Energy Employees Occupational Illness Compensation Program

Overview of Parts B and E of the EEOICPA
Administration of the EEOICPA

- Part B (October 2000)
- Part E (October 2004)

Agencies:
- Department of Labor (DOL)
  - DOL’s Division of Energy Employees Occupational Illness Compensation (DEEOIC) administers the EEOICPA
- Department of Energy (DOE)
- Department of Health and Human Services
  - National Institute for Occupational Safety and Health (NIOSH)
- Department of Justice
DOL Program Leadership

- Secretary of Labor: Eugene Scalia
- Director of OWCP: Julia K. Hearthway
- Director of DEEOIC: Rachel P. Leiton
- DEEOIC District Directors:
  - Seattle: Joleen Smith
  - Denver: Ron Sanchez
  - Cleveland: Karen Spence
  - Jacksonville: Jim Bibeault
# Employee Eligibility

<table>
<thead>
<tr>
<th>Employed By</th>
<th>Part B</th>
<th>Part E</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOE Contractors and Subcontractors</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>DOE Federal Employees</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>AWE Employees</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Beryllium Vendors</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>RECA</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
# Covered Conditions

<table>
<thead>
<tr>
<th>Condition</th>
<th>Part B</th>
<th>Part E</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBD</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Beryllium Sensitivity</td>
<td>Medical Monitoring Only</td>
<td>Yes</td>
</tr>
<tr>
<td>Chronic Silicosis</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cancer</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Any condition related to toxic exposure</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
## Survivor Definition

<table>
<thead>
<tr>
<th>Type</th>
<th>Part B</th>
<th>Part E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse at time of death</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Children - under age 18; under age 23 if full-time student; or any age if medically incapable of self-support</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Adult Children</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Part B</td>
<td>Part E</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>$150,000 Employee + Survivor</td>
<td>Impairment $2,500 per % (Employee)</td>
<td></td>
</tr>
<tr>
<td>$50,000 RECA Employee + Survivor</td>
<td>Wage Loss $10,000 - $15,000 per year (Employee)</td>
<td></td>
</tr>
<tr>
<td>$125,000 Survivor</td>
<td>$125,000 Survivor (+ lump-sum Wage Loss if eligible)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$400,000 CAP for B+E combined</td>
<td></td>
</tr>
</tbody>
</table>
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: Dose Reconstruction & Probability of Causation

- Part B Cancer Cases and Dose Reconstruction
  - 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

- Worker Group Designation
  - Presumption – occupational radiation caused cancer

- Employment
  - Worked particular location or specific process
  - Work day requirement – 250 work days

- “Specified” Cancer
  - 22 cancers named in law

- Employees determined to be part of a designated SEC class with a “specified cancer” do not need a NIOSH dose reconstruction
Part B: Adding New SEC Classes

- Four legislated SEC classes – 3 Gaseous Diffusion Plants, plus Amchitka

- NIOSH also designates new SEC classes
  - Worker Petition or Agency Decision
  - Advisory Board Assistance

- DOL adjudicates SEC cases
  - No role in designation
Part E: Causation

- Claims developed for exposure to toxic substances

- Causation: “At least as likely as not” that exposure to a toxic substance at a covered facility during a covered period was a significant factor in aggravating, contributing to, or causing the claimed illness

- Tools:
  - Occupational History Questionnaire (OHQ)
  - Site Exposure Matrices (SEM)
  - DAR records
  - Former Worker Medical Screening Program (FWP) work history interviews
  - The Center for Construction Research & Training (CPWR)
  - DOE Physician Panel Findings
  - Other Sources: Affidavits/facility records
Site Exposure Matrices (SEM) Website

- Repository of information regarding toxic substances present at DOE and RECA Section 5 facilities
- Information gathered from a variety of sources
- Expansion completed in January 2011
- Also contains information regarding scientifically established links between certain toxic substances and certain illnesses
- Available at [http://www.sem.dol.gov](http://www.sem.dol.gov)
Part E: Employee Impairment

- Determination of % permanent whole person impairment due to covered illness
  - AMA’s Guides to the Evaluation of Permanent Impairment, 5th 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
Decision & Appeals 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 (FAB)**
  - Affirmation of recommendation or remand based on objection/independent review
  - Appeal Rights – Reconsideration, Reopening & District Court
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

- **11 Resource Centers Nationwide**
  - Listing of locations available at [http://www.dol.gov/owcp/energy](http://www.dol.gov/owcp/energy)
  - Or call toll free at (866) 888-3322 for nearest Resource Center location

- **DEEOIC web site:**
  - General program information
  - SEM website
  - Forms and Sample Decisions
District Office Jurisdictional Map