



Energy Employees Occupational Illness Compensation Program Town Hall

New Mexico 2024



What is the EEOICPA?

- ▶ A law administered by the Labor Department's Division of Energy Employees Occupational Illness Compensation (DEEOIC).
- ▶ Provides lump-sum compensation and medical benefits to current and former nuclear weapons workers.
- ▶ Survivors of qualified workers may also be entitled to benefits.





Agency Administration of the EEOICPA

Department of Labor



Department of Energy



Department of Health
and Human Services



Department of Justice





Employee Eligibility

Employed By	Part B	Part E
DOE Contractors and Subcontractors	Yes	Yes
DOE Federal Employees	Yes	No
AWE Employees (Atomic Weapons Employer)	Yes	No
Beryllium Vendors	Yes	No
RECA	Yes	Yes



Contractor Employment

- ▶ **Contractor** – entity engaged in a contractual business arrangement with DOE to provide services, produce material, or manage operations.
- ▶ DOE Covered Facility type designation, location, description, covered time period, and contractor information can be found at:
<https://ehss.energy.gov/Search/Facility/findfacility.aspx>



Subcontractor Employment



- ▶ Subcontractor – entity engaged in a contractual business arrangement with a DOE contractor to provide a service on-site.
- ▶ The mere presence of an employee on the premise of a facility does not confer covered employment.

