lump sum)
 - Medical treatment for covered Part B illness



Part E of EEOICPA

Part E of EEOICPA provides monetary compensation and medical benefits for employees of Department of Energy contractors and subcontractors, as well as eligible survivors, for covered illnesses or death related to exposure to toxic substances arising from employment at covered Department of Energy facilities.

Part E also provides monetary compensation and medical benefits to uranium miners, millers, and ore transporters covered by Section 5 of the Radiation Exposure Compensation Act (RECA). Where applicable, survivors of RECA Section 5 employees are also entitled to monetary payments under Part E.

EMPLOYMENT ELIGIBILITY

- Department of Energy Contractor
- Department of Energy Subcontractor
- RECA Section 5 uranium miner; miller; ore transporter

ELIGIBILITY IF THE WORKER IS DECEASED

- Eligible Spouse
- Child, who at the time of the employee's death was:
 - Under the age of 18;
 - Under the age of 23 & a full time-continuous student; or
 - Any age, if medically incapable of self-support.

COVERED ILLNESS

Any illness or death (including illness or death related to cancer or beryllium) where it is "at least as likely as not" that exposure to a toxic substance at a covered facility was a significant factor in aggravating, contributing to, or causing the employee's illness or death.

AVAILABLE PART E BENEFITS

1. Employees:

- Employees who are determined to be eligible for Part E benefits are entitled to medical benefits to cover the reasonable cost of treatment for their covered condition(s).
- In addition, covered employees may also be eligible to receive up to a maximum of \$250,000 in monetary compensation. Monetary compensation is based on the level of wage loss and/or impairment.

→ **Wage Loss:**

- Based on the number of years that the employee was unable to work or sustained a reduction in earnings as a result of the covered illness.
- Payable for years of lost wages prior to the employee's normal Social Security Retirement age.

→ **Whole-person Impairment:**

- Based on the decrease in the functioning of a body part or organ as it affects the whole body, due to a covered illness under EEOICPA.
- Impairment rating is performed once the claimant reaches maximum medical improvement (i.e. the condition is stabilized and is unlikely to improve with additional medical treatment).
- Impairment rating is performed by a qualified physician using the American Medical Association's Guide to the Evaluation of Permanent Impairment, 5th Edition.

- 2. Eligible survivors** – if approved under Part E may receive compensation ranging from \$125,000 to \$175,000 depending upon the level of proven wage loss.

Note: The maximum compensation caps for benefits under Part E do not include medical expenses for the accepted illness, or compensation received under Part B.



CONTACT INFORMATION

Email: **OMBUDSMAN@DOL.GOV**

Address

**Office of the Ombudsman
Energy Employees Occupational Illness
Compensation Program
U.S. Department of Labor
Room N-2454
200 Constitution Ave., NW
Washington, DC 20210**

Toll Free Phone Number **1-877-662-8363**

Fax Number **202-693-5899**

For additional information, visit our website
www.dol.gov/eeombd