

# Energy Employees Occupational Illness Compensation Program Act (EEOICPA)



## *How do I qualify for an impairment award under Part E of the EEOICPA?*

### **Impairment Awards under the EEOICPA**

Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) provides for an impairment benefit. While a claim for impairment benefits can be filed at any time, the Department of Labor (DOL) cannot make a determination on an impairment claim until the employee has received a Part E final decision from DOL's Division of Energy Employees Occupational Illness Compensation's (DEEOIC) Final Adjudication Branch (FAB), which concludes that he or she contracted a covered illness due to exposure to a toxic substance at a covered Department of Energy facility or Radiation Exposure Compensation Act Section 5 facility.

A recommended decision issued by one of DEEOIC's four district offices is not a final decision. All recommended decisions must be reviewed by the FAB for accuracy before a final decision can be issued.

### **What is an impairment award?**

An impairment award is monetary compensation for the permanent loss of function of a body part or organ, due to a covered illness under the EEOICPA, as established by medical evidence and measured by percentage points. For each one percent of impairment, \$2,500 is awarded.

To determine the percentage of impairment, DOL considers the following:

- Loss of function (whole person);
- Standard applied from the American Medical Association's (AMA's) *Guides to the Evaluation of Permanent Impairment, Fifth Edition*; and
- Condition has reached maximum medical improvement (MMI)
  - well-stabilized and unlikely to improve with medical treatment
  - not required if an illness is in a terminal stage.

A claimant may request re-evaluation every two years. A new evaluation may also be requested whenever DOL accepts a new illness that increases a claimant's impairment.

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## Physician's evaluation

DOL determines impairment ratings based upon a physician's evaluation. The evaluation can be performed by a physician of the employee's choice, or DOL gathers the appropriate tests and has a qualified physician complete an impairment evaluation based on those test results.

To be considered by DOL, the evaluation must have been performed by a physician who is:

- Board-certified in the medical specialty relevant to the covered illness; and
- Trained and certified to perform impairment ratings using the AMA's *Guides to the Evaluation of Permanent Impairment*, or experience in using the *Guides*.

## Who pays for an impairment rating?

DOL is committed to delivering benefits to eligible claimants.

- DOL pays for one impairment rating as long as the evaluation meets the criteria.
- DOL pays for tests needed to obtain an impairment evaluation.
- An evaluation must have occurred within one year of the date that your claim was received by DOL for its expense to be eligible for reimbursement.
- Impairment ratings performed by unqualified physicians are not reimbursable.

In addition to an impairment award, benefits under Part E of the EEOICPA can include payment of medical expenses, wage loss benefits, and survivor benefits. The maximum compensation amount for all claims relating to one individual under Part E of the EEOICPA is \$250,000. However, any medical benefits awarded are in addition to and not included in calculating the \$250,000 maximum compensation amount.