

RADIATION EXPOSURE COMPENSATION ACT (RECA) CLAIM DEVELOPMENT

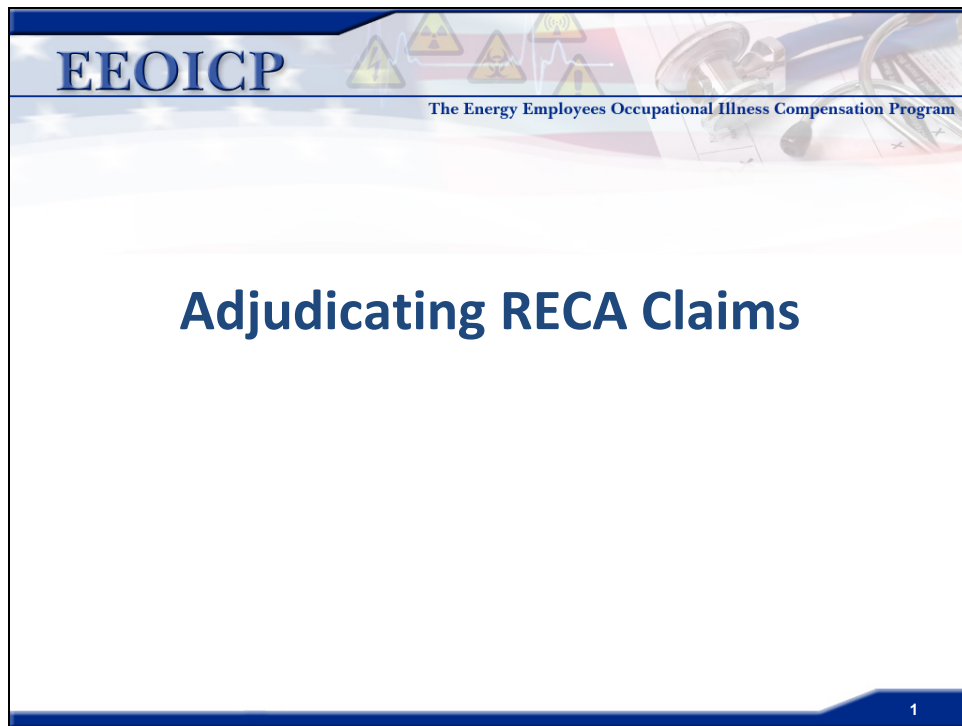
SESSION BACKGROUND INFORMATION

Session Title	Radiation Exposure Compensation Act (RECA) Claim Development
Instructional Time	60 minutes
Session Description	This session focuses exclusively on the Radiation Exposure Compensation Act (RECA) and how those claims are handled by the CE.
Instructional Objectives	Explain what is covered under RECA
Instructor Materials	For this session, the following materials are required: RECASession.PPT
Trainee Handouts	EEOICPA PM 2-1100 (<i>EEOICPA PM 2-1100.PDF</i>) RECA Occupational Health Questionnaire (<i>RECA_OHQ.PDF</i>) RECA Case Study Materials (<i>RECASession_CS_Materials.PDF</i>) RECA Case Study Answer Sheet (<i>RECASession_CS_AnswerSheets.PDF</i>)
Participant Guide	RECA Session
Case Study	The case study should be conducted after slide #26.

