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1. Introduction. Part 2 of the BLBA Procedure Manual (BLBA PM) establishes policies, responsibilities, and procedures for the processing, evaluation, determination, and adjudication of claims filed under Part C of the Black Lung Benefits Act. The chapters of Part 2 cover the procedures for the identification of benefits and the determination of eligibility and compensation rates. They also describe the sequential procedures for handling the claims once they are received in the Division of Coal Mine Workers' Compensation (DCMWC) and as they are screened, developed, evaluated for evidentiary sufficiency, adjudicated, tracked, reconsidered (if applicable), referred for litigation (if applicable), and administered.

In addition, Part 2 includes procedures for handling post-entitlement and claims maintenance actions on claims administered under both Parts B and C of the Act, and inquiries concerning individual claims.

2. Claims Processing/Management. The major concepts, principles, and legislative authority for the Claims Examiner's (CE's) role in processing BL claims are covered in BLBA PM 2-100. The procedures for determining the timeliness and validity of a claim filed under the Act are set forth in BLBA PM 2-200. The general processing, examination, disposition, and administrative control of claims are described in BLBA PM 2-300. The CE must follow certain guidelines in responding to special inquiries (BLBA PM 2-1700-1702) and releasing information to parties in interest regarding the status and contents of claims files (BLBA PM 2-400). Procedures for reporting incidents of known or suspected fraud are outlined in BLBA PM 2-301.

3. Claims Development. A preliminary step in the claims development process is the scheduling of living miner claimants for medical examinations to which they are entitled under the Act. These procedures are detailed in BLBA PM 2-500. The requirements for medical evidence in support of claims under the BLBA are covered in BLBA PM 2-501. The guidelines for determining if a claimant (or an individual on whose record a claim is filed) is considered a coal miner under the Act are defined in BLBA PM 2-600. The types and sources of evidence and methods of developing and evaluating such evidence in the documentation of CME are described in BLBA PM 2-700. The guidelines and procedures that the CE follows in identifying coal mine operators potentially responsible for the payment of

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BL benefits and notifying such identified operators are set forth in BLBA PM 2-800. Under certain conditions, the BLBA provides for payment of benefits to miners and their dependents or surviving dependents of miners. The guidelines for determining whether an individual meets the criteria for eligibility are described in BLBA PM 2-900.

4. Findings and Entitlements. To qualify for BL benefits, a claimant must furnish evidence which meets the basic requirements for an initial finding of entitlement. These requirements are described in BLBA PM 2-1000. Specific criteria and procedures for establishing entitlement in connection with total disability, death due to pneumoconiosis, and causal relationships are covered in BLBA PM 2-1001 through 2-1004. Procedures for issuing the DD's preliminary assessment of the claimant's eligibility for benefits are covered in BLBA PM 2-1103, and for issuing a Proposed Decision and Order in PM 2-1105. Procedures for determining when an Order to Show Cause is appropriate, and the process for issuing one, are described in PM 2-1104.

5. Initial Determinations and Awards. An initial determination is issued when, following an expiration of all time limits following a Proposed Decision and Order, the RO continues to contest the DD's finding of entitlement. This process is more specifically defined in BLBA PM 2-1301 in which the procedures for issuance are also described. Primary liability for payment of BL benefits in Part C claims lies with the industry, and where the miner worked after December 31, 1969, with the employer. In any case where the claimant is found entitled to benefits, and no operator can be held liable for payment, a PDO awarding benefits is made from the Black Lung Disability Trust Fund (BLDTF). Procedures for assigning BLDTF liability and ordering payment to eligible claimants are described in BLBA PM 2-1100. The procedures used in processing approved claims with responsible operator (RO) liability are described in BLBA PM 2-1101.

6. Benefit Payments. Each claimant found entitled to BL benefits is entitled to prompt and direct payments of all benefits due. The policies and procedures by which the CE initiates the payment of benefits to eligible claimants are set forth in BLBA PM 2-1400. Monthly benefits are calculated at specified rates with increases, or augmentation,

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for dependents, and appropriate reductions for attorneys fees, offsets, and/or overpayments. Other conditions are apt to generate post-entitlement changes and affect the duration of entitlement. The policy and procedures regarding these aspects of BL benefit payments are described in BLBA PM 2-1401 through 2-1406.

7. Appellate Process. The DD, or designee, determines when a conference would be useful to resolve issues in a contested claim. The policy and procedural guidelines for such conferences are provided in BLBA PM 2-1300. A Formal Hearing is the next step in appeal from the PDO. The types of Formal Hearings and procedures for referral of BL claims to the Office of the Administrative Law Judges (OALJ) for hearing are set forth in BLBA PM 2-1500. The process of appeal from Decisions and Orders of an Administrative Law Judge (ALJ) and procedures for forwarding cases to the Benefits Review Board (BRB) and the courts, are described in BLBA PM 2-1501. Inherent in the adjudicative process is the CE's need to refer to legal decisions, precedents, or opinions. Procedures for making use of such guidance, as it affects activities of DCMWC, are outlined in BLBA PM 2-1502.