



RELEASE - REVISION TO PART 0 OVERVIEW, FEDERAL (EEOICPA)
PROCEDURE MANUAL

EEOICPA TRANSMITTAL NO. 09-01

November, 2008

EXPLANATION OF MATERIAL TRANSMITTED:

This material is issued as procedural guidance to update and revise the text of each Chapter within the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) PM Part 0 Overview, which includes the following Chapters: 0-0100 Introduction; 0-0200 General Provisions of EEOICPA; 0-0300 Customer Service; 0-0400 Program Directives; and 0-0500 Definitions.

The revision of PM Part 0 incorporates the consolidation of updated information and guidance as it pertains to the Program's administration of Part B and Part E of the EEOICPA.

Rachel P. Leiton

Rachel P. Leiton
Director, Division of
Energy Employees Occupational Illness Compensation

FILING INSTRUCTIONS:

Insert New Pages

Remove Old Pages

Insert New Pages

<u>Part</u>	<u>Chapter</u>	<u>Pages</u>
0	Outline	i

<u>Part</u>	<u>Chapter</u>	<u>Pages</u>
0	Outline	i

0	0100	i-6,	0	0100	i-10,
	Exhibit 1			Exhibit 1	
0	0200	i-4	0	0200	i-4
0	0300	i-3	0	0400	i-3
0	0400	i-3	0	0300	i-5
0	0500	i-12	0	0500	i-16,
				Exhibits 1-2	
E	E-100	i-5	0	0500	i-16,
				Exhibits 1-2	

File this transmittal behind EEOICPA Transmittal 06-10 in the front of the Federal (EEOICPA) Procedure Manual.

Distribution: List No. 3: All DEEOIC Employees
List No. 6: Regional Directors, District Directors, Assistant District Directors, National Office Staff, and Resource Center Staff.

TABLE OF CONTENTS

<u>Paragraph and Subject</u>	<u>Page</u>	<u>Date</u>	<u>Trans. No.</u>
<u>Chapter 0-0100 Introduction</u>			
Table of Contents	i	11/08	09-01
1 Purpose and Scope	1	11/08	09-01
2 The EEOICPA	1	11/08	09-01
3 Organization	2	11/08	09-01
4 Responsibilities	3	11/08	09-01
5 Training	8	11/08	09-01
6 Jurisdiction	9	11/08	09-01

Exhibits

1 Jurisdictional Map and DEEOIC District Office Addresses.		11/08	09-01
---	--	-------	-------

1. Purpose and Scope. This chapter provides an overview of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and the structure of the Division of Energy Employees Occupational Illness Compensation (DEEOIC). It also addresses the relationships between DEEOIC and the Office of Workers' Compensation Programs (OWCP) and the Employment Standards Administration (ESA), the various components of the DEEOIC, and training for DEEOIC employees.

2. The EEOICPA. The EEOICPA, as amended, 42 U.S.C. § 7384 *et seq.*, was enacted as Title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398. The Act as amended has two parts, Part B and Part E. On October 28, 2004, the President signed into law an amendment that repealed Part D of the EEOICPA and created a new program called Part E. The amendment gives the Department of Labor the responsibility for administering this new program.

The amendment grants covered Department of Energy (DOE) contractor employees compensation based on the level of impairment and/or wage loss, if they develop an illness as a result of exposure to a toxic substance at a DOE facility. Medical benefits will also be available to qualifying employees for treatment and care of the accepted covered illness. Eligible survivors may receive compensation, if the employee's death was aggravated, contributed to, or caused by the covered illness.

a. Part B. The purpose of Part B is to provide a lump sum payment of \$150,000 and medical benefits as compensation to covered employees suffering from occupational illnesses incurred as a result of their exposure to radiation, beryllium, or silica while in the performance of duty for the DOE and certain of its vendors, contractors and subcontractors.

The legislation also provides for the payment of compensation to certain survivors of these covered employees, as well as for payment of a smaller lump sum of \$50,000 to individuals or their survivors who were determined to be eligible for compensation under Section 5 of the Radiation Exposure Compensation Act (RECA). Compensation for individuals with beryllium sensitivity is limited to medical monitoring.

2. The EEOICPA. (Continued)

b. Part E. The purpose of Part E is to provide variable amounts of compensation to DOE contractor employees or to their survivor(s) where it is at least as likely as not that exposure to a toxic substance while employed at a covered facility was a significant factor in aggravating, contributing to or causing the employee's illness or death. Variable amounts of compensation up to \$250,000 are determined based on causation, wage loss, and impairment.

3. Organization. This paragraph describes the structure and authority of the National, Regional, and District Offices (DOs). ESA has five agencies, of which OWCP is one. (The others are the Wage and Hour Division; the Office of Federal Contract Compliance Programs; the Office of Labor-Management Standards; and the Office of Management, Administration, and Planning.)

In turn, OWCP has five divisions, of which DEEOIC is one. (The others are the Division of Federal Employees' Compensation; the Division of Longshore and Harbor Workers' Compensation; the Division of Coal Mine Workers' Compensation; and the Division of Planning, Policy, and Standards.)

a. Assistant Secretary for Employment Standards. While the Assistant Secretary retains authority for administrative management, the authority for the execution of the program and activities of OWCP as a whole resides with the Director, Office of Workers' Compensation Programs, who retains final authority over claims under the EEOICPA.

The functions of budget, accounting, personnel, management of priority correspondence and forms, and disposition of records are centralized within ESA. These functions encompass operations of the DEEOIC that are not directly concerned with the administration of the EEOICPA.

b. Regional Director. ESA has six regions. OWCP Programs in each region are administered by a Regional Director (RD), who reports to the Director for OWCP.

3. Organization. (Continued)

c. District Director. DEEOIC has four DOs, which are located in Jacksonville, Florida; Cleveland, Ohio; Denver, Colorado; and Seattle, Washington. Each DO is managed by a District Director (DD), who reports to the RD. (Exhibit 1 contains a list of addresses, telephone numbers, and fax numbers for the DOs.)

4. Responsibilities. This paragraph describes the roles of the various components within the DEEOIC.

a. District Offices. Within each DO there are a variety of roles:

(1) Claims Functions. Supervisory Claims Examiners manage units of Senior Claims Examiners and Claims Examiners (CEs). Staff in these units adjudicate claims, authorize compensation and medical benefits, respond to inquiries from interested parties, and maintain case files.

(2) Fiscal Functions. Fiscal Officers (FOs) are designated for each DO. The primary responsibility of these individuals is to ensure the integrity of the compensation payment process. The FO is also responsible for monitoring financial management records and serves as the DO point of contact for medical billing issues.

(3) Medical Functions. The DEEOIC has several District Medical Consultants (DMCs) who work under contract to review individual cases. A District Medical Scheduler is designated for each DO. The primary responsibility of this individual is to coordinate the medical referrals.

(4) Mail and File Functions. Personnel in this area open, sort and place mail, compile case files, retire case records according to established schedules, and transfer case files in and out of the DO.