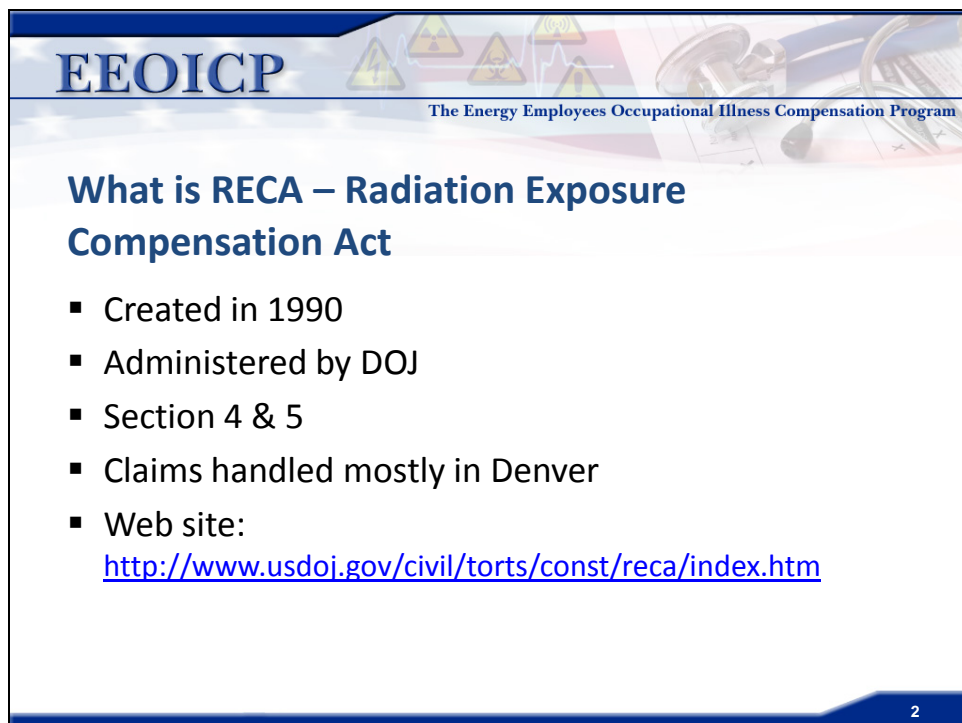
RECA SESSION INSTRUCTIONAL CONTENT



#1



#2

Trainee
HANDOUT*Distribute a copy of the EEOICPA PM 2-1100 to the trainees.*

RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED

Instructor
NOTE

Direct trainees to the relevant sections in EEOICPA PM 2-1100 that pertain to Section 5 RECA claims.



#3

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Section 5

- §5 provides benefits to specified uranium workers and their survivors
- At least one day in a uranium mine or mill located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon or Texas (covered states)
- At any time during the period from **January 1, 1942, and ending on December 31, 1971** (covered time period),
- Or was employed in the transport of uranium ore or vanadium-uranium ore from such a mine or mill during that same period
- One day of covered employment is enough for consideration under Part E

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#4

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Section 5 – Part B

If DOJ issued a (§) 5 award, the claimant who received the §5 award is entitled to Part B compensation:

- If employee who received the §5 award is deceased, Part B award goes to employee's eligible survivors as defined under Part B
- All medical conditions accepted by DOJ are accepted "occupational illness" under Part B
- §5 award recipients receive \$50,000 under Part B of the EEOICPA (DOJ pays \$100,000)
- Medical benefits

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#5

The slide header features the EEOICP logo in large blue letters, with the full name 'The Energy Employees Occupational Illness Compensation Program' in smaller text below it. The background includes a faint image of a stethoscope and several yellow radiation warning symbols.

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Part E Entitlement

- All accepted Part B “occupational illnesses” = accepted “covered conditions” under Part E
- RD to award an employee benefits under Part B should always accept the same medical condition(s) under Part E
- For a deceased worker, accepted condition must have contributed to the employee’s death
- A claimed illness not accepted by the DOJ must meet the same causation test as any other Part E claim

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RECA Survivor Claims

- Survivors must meet Part E eligibility rules
- Eligibility under Part B does not necessarily result in eligibility under Part E because the eligibility rules are different
- For example, a surviving spouse who was a §5 award recipient will need to produce a marriage certificate and death certificate under the Part E rules, even though they are not needed for Part B (RECA claims only!)

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#7

The slide header features the text 'EEOICP' in large blue letters, followed by 'The Energy Employees Occupational Illness Compensation Program' in smaller blue text. The background includes several yellow triangular warning symbols with black radiation-like patterns and a faint image of a microscope.

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Part E Development

- Part E treats a uranium worker the same as a DOE contractor/ subcontractor
- Part E uranium worker claims are adjudicated on their own merits without waiting for DOJ to make a determination

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#8

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Part E On-Site Requirement

- Must be present at a covered mine or mill for at least one day
- Ore transporter exposure does not count transit time, but only time onsite at mine or mill
- Exposure must be evaluated to establish the at least as likely as not causation standard

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



In general, if it is shown that a uranium worker was on site at a covered Section 5 RECA mine or mill for one day that will meet the employment threshold under Part E.

While the threshold is met with one day on site, additional employment and exposure evidence will be necessary to develop for causation.

Obviously, the greater the exposure (amount of verified employment and verified contact with a toxic substance known to have been present at the site) will translate into a greater probability for causation.



#9

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Communicating with DOJ

1. Write letter to DOJ regarding §4 and §5 RECA claims
 - An “ES” code is entered when the request is sent
2. DOJ responds with the claim outcome or status
 - An “ER” code is entered when the response is received
3. If §5 denied by DOJ – request DOJ decision and all employment and medical evidence and develop claim to make independent determination of Part E benefits
4. If the RECA claim is pending, the Part B EEOICPA claim is closed and a C9 status code is entered in ECMS and a letter is sent to the claimant

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



Once a Section 5 RECA claim is identified, the CE prepares the letter to DOJ requesting a tiered listing of information:

1. Confirmation of entitlement under Section 5 of the RECA;
2. If an award has not been issued, then advise if a Section 5 RECA claim is pending. If pending, please provide DOL with a letter that includes a factual statement verifying employment and all medical and employment evidence. If the claim is denied at a later date, please provide information under the criteria set out below;
3. If DOJ denied the Section 5 RECA claim on grounds of employment, please provide DOL with all employment, medical and exposure records in DOJ's possession regarding the employee and a copy of DOJ's decision in this matter;
4. If DOJ denied the Section 5 RECA claim on grounds other than employment, please provide DOL with a letter verifying employment and all available medical and employment evidence;

If no Section 5 RECA claim has been filed, please provide DOL with a letter verifying employment and all available employment evidence.

