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Subject: CBD lung cancer and Part E and policy
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"However, for a compensable claim under Part E, the evidence **must establish that an occupational exposure to a toxic substance was "at least as likely as not" a significant factor in causing, contributing to, or aggravating the death of the employee.** For this determination, the CE **may** reference factual or medical evidence to assist in reaching a decision, including a death certificate or **medical records proximate to the date of the employee's death.** The CE must also be ready to evaluate the effect that an **accepted consequential illness** had on the death of an employee. " Procedure manual page 198

This is very confusing and is more restrictive than the law. Occupational illness is Part B. If an occupational illness is accepted under Part B it is accepted under Part E. NO further "development " is required or mandated. Under the information quality Act, a procedure cannot mandate. The CE's have discretionary duties and then they have mandated duties. may is discretionary must is mandated. Again the CE and the DEEOIC states medical evidence not medical opinion.

I challenge this procedure and that who ever wrote this did not have the authority to change the statute. OWCP, not DEEOIC has the authority to write regulations which must have notice and comment. This policy statement not only changes the process of Part B and Part E, but is in violation of the statute, which can only be changed by Congress.

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