4. Responsibilities. (Continued)

(5) Contact and Technical Assistance. Customer Service Representatives are responsible for answering phones, referring calls within the DO and responding to general inquiries. Technical assistants are responsible for providing technical guidance and assistance to DO personnel and maintaining liaison with organizations outside the DO.

b. National Office (NO). The Director of DEEOIC has final authority to manage and administer the program. With the exception of the FAB Chief, who reports directly to the Director, the Deputy Director supervises the DEEOIC Branch Chiefs and serves as the Acting Director in the Director's absence. Under the immediate jurisdiction of the Director and Deputy Director are the:

(1) Branch of Policy. Personnel in the Policy Branch consist of the Policy, Regulations and Procedures Unit (PRPU), Secondary Claims Examiner (CE2) Unit, and the Medical, Health & Science Unit (MHSU).

(a) The Policy, Regulations and Procedures Unit (PRPU) develops program policies and procedures to carry out the functions of the DEEOIC. In particular, PRPU staff:

(i) Prepare and maintain the program's procedure manual and issue program bulletins, which entail significant coordination with the Office of the Solicitor for the Department of Labor, especially with regard to statutory and regulatory changes;

(ii) Conduct accountability reviews;

(iii) Participate in the development of training materials;

(iv) Handle functions relating to employment verification and records, including the tracking of covered time frames for employment; and

4. Responsibilities. (Continued)

(v) Review memorandums to the Director submitted by the Final Adjudication Branch (FAB) and DO requesting the reopening of a claim or the vacating of a FAB decision based upon new and/or relevant evidence.

These reviews are conducted by the Reopening Unit, which consists of CEs who review the case record for determination of whether a reopening of the claim or the vacating of a FAB decision is in order or not.

Based upon the determination, the CE drafts, for the Director's signature, a denial letter to the party requesting the reopening or a Director's Order to the FAB or DO, setting the FAB decision or FAB remand order aside and outlining the course of action required to resolve the issue(s).

(b) The Secondary Claims Examiner (CE2) Unit handles DO development and adjudication required while a case is pending review at the FAB. The CE2 Unit only adjudicates issues that are outside the scope of the issue(s) being addressed by the FAB. In particular, CE2 staff:

(i) Conduct all necessary development on outstanding claim elements not related to the recommended decision (RD) currently in front of the FAB for review, and code the Energy Case Management System (ECMS) appropriately reflecting those actions for the duration of the FAB review process;

(ii) Prepare a memorandum for the case file explaining what development actions have been taken and what future actions are required to address any outstanding issues; and

4. Responsibilities. (Continued)

(iii) Issue an RD whenever the case record contains enough evidence on file to support an RD on any of the outstanding claim elements.

(c) The Medical, Health & Science Unit (MHSU) consists of a Medical Director, Health Physicists, Industrial Hygienists, Epidemiologist/Toxicologist, and support personnel. The MHSU function includes the following:

(i) Review, research and respond to case referrals from the FAB, DOs and PRPU. Serve as the DEEOIC technical experts on medical, radiological, and toxicological causation and exposure issues;

(ii) Update and maintain the Site Exposure Matrices (SEM) to ensure that it contains the most accurate and current information;

(iii) Serve as the liaison between National Institute for Safety and Health (NIOSH) and DEEOIC on all dose reconstruction related issues; and

(iv) Coordinate and oversee District Medical Consultant (DMC) referrals.

(2) Branch of Outreach and Technical Assistance (BOTA). Personnel in the BOTA are responsible for technical assistance and outreach activities, including developing informational materials and maintaining the Web page. In particular, BOTA staff:

(a) Develop and conduct training for DEEOIC staff;

(b) Manage the program's priority correspondence activity, preparing responses for the Secretary of Labor, Assistant Secretary for Employment

4. Responsibilities. (Continued)

Standards (ESA), Congressional Affairs Office, OWCP Director, and the Director of the DEEOIC;

(c) Facilitate development of comprehensive outreach plans, monitor and approve outreach expenses, and conduct and arrange outreach events; and

(d) Promote and maintain cooperative relations with individuals and groups having EEOICP interests through technical assistance and public relations activities.

(3) Branch of Automated Systems (BAS). Members of this Branch provide data processing and payment systems support services for the DEEOIC. In particular, the Branch is responsible for:

(a) Developing and maintaining activities related to the Energy Case Management System (ECMS);

(b) Providing statistical reports and data;

(c) Providing overall computer services;

(d) Overseeing medical and compensation system issues; and

(e) Coordinating activities of the bill processing agent.

(4) Management Unit. Members of this unit support the efficient operations of the DEEOIC by providing the following functions:

(a) Oversee DEEOIC budget and ensure that budget limitations are not exceeded;

(b) Monitor and manage personnel and procurement actions; and

(c) Provide administrative support to the Director and the Deputy Director.

4. Responsibilities. (Continued)

c. Final Adjudication Branch (FAB). Personnel in this Branch are responsible for issuing all final decisions. The FAB also processes all objections by holding oral hearings or reviewing the written record. FAB representatives issue final decisions that affirm, remand, or reverse recommended decisions issued by the DEEOIC DOs.

A FAB Office is located in Washington, D.C., and a FAB unit is co-located with, but independent from, each of the four DOs. The manager of each FAB DO reports to the FAB Chief. (Exhibit 1 contains a list of addresses, telephone numbers, and fax numbers for the FABs.)

5. Training. This paragraph describes the information new employees need and addresses the kinds of training OWCP provides to its employees.

a. Orientation. The RD and/or DD provide orientation for all new employees in their respective DOs. This orientation includes the following topics:

- (1) Organization of the DO, the Regional Office, OWCP, and ESA;
- (2) Mission and objectives of the DEEOIC;
- (3) General description of duties;
- (4) Staffing pattern, chain of command;
- (5) Floor plan/physical layout of office, unit locations, emergency procedures, office security, etc.;
- (6) Mail handling, paper and case flow;
- (7) Working hours, breaks, lunch hour, sick and annual leave arrangements, flextime, telephone use, overtime authorization, etc.;
- (8) Introduction to staff;
- (9) Reference materials; and

5. Training. (Continued)

(10) Role of partner agencies, e.g. National Institute for Occupational Safety and Health (NIOSH), Department of Energy (DOE), Department of Justice (DOJ), Resource Centers, etc.

b. Courses. Three formal training courses have been developed for the DEEIOC staff. These include:

(1) All Staff Members Orientation. This is a course designed by each DO to explain the basic concepts of the EEOICPA.

(2) Claims Examiner Course. CEs, Senior CEs, Supervisors, and FAB Representatives take this course.

It is delivered in a classroom or self-instructional format. A resource person is available to respond to questions if the self-instructional format is used. The course, which requires about two weeks to complete, is designed to explain the claims adjudication process and to develop case management skills.

(3) Secondary Training. Additional training is provided to all claims personnel to address developing needs of the program (e.g., complex medical terminology/issues, facilities lists, additions to the Special Exposure Cohort (SEC), precedent-setting decisions, Resource Centers). This training may include advanced CE and FAB training. In addition, training in the Energy Case Management System (ECMS) is available.