A C9 code can be entered in Part E. A C9 code should only be entered in Part E if development is complete and none of the claimed conditions are in posture for acceptance.

**Instructor
NOTE**

Direct the trainees to Exhibit 2 in EEOICPA PM 2-1100 which is a letter template requesting Section 5 RECA verification from DOJ.

RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#10

The slide header features the acronym 'EEOICCP' in large blue letters, followed by the full name 'The Energy Employees Occupational Illness Compensation Program' in smaller blue text. The background of the header includes several yellow triangular warning symbols with black outlines, depicting various hazards like radiation, biohazards, and general safety warnings.

Verifying Employment and Exposure

- CE evaluates records provided by DOJ (Only if a claimed condition was not accepted under §5)
- Other sources of data
 - Site Exposure Matrices (SEM)
 - SSA earnings records
 - Claimant
 - EE-4 affidavits
 - Occupational History Questionnaire (OHQ)

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#11

The slide header features the acronym 'EEOICCP' in large blue letters, followed by the full name 'The Energy Employees Occupational Illness Compensation Program' in smaller blue text. The background of the header includes several yellow triangular warning symbols with black outlines, depicting various hazards like radiation, biohazards, and general safety warnings.

Occupational History Questionnaires for RECA Claims

- Another source of exposure evidence is the Occupational History Questionnaire (OHQ) for RECA (PM 2-1100.7.c)
- Resource Centers (RC) usually complete an OHQ when an application is submitted. They do not do this for uranium worker claims because many claimed conditions can be accepted based on confirmation of the §5 award
- CE writes the RC and request an OHQ be completed where exposure evidence is needed for a uranium worker claim

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED

Trainee
HANDOUT

Distribute a copy of the OHQ for RECA to the trainees and briefly review with the trainees.

Instructor
NOTE

Briefly review the RECA OHQ with the trainees.



SHOW PPT

#12

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ECMS – RECA Indicator

- Enter the RECA indicator on all DEEOIC cases
 - CCC enters “Y” or “N”, based on Form EE-1/2 (applied for an award under Section 4 or 5 of the RECA). Must be updated by the CE.
 - CE **changes** indicator to “X - Confirmed as non-RECA” if CE determines case is non-RECA (i.e. employment covered under Section 5 of the RECA is not claimed).
 - CE changes indicator to “5 - Confirmed as RECA 5” or “4 - Confirmed as RECA 4” upon receipt of verification from DOJ of award RECA.

Code	Claim	Chain Status	Reason Code	Reason Desc	DIST OFFICE	ORIG_USER	ORIG_DT	UPD
UN	OPEN	X - Confirmed as non-RECA			NAT	SMERZ	02/14/2008 11:48:21 AM	

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#13

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Using the Site Exposure Matrices (SEM) for RECA Claims

- SEM contains special sections for uranium mines, mills and ore transporters
- SEM lists companies who operated each uranium mine, mill and ore buying station and who transported ore
- In conjunction with Social Security Administration Earnings records, that information can help verify employment

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#14

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Mines, Mills and Ore Buying Stations Designated as DOE sites

- Several uranium mills, mines and ore buying stations are also listed as DOE facilities because those facilities were at one time operated directly by the DOE
- Uranium workers who were employed at those locations are eligible for benefits under B just as any other DOE worker

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#15

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Covered Uranium Mines and Mills

- 4,170 uranium mines
- 48 uranium mills
- 17 uranium ore buying stations

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#16

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Interagency Consistency

- Both DOJ and DOL will work to issue consistent decisions where employment verification findings are concerned, but this may not always be possible
 - For example, DOL may be able to establish employment where the DOJ could not. In such a case we need to let the DOJ know about the evidence we found as they may want to reconsider the RECA claim
- FAB supplies DOJ with copies of final decisions issued to RECA claimants
- DOJ supplies DEEOIC with denials
- DO emails DOJ regarding decisions that are contrary to DOJ findings

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#17

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Section 4

- RECA Section 4 provides benefits for individuals with cancer who were either proximate to atomic tests at the Nevada Test Site (called downwinder) or participated at the site of an atmospheric atomic weapon test (onsite participant).
- “Except in accordance with section 7384u of this title, an individual may not receive compensation or benefits under the compensation program for cancer and also receive compensation under the Radiation Exposure Compensation Act”

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Instructor
NOTE

Direct trainees to the relevant sections in EEOICPA PM 2-1100 2c (pages 12-13) that pertain to Section 4 RECA claims.