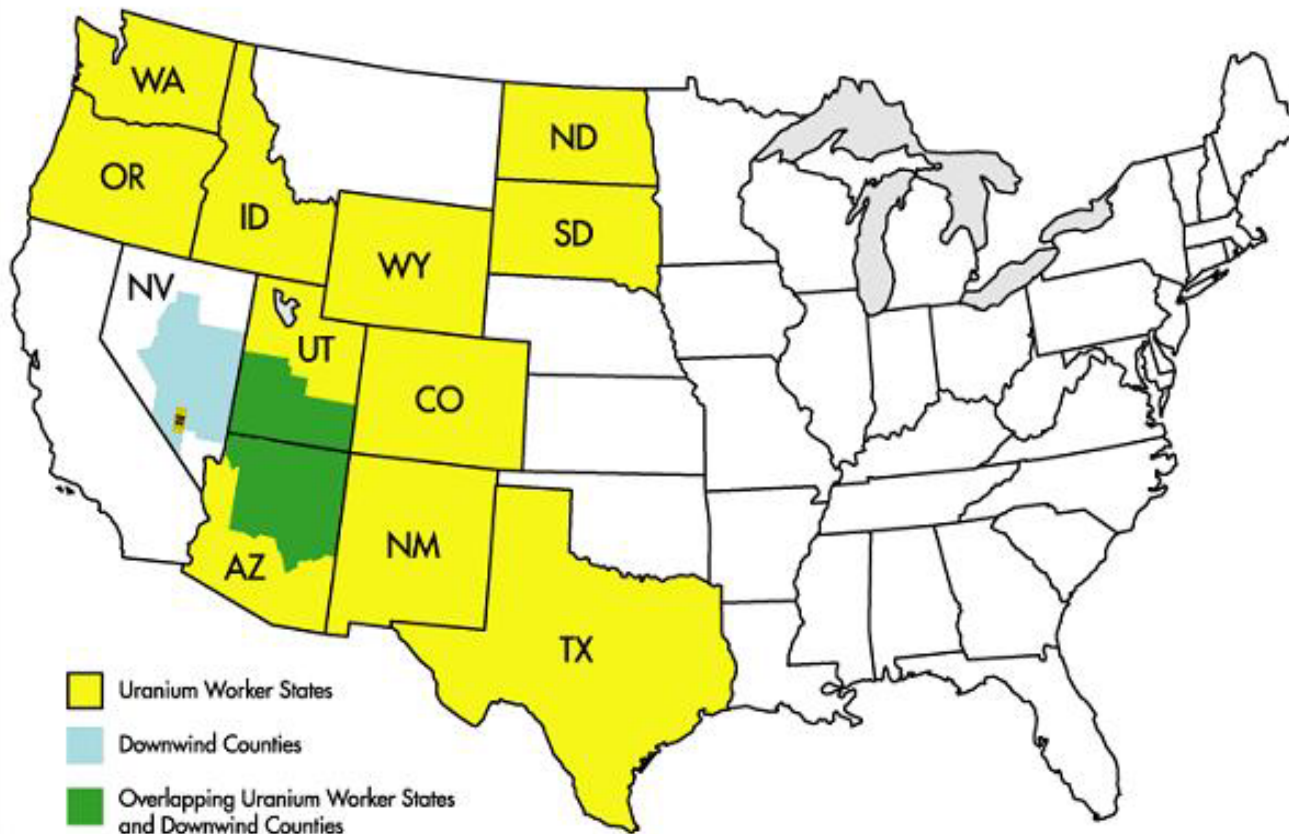


Radiation Exposure Compensation Act (RECA) Section 5 Employment

- RECA Program is administered by the Department of Justice.
- RECA Section 5 covers individuals employed in above-ground or underground mines; employed in a uranium mill or employed in transport of uranium ore or vanadium-uranium ore from mines or mills.
- Employment must have occurred in Arizona, Colorado, Idaho, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming from January 1, 1942, to December 31, 1971.
- RECA Program sunset in June 2024. The filing deadline was June 10, 2024.
- Part B eligibility under the EEOICPA is dependent upon a RECA Section 5 award.
- Uranium workers who were employed at facilities covered under RECA Section 5 from January 1, 1942, to December 31, 1971, are potentially eligible for Part E benefits under the EEOICPA.



RECA COVERED AREAS





Uranium Mill Tailings Radiation Control Act

- Many uranium mills associated with the Uranium Mill Tailings Radiation Control Act (UMTRCA) are covered Department of Energy (DOE) facilities under EEOICPA.
- This includes uranium mills in Arizona, Colorado, Idaho, New Mexico, Oregon, Texas, Utah, and Wyoming.
- Covered UMTRCA sites, along with dates of coverage, can be found in [EEOICPA Circular No. 11-01](#) & [EEOICPA Circular No. 12-05](#) as well as through the following link: <https://ehss.energy.gov/Search/Facility/findfacility.aspx>





Covered Sites in New Mexico



- All facilities covered under the auspices of the Radiation Exposure Compensation Act (RECA)
- Accurate Machine & Tool
- Albuquerque Operations Office
- Chupadera Mesa
- Kirtland Air Force Base Hanger 481
- Kirtland Operations Office
- Los Alamos Medical Center
- Los Alamos National Laboratory
- Lovelace Respiratory Research Institute
- Ore Buying Station at Grants, NM
- Ore Buying Station at Shiprock, NM
- Project Gasbuggy Nuclear Explosion Site
- Project Gnome Nuclear Explosion Site
- Sandia National Laboratories
- South Albuquerque Works
- Trinity Nuclear Explosion Site
- Uranium Mill at Shiprock (UMTRCA)
- Uranium Mill at Ambrosia Lake (UMTRCA)
- Waste Isolation Pilot Plant



Medical Eligibility

Part B (enacted 2000)

- Cancer
- Chronic Beryllium Disease
- Chronic Silicosis
- RECA Section 5 Awardees

Part E (enacted 2004)

- Any condition related to toxic substances



Survivor Eligibility

Part B (enacted 2000)

- Spouse
- Children
- Parents
- Grandchildren
- Grandparents

Part E (enacted 2004)

- Spouse (death related)
- Children
 - Less than age 18
 - Less than age 23 (full time student)
 - Medically incapable of self support



Benefits

<u>Part B</u>	<u>Part E</u>
\$150,000 – Employee & Survivor	\$2,500 per % Impairment - Employee
\$50,000 RECA – Employee & Survivor	Annual Wage Loss \$10,000-\$15,000 - Employee
	\$125,000 – Survivor (+ lump-sum Wage Loss if eligible)
\$400,000 Lump-sum cap for B & E combined	
Employee Medical Care for Accepted Conditions	



Dose Reconstruction & Probability of Causation

Part B eligibility for cancer is determined by:

- ▶ Membership in a **Special Exposure Cohort (SEC)**. Presumption that the diagnosed **specified cancer** was caused by radiation exposure during their eligible SEC employment.
- ▶ Dose reconstruction is performed by the National Institute for Occupational Safety & Health (NIOSH). DOL uses the dose reconstruction to determine **Probability of Causation** (probability or likelihood that a cancer was caused by radiation exposure incurred by a covered employee in the performance of duty). POC must be above 50% for compensability.