6. Jurisdiction. This paragraph describes the jurisdiction of the four DEEIOC DOs. The jurisdiction of a DO is determined by where the employee last worked as a covered employee or covered DOE contractor employee. A DO acquires jurisdiction if the last covered facility is/was located within the geographical area it serves. (Exhibit 1 contains a DEEIOC DO Jurisdictional Map.)

a. Survivor Claims. This rule applies to claims from survivors as well as those brought by the employee.

6. Jurisdiction. (Continued)

b. Uranium Workers. Normally, all claims for uranium workers (or their survivors) who may have been awarded benefits under Section 5 of the Radiation Exposure Compensation Act (RECA) are within the jurisdiction of the Denver DO. (However, if a worker filed for both RECA Section 5 and silicosis benefits, and the Nevada Test Site was the last place of employment, the case would go to the Seattle DO rather than the Denver DO).

DEEOIC JURISDICTIONAL MAP



DEEOIC DISTRICT OFFICE ADDRESSESNational Office - Washington, D.C.

U.S. Department of Labor, DEEOIC
200 Constitution Avenue, NW
Room C-3321
Washington, DC 20210

(202)693-0081 (Main)

(202)693-1465 (Fax)

Director: Rachel P. Leiton
Deputy Director: Christy Long

District Office 1 - Jacksonville, Florida

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee)

U.S. Department of Labor, DEEOIC
400 West Bay Street, Room 722
Jacksonville, Florida 32202

(904)357-4705 (Main)

(904)357-4704 (Fax)

(877)336-4272 (Toll Free)

Regional Director: Richard Brettell
District Director: Jim Bibeault
Assistant District Director: David Miller

District Office 2 - Cleveland, Ohio

(Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, Vermont, the Virgin Islands, Virginia, West Virginia, and Wisconsin)

U.S. Department of Labor, DEEOIC
1001 Lakeside Avenue, Suite 350
Cleveland, Ohio 44114

(216)802-1300 (Main)

(216)802-1308 (Fax)

(888)859-7211 (Toll Free)

Regional Director: Nancy Jenson
District Director: Annette Prindle
Assistant District Director: Catherine Buttolph

District Office 3 - Denver, Colorado

(Arkansas, Colorado, Kansas, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming, and all claims from RECA Section 5 awardees)

U.S. Department of Labor, DEEOIC
1999 Broadway, Suite 1120
Denver, Colorado 80202

(720)264-3060 (Main) (720)264-3099 (Fax)
(888)805-3389 (Toll Free)

Regional Director: E. Martin Walker
District Director: Janet Kapsin
Assistant District Director: Ron Sanchez

District Office 4 - Seattle, Washington

(Alaska, Arizona, California, Idaho, Hawaii, Marshall Islands, Nevada, New Mexico, Oregon, and Washington)

U.S. Department of Labor, DEEOIC
719 2nd Avenue, Suite 601
Seattle, Washington 98104

(206)373-6750 (Main) Fax: (206)373-6798
(888)805-3401 (Toll Free)

Regional Director: Sharon Tyler
District Director: XXXX
Assistant District Director: Tracy Johnson

Final Adjudication Branch - Jacksonville, Florida

U.S. Department of Labor, DEEOIC
Final Adjudication Branch
400 West Bay Street, Room 63B
Jacksonville, Florida 32202

(904)357-4705 (Main) (904)357-4785 (Fax)
(877)336-4272 (Toll Free)

FAB Manager : Mark Stewart

Final Adjudication Branch - Cleveland, Ohio

U.S. Department of Labor - DEEOIC
Final Adjudication Branch
1001 Lakeside Avenue, Suite 390
Cleveland, Ohio 44114

(216)802-1449 (Main) Fax: (216)802-1390
(888)859-7211 (Toll Free)

Acting FAB Manager: Tracy Smart

Final Adjudication Branch - Denver, Colorado

U.S. Department of Labor, DEEOIC
Final Adjudication Branch
1999 Broadway, Suite 1660
Denver, Colorado 80202

(720)264-3062 (Main) Fax: (720)264-3218
(888)805-3389 (Toll Free)

Acting FAB Manager: Anna Navarro

Final Adjudication Branch - Seattle, Washington

U.S. Department of Labor, DEEOIC
Final Adjudication Branch
719 2nd Avenue, Suite 501
Seattle, Washington 98104

(206)373-6714 (Main) Fax: (206)373-6701
(888)805-3401 (Toll Free)

FAB Manager: Joleen Smith

Final Adjudication Branch - Washington, D.C.

U.S. Department of Labor, DEEOIC
Final Adjudication Branch (FAB - National)
800 N. Capitol Street, NW, Room 565
Washington, DC 20211

(202)513-6400 (Main) Fax: (202)513-6401
(866)538-8143 (Toll Free)

Branch Chief: LuAnn Kressley

Assistant Branch Chiefs: Michael Johnson
 Thomasyne Hill
 Rhonda Chapelle

TABLE OF CONTENTS

<u>Paragraph and Subject</u>	<u>Page</u>	<u>Date</u>	<u>Trans. No.</u>
<u>Chapter 0-0200 General Provisions of EEOICPA</u>			
Table of Contents	i	11/08	09-01
1 Purpose and Scope	1	11/08	09-01
2 Provisions of EEOICPA	1	11/08	09-01

Superseded

1. Purpose and Scope. This chapter summarizes the provisions and requirements of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA or Act) and addresses its coverage.

2. Provisions of EEOICPA.

a. Requirements for Part B Eligibility. A covered employee must satisfy criteria of eligibility for at least one of the following compensable categories under Part B:

(1) Beryllium sensitivity or chronic beryllium disease resulting from exposure to beryllium in the performance of duty.

(2) A specified cancer if the employee was a member of the Special Exposure Cohort (SEC).

(3) A non-specified cancer if the employee incurred a cancer that is at least as likely as not related to radiation exposure from employment at a covered facility.

(4) Chronic silicosis resulting from exposure to silica from covered employment at a Department of Energy (DOE) facility in Nevada or Alaska, aggregating at least 250 work days during the mining of tunnels for tests or experiments related to atomic weapons.

(5) The U.S. Attorney General has determined entitlement to an award of \$100,000 under Section 5 of the Radiation Exposure Compensation Act (RECA).

b. Requirements for Part E Eligibility. A covered employee must establish that it is at least as likely as not that exposure to a toxic substance while employed at a DOE facility by a DOE contractor or subcontractor was a significant factor in aggravating, contributing to or causing the employee's illness or death.

2. Provisions of EEOICPA. (Continued)

c. Medical Care. An employee who meets the statutory conditions of coverage is entitled to medical care consisting of services, appliances, and supplies prescribed or recommended by a qualified physician considered likely to cure, give relief, or reduce the degree or the period of that condition. Provider charges associated with the treatment of an accepted medical condition are paid from the compensation fund and are subject to a fee schedule.

d. Monetary Compensation under Part B. An eligible employee or survivor is entitled to receive a lump sum payment of \$150,000, if found eligible under Part B of the EEOICPA. An eligible uranium worker or survivor is eligible for a lump sum payment of \$50,000.

e. Monetary Compensation under Part E. Maximum compensation up to \$250,000 is determined based on causation, wage loss, and impairment.

