

September 4, 2008

SUBJECT: Presumption of chronic beryllium disease in situations with a diagnosis of sarcoidosis and a history of beryllium exposure.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff that a diagnosis of sarcoidosis is not medically appropriate if there is a documented history of beryllium exposure. In these situations, the CE is to consider the diagnosis of sarcoidosis to be a diagnosis of chronic beryllium disease (CBD). However, the application of this presumption in the adjudication of a claim will differ between Parts B and E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

Part B: To establish that an employee was exposed to beryllium while in the performance of duty, he or she must meet the definition of a "covered beryllium employee." A "covered beryllium employee" is an employee as defined in section 73841(7) of EEOICPA who was exposed to beryllium, for at least one day, while employed at a Department of Energy facility; or was present at a Department of Energy facility, or a facility owned and operated by a beryllium vendor, because of employment by the United States, a beryllium vendor, or a contractor or subcontractor of the Department of Energy.

Because a diagnosis of sarcoidosis for a covered beryllium employee is not medically appropriate, in any instance where this situation occurs, CBD is to be the presumed diagnosis. However, as Part B of EEOICPA necessitates the satisfaction of specific diagnostic criteria to qualify for compensability, the case record must contain the required medical documentation for pre- or post-1993 CBD to allow for an acceptance of the claim. (See the Federal (EEOICPA) Procedure Manual, Chapter 2-700 for the pre- and post-1993 CBD criteria.)

Part E CBD claims: Establishing "covered employment" for CBD claims under Part E requires that an employee have at least one day of verified DOE contractor/subcontractor employment at a covered DOE site during a covered time period where beryllium dust, particles, or vapor may have been present. For these claims, whenever the case file contains medical evidence of diagnosed sarcoidosis, a diagnosis of CBD is to be presumed and the claim is to be accepted. (See the Federal (EEOICPA) Procedure Manual, Chapter E-500(15) for the requirements for claims filed for beryllium illnesses under Part E).

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