

# Joint Outreach Task Group

of programs assisting  
DOE Workers

## Public Meetings

May 6 and 7, 2014

Pahrump, NV

Las Vegas, NV

# Administrative Issues

- Emergency Exits
- Rest Rooms
- Photos
- Cell Phones



# Today's Agenda

1. Introductions
2. Overview of the EEOIC Program - Part B and Part E
3. Overview of the EEOICPA Ombudsman
4. Former Worker Medical Screening Program + Worker Health Protection Program
5. Questions & Answers
6. Opportunity to Meet with Various Representatives

# Presenters & Attendees

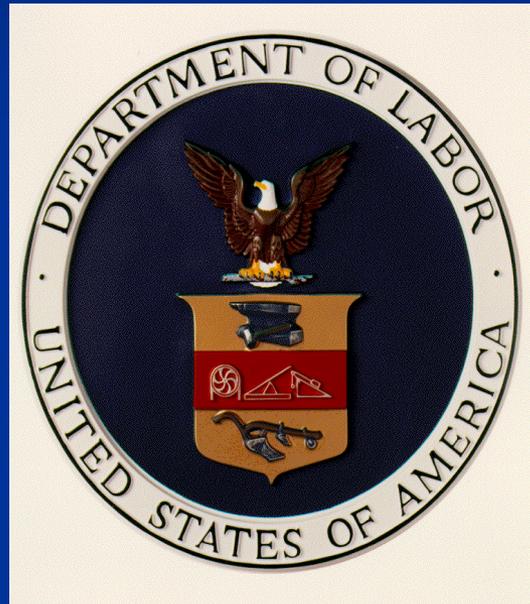
## Presenters:

- Department of Labor
- EEOICPA Office of the Ombudsman
- DOE Former Worker Medical Screening Program
  - Worker Health Protection Program

## Attendees:

- DOL Resource Center
- NIOSH

# Energy Employees Occupational Illness Compensation Program



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# Administration of the EEOICPA

- **Part B** (October 2000)
- **Part E** (October 2004)
- **Department of Labor administers the EEOICPA**
  - Division of Energy Employees Occupational Illness Compensation (DEEOIC)

# Nevada

6 Covered Facilities are located in Nevada:

- Nevada Site Office (1962-Present)
- Nevada Test Site (1951-Present)
- Project Faultless Nuclear Explosion Site (1967-1974)
- Project Shoal Nuclear Explosion Site (1962-1964)
- Tonopah Test Range (1956-Present)
- Yucca Mountain Site Characterization Project (1987-Present)
  - <http://www.hss.energy.gov/healthsafety/fwsp/advocacy/faclist/findfacility.cfm>

# Means of Verifying Employment

- **DOE**
  - EE-5 Employment Verification Form
- **Oak Ridge Institute for Science and Education (ORISE)**
- **The Center for Construction Research and Training (CPWR)**
- **Corporate Verifiers**
- **SSA wage data**
- **Other Sources**
  - Including affidavits and records or documents created by state and federal agencies

# Part B: Who's Eligible?

## ■ Covered Employees

- DOE employees or its contractors/subcontractors
- Atomic Weapons Employers (AWE)
- Beryllium vendors (BV)
- RECA Section 5 awardees

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## ■ Eligible Survivors

- Surviving spouse
- Children – Regardless of age
- Parents
- Grandchildren
- Grandparents

# Part B: Covered Conditions

- Radiation induced cancer
- Beryllium Disease
  - Beryllium Sensitivity – Medical Monitoring Only
- Chronic Silicosis (mining tunnels in Nevada and Alaska)
- “Supplement” for RECA Section 5 uranium workers

# Part B: Dose Reconstruction & Probability of Causation

## ■ Part B Cancer Cases:

- Dose Reconstruction Needed - Conducted by NIOSH
- Level and extent of occupational radiation dose

## ■ Probability of Causation (PoC)

- Scientific calculation of likelihood that radiation exposure caused cancer
- NIOSH-IREP
- PoC - 50% or greater for award

# Part B: Special Exposure Cohort

- Causation presumed for Special Exposure Cohort (SEC) members diagnosed with a “specified cancer”
  - NIOSH Dose Reconstruction is not needed
- “Specified” Cancer
  - 22 cancers named in law

# Nevada Test Site SEC Classes:

- SEC Classes – Effective July 26, 2006 and May 5, 2010
- Qualifying Employment:
  - DOE employees (or employees of predecessor agency – AEC)
  - DOE contractor and subcontractor employees
- Worked at the Nevada Test Site in Mercury, Nevada
  - 250 workdays from
  - January 27, 1951 to December 31, 1962 (1<sup>st</sup>)
  - January 1, 1963 to December 31, 1992 (2<sup>nd</sup>)