(1) Employee Benefits: Covered employee is eligible for compensation up to \$250,000 based on wage loss and/or impairment.

(a) Wage loss is based on the number of calendar years that the employee was unable to work or sustained a reduction in wages as a result of the covered illness. Wage loss compensation is payable for qualifying years of lost wages occurring prior to the employee's normal Social Security retirement age, determined by the employee's date of birth.

(b) Impairment is a loss, loss of use, or derangement of any body part, organ system or organ functionality as it affects the whole body, as a result of the covered illness. An impairment rating is performed once the employee has reached Maximum Medical Improvement (MMI) (i.e., the covered illness is stabilized and is unlikely to improve with or without additional medical treatment).

2. Provisions of EEOICPA. (Continued)

(2) Survivor Benefits: The survivor is eligible for compensation in the amount of up to \$125,000 if the covered illness aggravated, contributed to, or caused the employee's death.

(a) Wage Loss: The survivor may be entitled up to an additional \$25,000 or \$50,000 depending upon the amount of calendar years over 10 years that the deceased covered employee experienced compensable wage loss prior to his or her normal Social Security retirement age.

(b) Impairment: In general, the survivor is not entitled to impairment benefits under Part E.

f. Survivor Eligibility under Part B. In the event of the death of an eligible employee, the Act provides for the disbursement of compensation in order of precedence and in proportion to the number of eligible survivors. The order of precedence is spouse, child, parent, grandchild, then grandparent.

g. Survivor Eligibility under Part E. The only survivors eligible for benefits are the spouse, or children of the covered employee who are under the age of 18 years at the time of the employee's death, or under the age of 23 years and a full time student at the time of the employee's death, or any age and incapable of self-support at the time of the employee's death. In limited circumstances, a spouse may elect to receive the compensation to which an employee would have been eligible prior to death.

h. Third Party Liability. With the exceptions listed below, where an employee's compensable illness or death results from circumstances creating a legal liability on some party other than the United States, the cost of compensation and other benefits paid by the OWCP must be offset to reflect any settlement obtained. Exceptions include the following:

(1) Workers compensation benefits are not offset under Part B; and

2. Provisions of EEOICPA. (Continued)

(2) Insurance policy payments made to an employee or eligible surviving beneficiary, where the employee or eligible surviving beneficiary has purchased the policy, are not offset.

i. Coordination of Benefits with State Workers' Compensation (SWC). When a claimant has received benefits from a state workers' compensation program for the same covered illness(es) to which he or she is to be awarded compensation under Part E, this requires a reduction in the award. Exceptions to this reduction include the following:

(1) Medical and vocational rehabilitation benefits received from SWC for the same covered illness(es) are not included in the reduction;

(2) The claimant has received SWC benefits for both a covered and a non-covered illness as a result of the same-work related incident; these benefits also will not be included in the reduction; and

(3) Reasonable costs in obtaining SWC benefits incurred by the claimant, such as but not limited to attorney's fees and specific itemized costs of suits, are not included in the reduction.

TABLE OF CONTENTS

<u>Paragraph and Subject</u>	<u>Page</u>	<u>Date</u>	<u>Trans. No.</u>
<u>Chapter 0-0300 Customer Service</u>			
Table of Contents	i	11/08	09-01
1 Purpose and Scope	1	11/08	09-01
2 DEEOIC Standards for Customer Service	1	11/08	09-01
3 Telephone Communications.	1	11/08	09-01
4 Written Communications	4	11/08	09-01

Superseded

1. Purpose and Scope. This chapter describes the commitment of the Division of Energy Employees Occupational Illness Compensation (DEEOIC) to serving its internal and external customers with excellence.

a. Internal Customers. These include but are not limited to National Office staff, District Office staff, and Resource Center employees.

b. External Customers. These include but are not limited to claimants, authorized representatives, attorneys, advocacy groups, congressional officials, contractors, and other external agents who have a vested interest in the claims process.

2. DEEOIC Standards for Customer Service. The highest level of customer service is expected in all dealings with individuals conducting business with and within the DEEOIC. All staff are expected to be courteous, professional, flexible, honest and helpful. The program's Operational Plan includes standards for the performance, responsiveness and timeliness of customer service. DEEOIC's Customer Service Goals include the following:

a. Customers. DEEOIC customers are satisfied with our services;

b. Services. DEEOIC services are delivered to customers in a timely and accurate manner; and

c. Planning and Development. Customer needs are integrated into program planning and product development.

3. Telephone Communications. DEEOIC staff talk to claimants, authorized representatives, health care providers, employer organizations, resource center personnel, governmental organizations, and others on a daily basis.

a. Telephone Skills. Effective telephone skills are one of the keys to providing accurate, courteous, and timely information to callers. These skills include but are not limited to the following:

3. Telephone Communications. (Continued)

- (1) Answer the telephone promptly;
- (2) Identify the caller's needs;
- (3) Handle inquiries in a professional and pleasant (non-defensive) manner;
- (4) Provide prompt, informative responses;
- (5) Keep conversations brief but provide accurate, courteous, and timely information; and
- (6) Give callers an accurate estimate of when a return call will be attempted, if necessary.

b. Inquiries Directed to Resource Centers. Resource Centers (RCs) are situated in key geographic locations throughout the United States to provide assistance and information to the DEEOIC claimant community and other interested parties. The RCs play a limited but valuable role in the claims process and their duties include the following:

- (1) Provide information on claims process and program procedures to the DEEOIC claimant community;
- (2) Assist claimants in the completion of the necessary claim forms;
- (3) Take initial employment verification steps for all new EEOICPA claims filed with the RC;
- (4) Conduct occupational history development for certain employees; and
- (5) Provide case-specific information and clarification to claimants and authorized representatives.
- (6) Educate and assist the claimants regarding impairment and wage loss benefits on cases with positive causation determinations.

3. Telephone Communications. (Continued)

(7) Conduct medical provider outreach to assist in medical bill payment enrollment and resolve billing issues.

(8) Provide medical bill payment assistance to claimants.

(9) For more information about the RCs, see EEOICPA PM 2-0200.

c. Telephone Management System (TMS). The TMS feature in the Energy Case Management System (ECMS) allows the ECMS user to memorialize telephone conversations, place and obtain telephone messages within the system. TMS also provides a mechanism by which incoming and outgoing telephone contact on a given case file is tracked and maintained.

(1) The person who answers the phone must create the phone record in ECMS, unless the call is immediately transferred to another person *and* that person picks up the phone and speaks with the caller. The second person then becomes responsible for creating the phone message record in ECMS/TMS.

(a) In the first circumstance, the first person must record the incoming call by recording the caller's name, return phone number, the reason for the call, mark that the call has not been completed, and assign an ECMS user to return the phone call in ECMS/TMS for that specific case record.

(b) In the second circumstance, where the call is transferred to another person who picks up the phone and speaks with the caller, that second person is to create the automated ECMS/TMS phone message record providing a brief description of the phone call discussion and that it was completed.

3. Telephone Communications. (Continued)

(2) The person transferring the call must ensure that the call is picked up so that the caller is not inadvertently dropped or transferred to a voicemail message.

