

ABTSWH Case or Data Request

Date of Request: (December 23, 2019)

CASE REVIEW REQUEST

1. **Delineation of Requested Data\information:** As specifically as possible, please explain exactly what specific data or case characteristics the Board is requesting (in order to assure the Program provides accurate and timely information) Please complete one form for each unique data or case request and which Board sub-group will be reviewing the information:

*Request to Review Claims: We request complete files for 20 lung cancer claims that were denied under Part E from 2013 to the present. They should be drawn from the **RPT 682 Changing Toxins and Latency Table** provided to the Board previously by DOL. Only claims whose job position/title is on the list of job categories in Section 3a of Appendix 1 (p. 1 of 12 of Exhibit 15-4) of the EEOICP Procedure Manual 4.0 should be provided. In addition, only claims for whom a minimum of 15 years has elapsed between "earliest verified employment date" and "diagnosis date," as reported in RPT 682 named above. We strongly request that claims be indexed for key documents.*

2. **Statutory Authority:** The Board's scope is defined in Section 3687(b)(1)(A-D) of the EEOICPA. Please identify the statutory mandate(s) the data or cases being requested fulfill (for convenience you can refer to them as Subsection A, Subsection B etc.):

Section 4, item 2: "medical guidance for claims examiners for claims under this subtitle with respect to the weighing of the medical evidence of claimants"

Section 4, item 4: "the work of industrial hygienists and staff physicians and consulting physicians of the Department and reports of such hygienists and physicians to ensure quality, objectivity, and consistency"

3. **Supporting Rationale:** Please provide an explanation for this information as it relates to the statutory authority identified above:

The statute mandates that the Board assist with the assessment of medical evidence and with the utility of industrial and hygiene reports. The Board has not previously reviewed lung cancer claims. Lung cancer caused by occupational factors is reasonably common, so understanding the reasons for denial may assist the Board in understanding the claims process and the role of the specialists and in formulating, if indicated, Advisory Board recommendations to the Department.

4. **Intended Use:** Please advise what the Board is hoping to accomplish or learn from the requested data or cases:

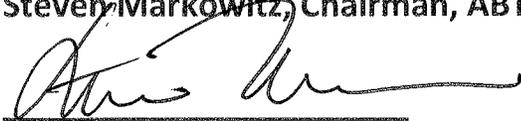
NOTE: all data and case specific information containing claimant personal and health information is protected by the Privacy Act, and any unauthorized release of that information (accidental or otherwise) must immediately be reported to the Designated Federal Official.

The Board seeks to provide useful advice to the EEOICP, which requires looking at actual lung cancer claims to understand how the process works and whether any improvements might be recommended to the Department.

DEEOIC requested the Board look at this topic?

DEEOIC has requested assistance with various aspects of occupational lung disorders.

Steven Markowitz, Chairman, ABTSWH



A handwritten signature in black ink, appearing to read "Steve Markowitz", is written over a horizontal line.