# Part E: Who's Eligible?

## ■ Eligible Covered Employees

- DOE contractor or subcontractor employees
  - Does NOT include DOE, AWE, and BV workers
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## ■ Eligible Survivors

- Surviving Spouse
- Employee's Children, if no surviving spouse, and if at the time of the employee's death the child was:
  - Under the age of 18
  - Under the age of 23 and a full-time student, continuously enrolled in an educational institution since age 18
  - Any age if medically incapable of self support

# Part E: Illness from Toxic Exposure

- All conditions (not symptoms of conditions) are covered
- Must show that toxic exposure at a covered DOE facility was a significant factor in:
  - Causing, Contributing to, or Aggravating the claimed condition
- DOL will assist with verifying Part E toxic exposure
  - Claimant bears overall burden of proving his or her claim

# Part E: Means of Verifying Toxic Exposure

- DOL Resource Centers
  - Occupational History Questionnaires (OHQ)
- Site Exposure Matrices (SEM)
  - Identifies toxic substances related to labor categories, processes, buildings, and major incidents
  - Website available at [www.sem.dol.gov](http://www.sem.dol.gov)
- DOE Document Acquisition Request (DAR)
- Claimant Records

## Part E: Employee Impairment

- Determination of % permanent whole person impairment due to covered illness
  - AMA's Guides to the Evaluation of Permanent Impairment, 5<sup>th</sup> Edition
  - \$2,500 awarded for each % of impairment

## Part E: Employee Wage Loss

- Medical evidence must show decreased capacity to work
- Employee Compensation:
  - Any year  $< 50\%$  of the pre-disability annual wage = \$15,000 compensation
  - Any year  $> 50\%$  but  $< 75\%$  of the pre-disability annual wage = \$10,000 compensation

# Benefits

Part B	Part E
\$150,000 Employee + Survivor	Impairment \$2,500 per % (Employee)
\$50,000 RECA Employee + Survivor	Wage Loss \$10,000 - \$15,000 per year (Employee)
	\$125,000 Survivor (+ lump-sum Wage Loss if eligible)
\$400,000 CAP for B+E combined	

# Medical Benefits

- **Broad coverage for medical treatment costs linked to accepted work-related illness(es)**
  - Routine medical care - including office visits, diagnostic services (lab and radiology services)
  - Prescription medications
  - Other services including inpatient care, outpatient services (chemotherapy, radiation treatment, etc.)
- **Medical travel expenses**
  - Transportation, lodging, meals, and misc. expenses (tolls, parking, baggage, etc.)
- **Durable Medical Equipment**
  - Wheel chairs, hospital beds, oxygen and supplies

# Medical Benefits (continued)

- **Extended care facility**
  - Residential nursing home, assisted living facility, etc.
- **Hospice**
- **Home Health Care (HHC)**
  - Skilled nursing-LPN, RN
  - Personal assistance-HHA, PCA

# Decision Process

- **Recommended Decision – District Office**
  - Preliminary determination
  - Cover letter, decision, and rights to object (oral hearing/review of written record)
- **Final Decision – Final Adjudication Branch**
  - Affirmation of recommend decision or remand based on objection/independent review
  - Claimant Rights – Reconsideration & Reopening