(3) Callers may be transferred to voicemail only with the caller's explicit knowledge and consent.

(4) Rules describing the types of calls that must be entered and tracked in ECMS/TMS are described in EEOICPA PM 2-2000.

4. Written Communications. DEEOIC staff must use good writing skills in all correspondence. Letters must be clear, concise, instructional, accurate, and tailored. Specific skills include:

a. Considering the Reader. Use language that the reader can understand and customize the correspondence accordingly, specifically for that reader. Avoid using abbreviations in the body of the correspondence, unless they have been written out at the beginning of the correspondence;

b. Checking for Errors. Review correspondence before issuance to eliminate grammatical, spelling, template or other technical errors;

c. Choosing the Mode of Expression. Use natural and non-adversarial wording. To the extent possible, write politely, conversationally and employ commonly used words;

d. Making Documents Visually Appealing. Present text in a way that highlights the main points to be communicated. Use bullets or numbered lists when providing instructions or identifying deficiencies. Avoid lengthy narrative explanations or too much usage of underlining or bolding of the text in the correspondence; and

4. Written Communications. (Continued)

e. Tailoring the Letter to the Issue at Hand. Do not use lengthy, "laundry list" template letters when only certain information is being requested or provided. Identify what evidence has been submitted and the additional information that is needed in order to proceed with the adjudication of the claim in a timely manner.

TABLE OF CONTENTS

<u>Paragraph and Subject</u>	<u>Page</u>	<u>Date</u>	<u>Trans. No.</u>
<u>Chapter 0-0400 Program Directives</u>			
Table of Contents	i	11/08	09-01
1 Purpose and Scope	1	11/08	09-01
2 Directives	1	11/08	09-01
3 Procedure Manual	2	11/08	09-01
4 Maintenance and Revision . . .	3	11/08	09-01

Superseded

1. Purpose and Scope. This chapter describes the communications and directives system used by the Division of Energy Employees Occupational Illness Compensation (DEEOIC). It focuses on the structure of the Procedure Manual governing claims under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA or Act), and addresses its relationship to the Program's other written directives.

2. Directives. The publications relating to the EEOICPA include both external and internal releases, as follows:

a. External Directives. These may consist of either legal or informational releases.

(1) The *Federal Register* contains "Notices" and "Rules" pertaining to new or revised policy.

(a) "Notices" in the *Federal Register* advise the public of proposed changes and invite comments on them.

(b) "Rules" in the *Federal Register* state the regulations adopted by the program.

(2) Pamphlets and notices inform the public of the availability of EEOICPA benefits.

b. Internal Directives. There are three categories of directives; they are permanent (unless superseded), time-limited, and informational.

(1) Permanent directives include the following:

(a) EEOICPA Procedure Manual (PM), which is updated by transmittals.

(b) Other guides, including the DOL Correspondence Guide (DLMS Handbook 1-2); the GPO Style Manual; Program Memoranda; and the Energy Case Management System (ECMS) Users Manual which

2. Directives. (Continued)

provides users and operators of the ECMS with guidelines for interacting with the system.

(2) Time-limited directives are issued as Bulletins. They may involve changes to procedures, special reports, or pilot programs. A Bulletin is effective until it is superseded by the PM or an updated Bulletin.

(3) Informational directives are issued as Circulars and do not require specific action. They are used to meet the following objectives:

(a) To announce personnel changes, upcoming events or activities, or other items of informational value;

(b) To call attention to standing instructions or performance standards that may require compliance or improvement;

(c) To announce proposed plans or anticipated program changes; or

(d) To inform District Offices (DOs) of the activities and interests of the National Office.

3. Procedure Manual. The EEOICPA PM is accessible to all interested parties within and outside of the DEEOIC.

a. Part 0, Overview. This part provides an introduction to the EEOICPA, the program that administers it, and the directives issued to implement it. This section also provides employees with general information about program operations and the organizational structure of OWCP.

3. Procedure Manual. (Continued)

b. Part 1, Mail and Files. This part addresses the jurisdiction over cases and the movement of mail and case files within the DO. It also discusses how to create, maintain, transfer and retire case files.

c. Part 2, Claims. This part establishes policies, guidelines and procedures for developing, adjudicating and managing claims under the EEOICPA.

d. Part 3, Fiscal. This part establishes policies, guidelines and procedures for all fiscal issues.

4. Maintenance and Revision. EEOICPA Transmittals update the EEOICPA PM and are to be filed and cited in the following manner:

a. Filing Instructions. The PM is subdivided into and maintained in separate volumes or binders by part, chapter, and paragraph. For each transmittal:

(1) Remove and destroy any material identified as superseded or obsolete.

(2) File the new material in accordance with the instructions contained in the transmittal.

(3) File the transmittal behind the latest "Checklist" of all PM pages currently in effect. It is located in front of the PM.

b. Citations to the PM. The EEOICPA PM has four parts, as described in paragraph 3 above. Each part consists of several chapters, which in turn are divided into paragraphs, subparagraphs, and sometimes sub-subparagraphs. Chapters and paragraphs should be cited as follows:

Citation to a part of the PM: Federal (EEOICPA) PM Part 1

Citation to a chapter: Federal (EEOICPA) PM 1-100

Citation to a paragraph: Federal (EEOICPA) PM 1-100.1

Citation to a subparagraph: Federal (EEOICPA) PM 1-100.1a

Citation to a sub-subparagraph: Federal (EEOICPA) PM 1-100.1a(1)

TABLE OF CONTENTS

<u>Paragraph and Subject</u>	<u>Page</u>	<u>Date</u>	<u>Trans. No.</u>
<u>Chapter 0-0500 Definitions</u>			
Table of Contents.	i	11/08	09-01
1 Purpose and Scope.	1	11/08	09-01
2 Definitions.	1	11/08	09-01
<u>Exhibits</u>			
1 Abbreviations.		11/08	09-01
2 Forms.		11/08	09-01

Superseded

1. Purpose and Scope. The purpose of this chapter is to define the most commonly used terms in the administration of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The chapter also identifies the abbreviations and acronyms for those terms (Exhibit 1) and provides a listing of the forms used in the program (Exhibit 2).

2. Definitions. This section defines the principal terms used in the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Procedure Manual (PM).

a. Act or EEOICPA means the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended, 42 U.S.C. § 7384 *et seq.*

b. Atomic Weapon means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

c. Atomic Weapons Employee means:

(1) An individual employed by an atomic weapons employer (AWE) during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; or

(2) An individual employed:

(a) At a facility that the National Institute for Occupational Safety and Health (NIOSH), in its report dated November 2002 and titled "Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities," or any update, indicated had a potential for significant residual contamination outside of the period described in subparagraph (1) of this definition;

2. Definitions. (Continued)

(b) By an atomic weapons employer or subsequent owner or operator of a facility referenced in subparagraph (1) of this definition; and

(c) During a period reported by NIOSH, in its report dated November 2002 and titled "Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities," or any update to that report, to have a potential for significant residual radioactive contamination. This will be identified on the Department of Energy (DOE) facility database as the "residual contamination" period.

d. Atomic Weapons Employer (AWE) means any entity, other than the United States, that:

(1) Processed or produced, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and

(2) The Secretary of Energy has designated as an AWE for purposes of the Act.

e. AWE Facility means a facility, owned by an AWE, that is or was used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling.

f. Attorney General means the Attorney General of the United States or the United States Department of Justice (DOJ).

g. Average Annual Wage (AAW) means four times the average quarterly wages of a covered Part E employee for the 12 quarters preceding the quarter during which the employee first experienced wage loss due to exposure to a toxic substance at a DOE facility or RECA section 5 facility, excluding any quarters during which the employee was unemployed.

