

**From:** Terrie Barrie  
**Sent:** Tuesday, March 14, 2017 7:00 PM  
**To:** DOL Energy Advisory Board Information  
**Subject:** Working Group on Presumptions

Dear Dr. Markowitz and Members of the Working Group on Presumptions:

Thank you for allowing the public to listen to today's discussion on fine tuning the criteria for certain presumptive diseases which the Advisory Board on Toxic Substances and Worker Health may recommend may recommend to DEEOIC. The meetings of the various Subcommittees and Working Group are always very informative and we appreciate the Members' grasp of the issues the claimants encounter.

I was most interested in the discussion concerning COPD. A couple of Working Group members mentioned that workers sometimes have a disease or symptoms of a disease well before they are diagnosed with a disease.

For anyone who has a chronic disease, they know this to be true. Some workers have symptoms but hope that it is a minor issue and delay visiting a physician, expecting the symptoms to be naturally resolved.

I bring this to your attention because this scenario affects workers who file for wage loss under Part E. I know of one wage loss claim that has, so far, been denied by DEEOIC. This claimant has documented medical evidence of symptoms before the cause of the condition was finally diagnosed.

DEEOIC has rejected medical evidence of symptoms related to the covered diseases and is relying solely on the date of diagnosis.

My request is that the Board, perhaps through the Subcommittee on Medical Advice re: Weighing of Medical Evidence, could provide guidance to DEEOIC's Claims Examiners and Final Adjudication Branch Hearing Representatives concerning documented medical evidence of a covered disease symptoms as it relates to wage loss. I imagine that a review decisions on wage loss claims would be necessary.

Thank you for your consideration.

Sincerely,

Terrie Barrie  
ANWAG