#18

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How to Process RECA Section 4 Claims

- Is there evidence that the employee has filed a claim with DOJ under §4 RECA?
 - Look at “Awards and Other Information” section of the EE-1 or EE-2 claim form
 - Look for relevant information in the case record indicative of a §4 RECA claim, such as an award letter or other RECA-related documentation
- If evidence shows §4 RECA claim was filed, determine status of claim by contacting DOJ, (sample letter attached to EEOICPA PM 2-1100)

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED

Instructor
NOTE

Direct the trainees to Exhibit 7 in EEOICPA PM 2-1100 which is a letter template requesting Section 4 RECA verification from DOJ.



#19

The slide features a header with the EEOICP logo and the text 'The Energy Employees Occupational Illness Compensation Program'. The background includes a faint image of a microscope and several yellow radiation warning symbols. The main content is titled 'When you receive DOJ's response' and contains a bulleted list of instructions.

When you receive DOJ's response

- Proceed with development of the claim for compensation if DOJ confirms an award under §4 RECA
 - Develop any claimed medical condition(s), other than cancer, to determine if there is evidence of a compensable Part E covered illness
 - Follow the standard procedures for development of covered employment in a Part E claim

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#20

The slide features a header with the EEOICP logo and the text 'The Energy Employees Occupational Illness Compensation Program'. The background includes a faint image of a microscope and several yellow radiation warning symbols. The main content is titled 'When Cancer is only claimed condition' and contains a bulleted list of instructions.

When Cancer is only claimed condition

- If cancer is only claimed condition and claimant received a §4 RECA award confirmed by DOJ,
 - proceed with a recommended denial of compensation under Part E.
 - The denial of compensation should specifically reference the exclusion to benefits for cancer under both EEOICPA and RECA contained in 42 U.S.C. § 7385j

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#21

The slide header features the EEOICP logo in large blue letters, with the full name 'The Energy Employees Occupational Illness Compensation Program' in smaller text below it. The background of the header includes several yellow radiation warning symbols and a medical stethoscope.

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If DOJ Section 4 RECA Decision is Pending

- Prepare a letter to the claimant(s), explaining that an EEOICPA and a RECA-4 cancer claim cannot be adjudicated concurrently
- Ask the claimant(s) to select which program they wish to pursue benefits under, for the claimed cancer(s)
- Notify claimant(s) that if they either fail to respond within 30 days, or if they elect to pursue their claim under RECA, their EEOICPA cancer claim will be denied

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#22

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If Claimant Chooses to Pursue Cancer Claim under EEOICPA

- Must formally withdraw their claim from RECA,
- Confirmation of such withdrawal must be obtained from DOJ
- If claimant chooses to stay with RECA and their RECA claim is denied, they may seek to have their EEOICPA cancer claim reopened
- Develop of any non-cancer conditions in accordance with the EEOICPA

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#23

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Does Claimant withdraws §4 RECA claim

- If yes, proceed with the adjudication of the claimed cancer upon confirmation of §4 RECA withdrawal)
- If not, proceed with development of the case for non-cancer conditions
 - Issue a recommended decision that includes a denial for the claimed cancer
 - For any recommended decision that denies a claimed cancer based on the fact that compensation cannot be awarded under both §4 RECA and EEOICPA, must reference 42 U.S.C. § 7385j

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#24

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If DOJ reports that §4 RECA award was granted

- If claimant elects to reject the §4 RECA settlement and if a copy of the Acceptance of Payment form confirms this
- Proceed with the adjudication of the cancer claim under the EEOICPA

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED

Participants Guide	<i>RECA Case Study materials begin in the Participants Guide on page 30.</i>
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Case Study	<i>The trainees are to review the materials and answer all of the questions. After allowing sufficient time, review the case study outcomes eliciting information from the trainees.</i>
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Trainee HANDOUT	<i>Distribute the RECA Case Study Answer Sheet to the trainees upon completion of the case study activity.</i>
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#25

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Conclusion

- Always identify a § 5 (or 4) RECA claimant
- DOJ communication is a key development tool
- Part E RECA claims developed differently than Part B
 - Survivorship eligibility
 - Award possible without DOJ award

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RECA SESSION INSTRUCTIONAL CONTENT, CONTINUED



#26



**Instructor
NOTE**

Make sure that all trainees have had the opportunity to ask any outstanding questions about the information that has been covered in this session before proceeding.

Conclusion

This concludes the overview and steps in the development of RECA Section 5 and Section 4 claims.