2. Definitions. (Continued)

Being "retired" is not equivalent to being "unemployed"; therefore, quarters during which an employee had no wages because of retirement will be included in the AAW calculation.

h. Benefit or Compensation means the money the United States Department of Labor (DOL) pays to or on behalf of either a covered employee under Part B, or a covered DOE contractor employee under Part E, from the Energy Employees Occupational Illness Compensation Fund. These terms may also include any other amount paid out of the Fund for medical benefits including but not limited to medical treatment, monitoring, examinations, services, appliances and supplies.

i. Beryllium Sensitization or Sensitivity means that the individual is sensitized to beryllium as demonstrated by any of the following:

(1) An abnormal beryllium lymphocyte proliferation test (LPT) or an abnormal lymphocyte transformation test (LTT) on either blood or lung lavage cells as interpreted by a medical doctor, for Part B and Part E claims;

(2) A positive physician panel determination as specified in section 7385s-4(b), for Part E claims only; or

(3) A determination that it is at least as likely as not that exposure to beryllium at a DOE facility or a RECA section 5 facility was a significant factor in aggravating, contributing to, or causing the beryllium sensitization or sensitivity; and it is at least as likely as not that the exposure to beryllium was related to employment at a DOE facility or a RECA section 5 facility as specified in sections 7385s-4(c) and 7385s-5(a), for Part E claims only.

2. Definitions. (Continued)

j. Beryllium Vendor means any of the corporations and named predecessor corporations designated as beryllium vendors in section 73841(6)(A)-(I) of the EEOICPA, and also those facilities designated as beryllium vendors in the list published in the *Federal Register* by the Department of Energy.

k. Bioassay means the determination of the kind, quantity, concentration, or the location of radioactive material in the human body, whether by direct measurement or by analysis, and the evaluation of radioactive material excreted, eliminated, or removed from the body.

l. Chronic silicosis means a non-malignant lung disease as demonstrated by any of the following:

(1) The initial occupational exposure to silica dust preceded the onset of silicosis by at least 10 years and a written diagnosis of silicosis is made by a medical doctor and is accompanied by:

(a) A chest radiograph, interpreted by an individual certified by the National Institute for Occupational Safety and Health as a B reader, classifying the existence of pneumoconiosis of category 1/0 or higher;

(b) Results from a computer assisted tomograph or other imaging technique that are consistent with silicosis; or

(c) Lung biopsy findings consistent with silicosis.

This evidence holds true for Part B and Part E claims;

(2) A positive physician panel determination as specified in section 7385s-4(b), for Part E claims only; or

2. Definitions. (Continued)

(3) A determination that it is at least as likely as not that exposure to silica at a DOE facility or a RECA section 5 facility was a significant factor in aggravating, contributing to, or causing the chronic silicosis; and it is at least as likely as not that the exposure to silica was related to employment at a DOE facility or a RECA section 5 facility as specified in sections 7385s-4(c) and 7385s-5(a), for Part E claims only.

m. Claim means a written assertion to OWCP of an individual's entitlement to benefits under the EEOICPA, submitted in a manner authorized by the Act.

n. Claimant means an individual claiming compensation under the Act.

o. Compensation Fund or Fund means the fund established on the books of the Department of the Treasury for payment of benefits and compensation under the EEOICPA.

p. A consequential injury is any injury, illness, or impairment sustained by a covered employee as a result of an occupational illness, or sustained by a covered DOE contractor employee as a result of a covered illness.

q. Contemporaneous record means any document created at or around the time of the event that is recorded in the document.

r. Coordination of Benefits with State Workers' Compensation (SWC) is to be determined when a claimant has received benefits from a SWC program for the same covered illness(es) to which he or she is to be awarded compensation under Part E, resulting in a possible reduction in the Part E award.

s. Covered child means, under Part E, a biological child, a stepchild who lived in a recognized parent-child relationship, or a legally adopted child of a covered DOE contractor employee, who at the time of the employee's death:

2. Definitions. (Continued)

- (1) Had not attained the age of 18 years;
- (2) Had not attained the age of 23 years and was a full-time student who had been continuously enrolled as a full-time student in one or more educational institutions since attaining the age of 18 years; or
- (3) Had been incapable of self-support at any age.

This term should only be used in reference to claims under Part E.

t. Covered DOE contractor employee means, under Part E, a Department of Energy contractor or subcontractor employee, or a RECA section 5 uranium worker who has been determined by OWCP to have contracted a covered illness through exposure to a toxic substance at a Department of Energy facility or a RECA section 5 facility, as appropriate. This term should only be used in reference to claims under Part E.

u. Covered employee means, under Part B, a covered beryllium employee, a covered employee with cancer, a covered employee with chronic silicosis, or a covered uranium employee. This term should only be used in reference to claims under Part B.

v. Covered illness means, under Part E, an illness or death resulting from exposure to a toxic substance from employment at a DOE facility or a RECA section 5 facility. This term should only be used in reference to claims under Part E.

w. Covered uranium employee means, under Part B, an individual who has been determined by the Department of Justice to be entitled to an award under section 5 of RECA, whether or not the individual was the employee or the deceased employee's survivor.

x. Department means the United States Department of Labor (DOL).

2. Definitions. (Continued)

y. Department of Energy (DOE) includes the predecessor agencies of the DOE, such as the Atomic Energy Commission and the Manhattan Engineering District.

z. Department of Energy (DOE) contractor employee means any of the following:

(1) An individual who is or was in residence at a DOE facility as a researcher for one or more periods aggregating at least 24 months; or

(2) An individual who is or was employed at a DOE facility by:

(a) An entity that contracted with the DOE to provide management and operation, management and integration, or environmental remediation at the facility; or

(b) A contractor or subcontractor that provided services, including construction and maintenance, at the facility.

aa. Department of Energy facility means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located:

(1) In which operations are, or have been, conducted by, or on behalf of, the DOE (except for buildings, structures, premises, grounds, or operations covered by Executive Order 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program); and

(2) With regard to which the DOE has or had:

(a) A proprietary interest; or

(b) Entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services.

