

EEOICPA MEMORANDUM

TO: District Offices

FROM: Rachel Leiton
Branch Chief
Branch of Policy, Regulations and Procedure

RE: Employment outside of covered AWE designation

DATE: January 15, 2002

This memo describes the procedures a CE should follow when employment at a designated Atomic Weapon Employer(AWE) designation has been identified, but the dates of employment fall outside of the covered period of time (per the DOE web site).

In these situations, the following actions must be taken:

1. The CE must prepare a letter to the claimant. The letter should explain the deficiency regarding the claimed dates of employment and the requirement that employment must be established during a covered period of AWE designation. The claimant should be advised to supply evidence of employment during the established period of AWE designation or provide documentation that would substantiate expanding the dates of AWE designation beyond those that are currently established. If a Resource Center forwarded the claim record to the DOE, it will be necessary for the CE to wait for the DOE response before a request for additional information would be issued to the claimant.
2. The CE must determine whether any evidence submitted by the claimant warrants a referral to the National Operations Office. After allowing an appropriate period of time for the claimant to respond, the CE will evaluate any evidence that has been submitted. If the claimant has submitted pertinent evidence concerning the expansion of the covered period of AWE designation, the CE will prepare a brief memo to file explaining the circumstances of the situation and requesting a review of the case by the National Office in order to determine if the dates of coverage can be expanded. The entire case file should then be transferred to the National Office. Pertinent evidence includes any evidence that would support that the claimant was in fact present during a period of time when the AWE contracted with the DOE. Such evidence must support that there was in fact a contract with DOE during a time period outside of the web site time frames. This could include newspaper articles, contractual agreement letters, contemporaneous memos from DOE, affidavits etc. If the claimant does not provide additional information or provides documentation that is not pertinent to the AWE designation dates, the CE will proceed with a recommended denial of the claim. Exposure to residual radiation subsequent to a period of AWE designation is not sufficient to warrant a referral to the National Office.
3. When the claim is received by National Operations, a review of the new evidence will be conducted to determine if it warrants expansion of the covered dates of AWE designation. The National Office will obtain copies of all pertinent documentation pertaining to the claimed AWE from DOE, and maintain those records at the National Office. Any new evidence submitted by the claimant will be reviewed in conjunction with the DOE documents to determine if it is sufficient to justify expanding the period of AWE designation beyond that which is established. Once the

National Office has completed its evaluation, a memo will be prepared describing the findings. The memo will reference specific documentation that supports the determined dates of AWE designation. A copy of that documentation will be attached to the memo.

4. The case file will then be returned to the District Office. Once the case has been returned to the District Office, the CE will proceed with issuance a recommended decision. As part of the recommended decision, the claimant will be provided with a copy of the National Office memo and a copy of the pertinent AWE documentation supporting the covered dates.

SUPERSEDED