



File Number:

August 18, 2015

Malcolm D. Nelson  
Ombudsman for the Energy Employees  
Occupational Illness Compensation Program

Thank you for the opportunity to respond to your 2013 Annual Report to Congress dated August 12, 2014. The Office of Workers' Compensation Programs (OWCP) appreciates your efforts in assisting Energy Employees Occupational Illness Compensation Program Act (EEOICPA) claimants and we welcome any suggestions to improve the operation of the program. We have analyzed the recommendations contained in your report and would like to respond. Below please find your recommendations followed by our responses.

1. We concur with the recommendation by the National Institute of Medicine (IOM) that the Division of Energy Employees Occupational Illness Compensation (DEEOIC) provide a direct link on its homepage to the Site Exposure Matrices (SEM) database.

A direct link to the SEM database can be found on DEEOIC's homepage under the Claimant Resources heading and at:

<http://www.dol.gov/owcp/energy/regs/compliance/seminfo.htm>.

2. While we realize that there are limits to the information that can be placed on DEEOIC's homepage, we suggest that DEEOIC consider better explaining some of the technical terms on its webpage. The technical term that stands out for us on the homepage is "SEM." We find that claimants who are not familiar with SEM oftentimes look right over this tool.

In response to this recommendation, the link to the SEM database on DEEOIC's home page is now titled, "Site Exposure Matrices - Information about DOE Facilities, Toxic Exposure & Occupational Illnesses." Additional information regarding the SEM database can also be found at the following link:

<http://www.dol.gov/owcp/energy/regs/compliance/seminfo.htm>.

3. Similarly, we believe that it would be a tremendous help to claimants if DEEOIC provided a direct link on its homepage to the listing of enrolled physicians.

A medical provider search feature is available to claimants through the ACS Web Bill Processing Portal. A link to this provider search feature can be found on DEEOIC's homepage under the Claimant Resources heading. The link is titled, "Medical Provider Search,"

<http://owcp.dol.acs-inc.com/portal/providersearch/agreement.do>.

The medical provider search feature allows OWCP customers to search for medical providers in their locale. The provider search feature allows searches by: provider type, physician's last name or practice name, physician's first name, city, state, zip code and specialty. The providers listed in the search feature are actively enrolled with OWCP as a medical provider and have opted to be included in the search feature. A listed provider or services rendered by the provider does not constitute an endorsement of OWCP, nor does it guarantee that the medical provider/facility will be reimbursed by OWCP for specific medical services provided to a particular claimant.

4. We agree with DEEOIC that it is committed to improving the decision process. Thus, as DEEOIC continues its efforts, we hope that DEEOIC ensures that where a decision is impacted by a change in policy or procedure the decision provide a reasoned explanation for the change (and provide a citation where this change can be found).

Recommended decisions issued by a DEEOIC district office and final decisions issued by the Final Adjudication Branch (FAB) contain citations and detailed explanations concerning how the district office claims examiner or FAB hearing representative came to their conclusions. When conclusions are based upon a change in policy, this is explained in the decision.

5. While it is true that if a claim is denied, the claimant has the opportunity, based on the circumstances, to seek reconsideration or re-opening, in many instances, a denial of their claim is very discouraging. Every effort should be made to address requests for documents as quickly as possible.

When a claimant or authorized representative requests a copy of the case file or documents from the case file, we provide these documents to them as soon as possible. We have not received specific complaints about the timeliness of sending these documents.

6. Beyond informing claimants that they can contact DEEOIC to report inappropriate customer service, it would alleviate some fears if DEEOIC provided a name and telephone number to contact.

In 2014, DEEOIC implemented a customer service satisfaction survey that callers can complete after they call a DEEOIC district office, FAB or national office. The results of these are analyzed quarterly. In addition, many DEEOIC employees provide their direct phone numbers once initial contact with the claimant has been made.

7. We encourage DEEOIC to consider establishing a procedure whereby claimants could recommend that certain cases be included on DEEOIC's database "Significant EEOICP Decisions."

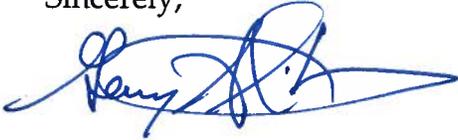
DEEOIC is willing to consider any such recommendations, and has been holding more regular meetings with the advocate community. These meetings provide a venue for recommendations to be offered.

8. Lastly, while we are already aware of changes that we believe are a response to the IOM Report, we wish to emphasize that we believe that the findings and recommendations outlined by the IOM Report offer a means of improving the EEOICPA claims process. Therefore, we sincerely hope that this report is used as a guide for future improvements to this program.

DEEOIC has incorporated several of the IOM Report's recommendations and continues to research the feasibility of expanding the SEM database to account for routes and levels of toxic exposures. Congress amended the EEOICPA in December 2014, by passage of Public Law 113-291. One of the changes is the entirely new section 7385s-16, which provides for the President to establish and appoint an Advisory Board on Toxic Substances and Worker Health. The Department of Labor is working with the Executive Branch to establish such an advisory board, and it looks forward to working closely with the Board once it is established.

We appreciate your analysis of the program. We are always looking to improve the program and continue to evaluate ways to implement necessary changes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary A. Steinberg", with a long horizontal flourish extending to the right.

Gary A. Steinberg  
Deputy Director  
Office of Workers' Compensation Programs