2. Definitions. (Continued)

bb. Disability means that OWCP has determined entitlement to payment of Part B benefits for the covered occupational illness of chronic beryllium disease, cancer or chronic silicosis. This term should only be used in reference to a claimant entitled to benefits under Part B.

cc. Dose reconstructions (DRs) are used to estimate the radiation doses to which individual workers or groups of workers have been exposed, particularly when radiation monitoring is unavailable, incomplete, or of poor quality. Then methods are applied to translate exposure to radiation into quantified radiation doses at the specific organs or tissues relevant to the types of cancer occurring among the workers.

dd. Durable medical equipment (DME) means the appliances that a qualified physician prescribes or recommends for a covered occupational illness or a covered illness which OWCP considers necessary to treat the illness. Examples of DMEs include walkers, wheelchairs, or hospital beds.

ee. Equivalent dose means the absorbed dose in a tissue or organ multiplied by a radiation weighting factor to account for differences in the effectiveness of the radiation in inducing cancer.

ff. External dose means the portion of the equivalent dose that is received from radiation sources outside of the body.

gg. The Freedom of Information Act (FOIA) means the law that generally provides for public access to documents maintained by the government. It requires the government to release those documents upon request, unless the request or documents fall within one of nine exceptions listed in the law.

The FOIA also requires the publication of indexes of specified agency documents and records; provides time limitations for responding to requests; establishes a system of penalties for non-compliance with the time limitations; requires identification of persons responsible

2. Definitions. (Continued)

for granting or denying requests; provides for court review of denials, including classified materials; and provides for the levying of charges for searching and copying requested materials.

hh. Gaseous diffusion means a uranium enrichment process based on the difference in rates at which uranium isotopes in the form of gaseous uranium hexafluoride diffuse through a porous barrier.

ii. Impairment means a loss, loss of use, or derangement of any body part, organ system or organ functionality as it affects the whole body, as a result of the covered illness. An impairment rating is performed once the employee has reached Maximum Medical Improvement (MMI) or is terminal. [see paragraph(11) below]. This term should only be used in reference to claims under Part E.

jj. Incapable of self support means the inability to obtain or retain employment, or engage in self-employment that provides a sustained living wage as a consequence of a physical or mental condition, illness or disease.

kk. Internal dose means the portion of the equivalent dose that is received from radioactive materials taken into the body.

ll. Maximum Medical Improvement (MMI) is when the covered illness is stabilized and is unlikely to improve with or without additional medical treatment.

mm. Occupational illness means, under Part B, a covered beryllium illness, cancer sustained in the performance of duty, specified cancer, chronic silicosis, or an illness for which DOJ has awarded compensation under section 5 of RECA. This term should only be used in reference to an individual(s) entitled to benefits under Part B.

nn. Offset is a reduction of the claimant's benefits under the Act. This is required if the claimant receives funds pursuant to a final judgment or settlement for the same accepted exposure that led to the accepted covered illness.

Benefits that are excluded from an offset include:

2. Definitions. (Continued)

- (1) Workers' compensation benefits;
- (2) Insurance policies; and
- (3) A claim for loss of consortium filed by an individual other than the covered Part B or Part E employee.

oo. OWCP Medical Fee Schedule is a schedule of maximum allowable fees as determined by OWCP for the payment of medical and other health services furnished by physicians, hospitals, and other providers for an accepted occupational illness(es) and an accepted covered illness(es). The payment of fee for such service shall not exceed the maximum allowable charge with the exception of the following:

- (1) Does not apply to charges for services provided in nursing homes; this does not include those charges for treatment furnished by a physician or other medical professionals in a nursing home; or
- (2) Does not apply to charges for appliances, supplies, services or treatment furnished by medical facilities of the U.S. Public Health Service or the Departments of the Army, Navy, Air Force and Veterans Affairs.

pp. Physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by state law.

The term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist.

2. Definitions. (Continued)

qq. The Privacy Act means the statute governing a citizen's right to confidentiality of personal information, including financial and medical history, in records filed in a system of records under the individual's own name. This law sets forth the government's responsibility to properly maintain and restrict access to these records.

rr. Probability of causation (PoC) means the probability or likelihood that a cancer was caused by radiation exposure incurred by a covered employee in the performance of duty. In statistical terms, it is the cancer risk attributable to radiation exposure divided by the sum of the baseline cancer risk (the risk to the general population) plus the cancer risk attributable to the radiation exposure. Other terms for this concept include "assigned share" and "attributable risk percent."

ss. Radiation means:

(1) Ionizing radiation in the form of alpha particles, beta particles, neutrons, gamma rays, X-rays, or accelerated ions or subatomic particles from accelerator machines.

(2) Non ionizing radiation in the form of radio-frequency radiation, microwaves, visible light, and infrared or ultraviolet light radiation. This term should only be used in reference to claims under Part E.

tt. RECA means the Radiation Exposure Compensation Act of 1990, as amended, 42 U.S.C. § 2210 *note*. RECA is a federal statute implemented by Department of Justice that provides monetary compensation to individuals who contracted certain cancers and a number of other specified diseases as a result of defined on-site/downwind exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment as uranium miners, millers, or ore transporters.

2. Definitions. (Continued)

(1) Section 4 of RECA provides benefits for individuals with cancer who were either proximate to atomic tests at the Nevada Test Site (downwinder) or participated at the site of an atmospheric atomic weapon test (onsite participant).

(2) Section 5 of RECA provides benefits for individuals who have contracted a covered illness through exposure to a toxic substance during covered employment at a section 5 facility as a uranium miner, uranium mill worker, or as a uranium ore transporter.

uu. Specified Cancers are listed in Section 30.5(ff) of the regulations. An employee must be diagnosed with one of these specific types of cancer to be considered eligible for benefits as a member of the Special Exposure Cohort (SEC). The list of specified cancers, which is derived from section 4(b)(2) of the RECA Amendments of 2000, is as follows:

(1) Primary or secondary lung cancer (other than a diagnosis of in situ lung cancer that is discovered during or after a post-mortem exam). Cancer of the pleura is also excluded;

(2) Primary or secondary bone cancer which also includes the following:

(a) Chondrosarcoma of the Cricoid Cartilage of the Larynx;

(b) Myelofibrosis with Myeloid Metaplasia;

(c) Myelodysplastic Syndromes;

(d) Polycythemia vera with leukocytosis and thrombocytosis; or

(e) Polycythemia rubra vera, also known as:

(i) Polycythemia vera;

(ii) P. vera;

2. Definitions. (Continued)

- (iii) Primary polycythemia;
 - (iv) Proliferative polycythemia;
 - (v) Spent-phase polycythemia; or
 - (vi) Primary erythremia.
- (3) Primary or secondary renal cancers;
- (4) Leukemia (other than chronic lymphocytic leukemia), only if onset occurred more than two years after initial occupational exposure;
- (5) The following diseases, provided onset was at least five years after first occupational exposure:
- (a) Multiple myeloma;
 - (b) Lymphomas (other than Hodgkin's disease);
 - (c) Primary cancer of the:
 - (i) Thyroid;
 - (ii) Male or female breast;
 - (iii) Esophagus;
 - (iv) Stomach;
 - (v) Pharynx (tonsil cancer is a cancer of the pharynx and is therefore included);
 - (vi) Small intestine;
 - (vii) Pancreas;
 - (viii) Bile ducts;
 - (ix) Gall bladder;
 - (x) Salivary gland;

2. Definitions. (Continued)

(xi) Urinary bladder (due to biological and etiological similarities, Ureter cancer and Urethral cancer are included);

(xii) Brain (which consists of the cerebrum, cerebellum, brain stem, and diencephalon and *excludes* intracranial endocrine glands and other parts of the central nervous system);

(xiii) Colon (due to anatomical similarities, Rectal cancer is included);

(xiv) Ovary; or

(xv) Liver (except if cirrhosis or hepatitis B is indicated).