# Claimant Responsibilities

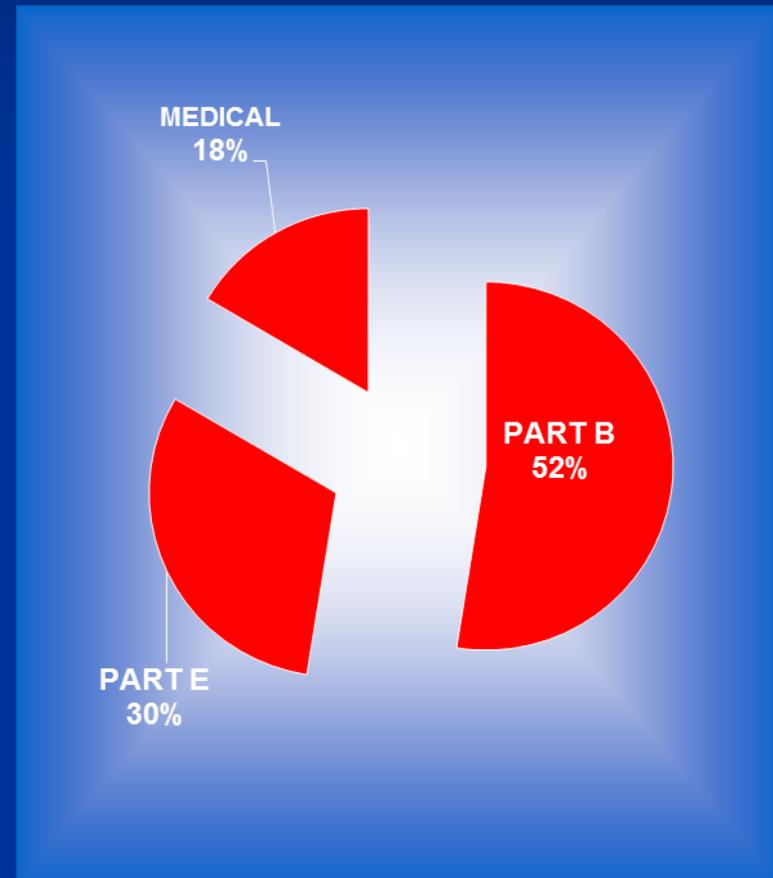
- File Claim
- Collect/Copy/Submit relevant records
- Respond to information requests
- Talk to co-workers – get affidavits
- Seek assistance if you need help – call Resource Center
- Review decision and information for appeal

# Claimant Resources

- **Resource Centers – 11 locations**
  - Nevada Resource Center toll free number: (866) 697-0841
- **District Offices – 4 locations**
  - Seattle District Office toll free number: (888) 805-3401
- **DEEOIC web site**
  - <http://www.dol.gov/owcp/energy/>
  - General program information
  - SEM website
  - Forms
  - Sample decisions

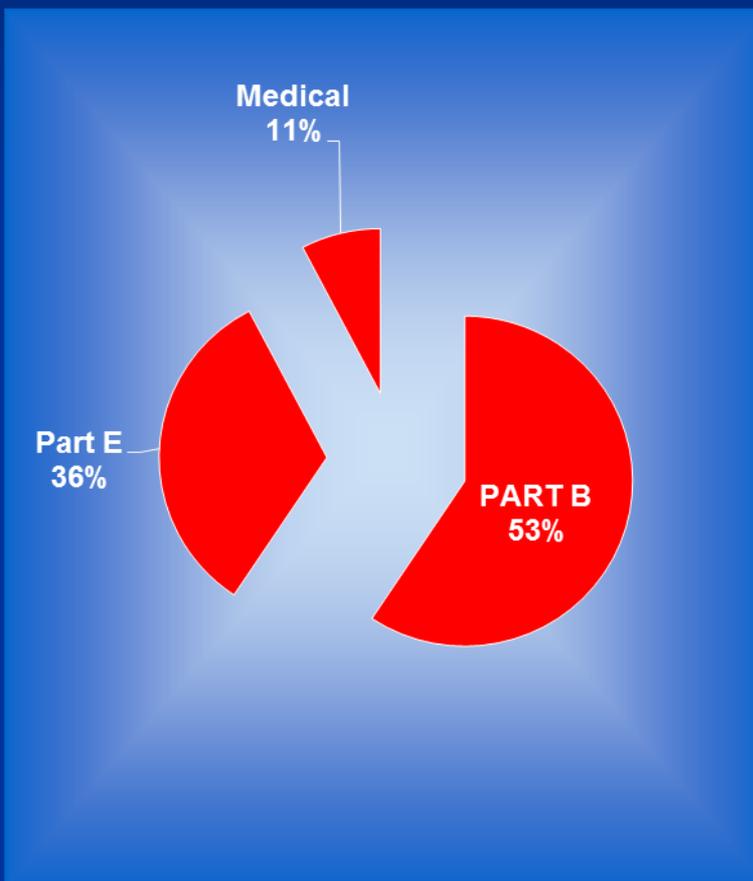
# EEOICPA Compensation

- \$10.3 Billion Total Compensation
- \$5.3 Billion Part B
- \$3.1 Billion Part E
- \$1.9 Billion Medical



# Nevada

- \$330 Million Total Compensation
- \$175 Million Part B
- \$117 Million Part E
- \$37 Million Medical



# District Office Jurisdictional Map



# Resource Center Jurisdictional Map



## Resource Centers

- |   |  |   |   |
|---|--|---|---|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> Oak Ridge     | <span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> Denver    | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> Las Vegas   | <span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> Hanford         |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> Portsmouth | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> Idaho | <span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> Espanola     | <span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> California |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: tan; border: 1px solid black;"></span> New York      | <span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> Paducah    | <span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> Savannah River |   |