

How is my EEOICPA claim processed?

I have filed an EEOICPA claim, under Part B, Part E or both. What happens next?

The Division of Energy Employees Occupational Illness Compensation (DEEOIC) provides benefits to atomic weapons industry workers who developed illnesses linked to their employment. To do that, DEEOIC staff must assemble a case file containing evidence that shows your eligibility for compensation and benefits. Our claims examiners (CEs) will work with you to obtain the necessary evidence and also assist in obtaining certain evidence from other sources. Once all the evidence is collected and analyzed, the CE will issue a Recommended Decision to accept or deny your claim. You have appeal rights if you disagree with the Recommended Decision.

What evidence is required for my claim to be accepted?

Your case file must contain evidence of covered employment, a diagnosed medical condition, an eligible survivor, if the employee is deceased, and causation. Causation means a demonstrated relationship between the employment, exposures and the diagnosed condition. Part B and Part E have different standards for causation.

What is the claims process?

After a claim is filed, the resource center may contact you to complete an Occupational History Questionnaire (OHQ), which is information pertaining to your covered employment. Once the OHQ is completed, the resource center forwards the information to your assigned CE at the district office. During the adjudication process, the CE may request documentation from you regarding employment, medical, or other necessary evidence and you will be given 30 days from the date of these letters to submit this information.

You may continue to refer any questions you may have to the resource center, or to your CE, throughout the process.

What kind of employment is considered to be covered employment? How is this verified?

Current and former workers at certain covered facilities during specified time periods may be eligible for EEOICPA benefits. The Department of Energy maintains a list of covered facilities.

Part B and Part E cover different types of employees:

- Part B covers employees of: the Department of Energy (DOE); DOE contractors and subcontractors; Atomic Weapons Employers (AWEs); and designated beryllium vendors. Radiation Exposure Compensation Act (RECA) Section 5 employees are also eligible.
- Part E covers DOE contractor and subcontractor employees. RECA Section 5 employees may also be covered. DOE federal employees, contractors at AWE facilities and beryllium vendors are not covered.

Employment evidence includes contracts, pay stubs, W2s, etc. Your CE will also verify the claimed employment with the DOE, a corporate verifier, the Social Security Administration, or other organizations. Statements from coworkers supporting employment during a covered time period may also be submitted to support the claimed employment. As necessary, your CE will work with you to obtain employment records that you may possess.

What medical conditions may be compensable under Part B and Part E?

- Part B covers cancer, chronic beryllium disease (CBD), beryllium sensitivity (medical monitoring only), chronic silicosis and RECA (Section 5) illnesses. Precancerous conditions are not covered by Part B.
- Part E covers any diagnosed illness linked to toxic exposures at DOE facilities, including Part B illnesses.

Your CE may ask you to submit additional medical information if diagnoses of your claimed conditions are not in the file or to aid in determining causation.

What are the medical requirements for a cancer claim?

The evidence must contain a diagnosis of cancer by a qualified medical doctor and an initial date of diagnosis. Precancerous conditions are not covered under Part B, but may be covered under Part E.

How is causation shown in a cancer claim?

- When a cancer diagnosis and employment have been verified, the claim materials are sent to the National Institute for Occupational Safety and Health (NIOSH) for a dose reconstruction under Part B.
- Special Exposure Cohort (SEC): for certain claims where designated facilities and employment criteria are met and the employee has one of 22 specified cancers, the employee is considered a member of the SEC. For SEC members with specified cancer, causation is presumed.

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What is the Part B NIOSH process?

- NIOSH receives the referral from DOL, and:
 - Interviews the employee or the survivors;
 - Performs a dose reconstruction; and
 - Sends the dose reconstruction information to the claimant for review.
- DOL applies the results of the dose reconstruction to determine the Probability of Causation (POC).
- If the POC is 50% or greater, the CE accepts the claim under Part B.
- The dose reconstruction process may take time.
- DOL cannot proceed with the cancer claim adjudication under Part B until the dose reconstruction report is received from NIOSH.

How is causation shown under Part E?

Under Part E, evidence must show that toxic exposures at DOE facilities were significant in causing, contributing to or aggravating the claimed condition. Your CE will use a variety of tools to establish this connection, including information from the DOE about the facility, information in the Site Exposure Matrices (SEM) database developed by DOL, and referral to a physician, industrial hygienist or toxicologist. Your CE may also ask for any information you may have on this issue.

Under Part E, where the employee is deceased, his or her death must also be related to the claimed condition in order for any survivor claim to be accepted.

Who may be eligible survivors under Part B and Part E of the EEOICPA?

Eligible survivors are different under Part B and Part E. Under Part B, eligible survivors are:

- Spouse (married to employee at least one year prior to employee's death), children, parents, grandchildren and grandparents, in that order.

Under Part E, eligible survivors are limited to:

- **Spouse** (married to employee at least one year prior to employee's death); and
- **Covered Child** – natural child, stepchild, or adopted child who lived with the deceased employee in a parent-child relationship who, at the time of the employee's death, was:
 - Under 18 years of age; or
 - Under 23 years of age and a full-time student; or

- Any age and medically incapable of self support. Parents, siblings, self-supporting adult children and other relatives are not eligible survivors under Part E.

What is the Recommended Decision?

When your claim file is complete and the CE has analyzed all available information, the CE will issue you a Recommended Decision (RD) to accept or to deny your claim. The RD explains the basis for the proposed decision to accept or deny. The RD is forwarded to the Final Adjudication Branch (FAB) for review and issuance of a final decision.

What benefits will I receive if my claim is accepted under Part B?

- \$150,000 to employees or eligible survivors.
- \$50,000 to RECA Section 5 uranium workers who received \$100,000 from the Department of Justice.
- Medical benefits for accepted conditions.
- Medical monitoring for beryllium sensitivity.

What benefits will I receive if my claim is accepted under Part E?

Up to \$250,000 in compensation may be available under Part E. Compensation differs for employees and survivors. Covered Part E employees receive:

- Medical benefits for the accepted conditions;
- Impairment compensation (\$2,500 for each percentage of whole body impairment caused by a covered illness); and
- Wage loss compensation (\$10,000 or \$15,000 per year of eligible wage loss).

Eligible survivors (employee death related to or caused by covered illness) receive:

- \$125,000 lump sum compensation payment
- Additional wage loss of \$25,000 or \$50,000, if applicable

Additional information for employees on the process for claiming impairment and wage loss will be provided when a RD accepting your Part E claim is issued.

What if I disagree with the Recommended Decision?

If you disagree with the RD, you may exercise your right to object and/or request a hearing through the Final Adjudication Branch (FAB). Information on the hearing process will be provided along with your RD. A FAB final decision may be appealed to federal court.

Please do not hesitate to contact your resource center or CE with any further questions you may have.