A Carcinoid tumor of the organs listed above may be considered as a specified cancer.

The specified diseases in this section mean the physiological condition or conditions that are recognized by the National Cancer Institute under those names or nomenclature, or under any previously accepted or commonly used names or nomenclature.

vv. Spouse of a covered employee or covered DOE contractor employee means a wife or husband of that employee who was married to that individual for at least one year immediately before the death of that individual.

ww. Survivor means:

(1) For claims under Part B, a surviving spouse, child, parent, grandchild and grandparent of a deceased covered employee; or

(2) For claims under Part E, a surviving spouse and covered child of a deceased covered DOE contractor employee.

2. Definitions. (Continued)

xx. Time of injury means:

(1) In regard to a claim arising out of exposure to beryllium or silica, the last date on which a covered Part B employee was exposed to such substance in the performance of duty as specified in sections 7384n(a) or 7384r(c); or

(2) In regard to a claim arising out of exposure to radiation under Part B, the last date on which a covered Part B employee was exposed to radiation in the performance of duty as specified in section 7384n(b); or

In the case of a member of the Special Exposure Cohort under Part B, the last date on which the member of the Special Exposure Cohort was employed at the DOE facility or the atomic weapons employer facility at which the member was exposed to radiation; or

(3) In regard to a claim arising out of exposure to a toxic substance under Part E, the last date on which a covered Part E employee was employed at the DOE facility or RECA section 5 facility, as appropriate, at which the exposure took place.

yy. Toxic substance means any material that has the potential to cause illness or death because of its radioactive, chemical, or biological nature.

zz. Uncertainty distribution is a statistical term meaning a range of discrete or continuous values arrayed around a central estimate, where each value is assigned a probability of being correct.

aaa. Wage loss is based on the number of calendar years that the covered DOE contractor employee was unable to work or sustained a reduction in wages as a result of the covered illness. Wage loss compensation is payable for the years of lost wages occurring prior to the covered DOE contractor employee's normal Social Security retirement age, as determined by his or her date of birth. This term should only be used in reference to claims under Part E.

2. Definitions. (Continued)

bbb. Workday means a single workshift, whether or not it occurred on more than one calendar day.

ccc. Worst-case assumption is a term used to describe a type of assumption used in certain instances for certain dose reconstructions. It assigns the highest reasonably possible value to a radiation dose of a covered employee based on reliable science, documented experience, and relevant data.

ABBREVIATIONS

Common abbreviations for EEOICPA terms are as follows:

AAW	Average Annual Wage
AMA Guides	American Medical Association's <u>Guides to the Evaluation of Permanent Impairment, 5th Edition</u>
ANRSD	Amended NIOSH Referral Summary Document
AWE	Atomic Weapons Employer
BAS	Branch of Automated Systems
BOTA	Branch of Outreach and Technical Assistance
BPA	Bill Processing Agent
BP	Branch of Policy
CBD	Chronic Beryllium Disease
CDC	Centers for Disease Control
CE	Claims Examiner
CIS	Carcinoma in situ
CLL	Chronic Lymphocytic Leukemia
CPT code	Current Procedural Terminology
CPWR	Center to Protect Workers' Rights
DAR	Document Acquisition Request
DD	District Director
DEEOIC	Division of Energy Employees Occupational Illness Compensation
DMC	District Medical Consultant
DME	Durable Medical Equipment
DO	District Office
DOE	Department of Energy
DOJ	Department of Justice
DOL	Department of Labor
DR	Dose Reconstruction
DRGs	Diagnostic-Related Groups
ECMS	Energy Case Management System
EEOICP	Energy Employees Occupational Illness Compensation Program
EEOICPA	Energy Employees Occupational Illness Compensation Program Act
ESA	Employment Standards Administration
FAB	Final Adjudication Branch
FD	Final Decision
FECA	Federal Employees' Compensation Act
FO	Fiscal Officer
FOIA	Freedom of Information Act
FY	Fiscal Year
GPO	Government Printing Office

GPRA	Government Performance Results Act
HCPCS	Healthcare Common Procedure Coding System
HHS	Department of Health and Human Services
HP	Health Physicist
ICD-9 code	International Classification of Disease, 9 th Edition
IH	Industrial Hygienist
MHSU	Medical, Health & Science Unit
MMI	Maximum Medical Improvement
NCI	National Cancer Institute
NDC number	National Drug Code
NIOSH	National Institute for Occupational Safety and Health
NIOSH - IREP	NIOSH - Interactive Radio Epidemiological Program
NO	National Office
NRSD	NIOSH Referral Summary Document
OMB	Office of Management and Budget
OPM	Office of Personnel Management
ORISE	Oak Ridge Institute for Science and Education
OWCP	Office of Workers' Compensation Programs
PCA	Payee Change Assistant
PEP	Program Evaluation Plan
PER	Program Evaluation Report
PII	Personally Identifiable Information
PM	Procedure Manual
POA	Power of Attorney
PoC	Probability of Causation
PTF	Payment Transaction Form
RC	Resource Center
RCC	Revenue Center Code
RD	Recommended Decision
RECA	Radiation Exposure Compensation Act
SEC	Special Exposure Cohort
SEM	Site Exposure Matrix
SIMS	Secretary's Information Management System
SOAF	Statement of Accepted Facts
SOL	Office of the Solicitor
SSA	Social Security Administration
SWC	State Workers' Compensation
TBD	Technical Basis Document
TMS	Telephone Management System
TX	Toxicologist
WCA	Workers' Compensation Assistant

FORMS

Below are listed the various forms used within the DEEOIC.

Form EE-1	Claim for Benefits under EEOICPA
Form EE-2	Claim for Survivor Benefits under EEOICPA
Form EE-3	Employment History for Claim under EEOICPA
Form EE-4	Employment History Affidavit for Claim under the EEOICPA
Form EE-5	Department of Energy's Response to Employment History for Claim under the EEOICPA
Form EE-7	Medical Requirements under the EEOICPA
Form EE/EN-8	Racial/Ethnic Identification under EEOICPA
Form EE/EN-9	Smoking History Identification under EEOICPA
Form EE-10	Claim for Additional Wage-Loss and/or Impairment under the EEOICPA
Form EE-12	Dose Reconstruction Consent Form
Form EE-13/EN-13	Request for Information with Respect to State Worker's Compensation Claims
Form EE/EN-20	Acceptance of Payment under the EEOICPA
Form DL 1-520	Request under the Freedom of Information Act
Form ESA-67a	Privacy Act Record System Log of Disclosures
Form OWCP-04	Uniform Bill for Medical Expenses
Form OWCP-915	Claim for Medical Reimbursement
Form OWCP-957	Medical Travel Refund Request
Form OWCP-1500	Health Insurance Claim
Form SSA-581	Authorization to Obtain Earnings Data from the SSA