

**U. S. DEPARTMENT OF LABOR**

EMPLOYMENT STANDARDS ADMINISTRATION  
OFFICE OF WORKERS' COMPENSATION PROGRAMS  
DIVISION OF ENERGY EMPLOYEES' OCCUPATIONAL  
ILLNESS COMPENSATION  
200 CONSTITUTION AVE  
ROOM C-3321  
WASHINGTON DC 20210  
TELEPHONE: (202) 693-0081



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Memorandum for: District Directors  
*Rachel Leiton*  
From: Rachel Leiton  
Branch Chief  
Policy, Regulations and Procedures  
Subject: Handling Disputed Claims

This memorandum is intended to explain the position of the Branch of Policy, Regulations and Procedures regarding the handling of District Office challenges to a final decision or remand issued by the FAB.

While it is recognized and accepted that the District Offices are permitted to offer challenges to FAB determinations, the issue of how these disputes are to be communicated to the National Office requires guidance. Moreover, procedures need to be implemented explaining the process for handling documents related to such disputes.

The Branch does not construe challenges brought by the District Offices to be a normal part of the adjudication process. Rather, these disputes are viewed as internal DEEOIC procedural disputes that are separate and distinct from the adjudicatory process. As such, any documentation relating to a challenge raised by a District Office is to remain out of the official case file records.

Upon referral of a dispute to the National Office, the District Office should prepare a memorandum to the Director. The memorandum should explain the basis for the challenge and include a specific course of recommended action. The memo should be prepared for the signature of the appropriate District Director. Two copies of the memorandum should be prepared. One should be affixed to the outside of the case file and the entire case file referred to the National Office. The other should be maintained in a separate file location maintained by the District Office. The file should be indexed according to the case file number for ease of reference.

Because these referrals are considered outside of the normal scope of the claims adjudication process, the District Office should not utilize the WS/WR coding process as outlined in bulletin 03-12. Upon referral, the National Office will maintain a local database for tracking challenges to FAB determinations. The District Office can, at its own discretion, track referrals to the National Office by creating its own referral tracking system. The Branch is going to propose a separate ECMS coding methodology for tracking these types of disputes and it will be addressed in a future policy bulletin.

Once the referral is received, the dispute will be reviewed for action by the National Office. Regardless of the conclusion reached, a written reply will be prepared. This may take the form of a Modification Order signed by the Director of DEEOIC or written communication to the District Director resolving the dispute. With the issuance of a modification order, this will be prepared on the motion of the Director of DEEOIC and will become part of the case record. The text of the modification order will merely reference that it is the prerogative of the Director to review any case to ensure compliance with the EEOICPA. Any other written communication regarding the dispute will be affixed to the outside of the case file jacket and returned to the District Office.

Upon receipt of the case file, the District Office or FAB should take appropriate action as described. Any communication concerning the dispute, other than a modification order, is to remain separate from the case file. The District Office should maintain a copy of any response in the dispute file maintained locally.