Part E Causation

- The standard for establishing causation is whether it is at least as likely as not that exposure to a toxic substance at a DOE facility was a significant factor in aggravating, contributing to, or causing the illness or death.
- Causation under Part E may be established by an acceptance under Part B.
- Occupational History Interviews are conducted by Resource Center Staff.
- Case development may include a review of employment records, Site Exposure Matrices (SEM) data, Industrial Hygienist review, Toxicologist review, review of DEEOIC Exposure & Causation Presumptions, and/or a request for a medical opinion.
- For survivor claims, evidence must also establish that the condition contributed to the death of the employee.



Site Exposure Matrices (SEM)

- The SEM is a repository of information on toxic substances present at Department of Energy (DOE) and Radiation Exposure Compensation Act (RECA) sites covered under Part E.
 - Information in SEM is gathered from a variety of sources
 - Scientifically establishes links between toxic substances / illnesses
 - Training and Public access to SEM is available the DEEOIC website:
<https://www.dol.gov/owcp/energy/regs/compliance/seminfo.htm>



Part E: Impairment

- Impairment compensation under Part E of the EEOICPA 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.
- Compensation is awarded based on impairment percentage.
 - \$2,500.00 per percentage point
 - Example: 10% impairment rating = \$25,000.00 Award
- Impairment Evaluations may be performed by a Contract Medical Consultant or the claimant may choose their own qualified physician.
- Two Year waiting period for additional impairment claims.
 - May be waived under certain circumstances



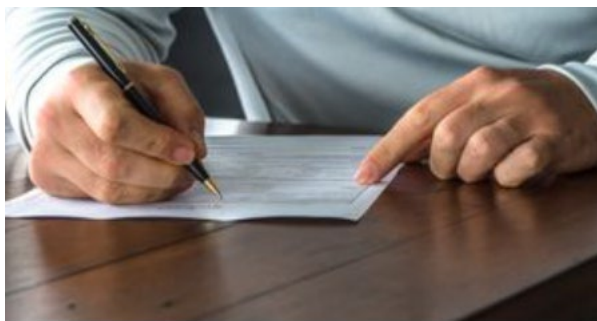
Part E: Wage Loss

- Benefits provided under Part E of the EEOICPA to employees or eligible survivors for lost wages the employee incurred, prior to their normal Social Security Administration (SSA) retirement age, due to a covered illness.
- If eligible, the claimant is awarded \$10,000.00 or \$15,000.00 per year of established wage loss depending on the percentage of lost wages.
- Survivors may also be eligible for wage loss compensation if the employee experienced wage loss prior to death or died prior to reaching retirement age.



Claimant Responsibilities

- ▶ File claim
- ▶ Collect / Copy / Submit relevant records for review
- ▶ Respond to information requests





Authorized Representatives

- Claimants may authorize any person, not otherwise prohibited by law, as their Authorized Representative (AR).
- The AR may communicate with claims staff, access case file documentation, receive copies of decisions, submit objection(s), file appeals, and seek medical authorizations on the claimant's behalf.
- Claimants may appoint only one AR at a time.
- Claimants may elect to either remove or change their AR at any time and for any reason.
- Claimants are not required to be represented by an AR.
- Fee Limits:
 - 2% for the filing of an initial claim, provided that the AR was retained prior to the filing of the initial claim; plus
 - 10% of the difference between the lump-sum payment made to the claimant and the amount proposed in the Recommended Decision (RD) with respect to objections to the RD.



Claim Decision Process

Recommended Decision (District Office)

- Reviews the record
- Develops Factual information
- Issue a Preliminary Determination



Final Decision (Final Adjudication Branch)

- Affirm decision or remand
 - Claimant has right to object to RD through a Hearing or Review of the Written Record
- Post FD Claimant rights:
 - Reconsideration
 - Reopen of case
 - District Court



Consequential Conditions

- If it is determined that an accepted condition caused, contributed to, or aggravated a claimed consequential condition, the consequential condition will be accepted under the same part types as the accepted condition.
 - Medical benefits are typically awarded retroactive to the eligibility date of the accepted condition. Some exceptions may apply.
 - Acceptance of a consequential condition may also result in impairment and/or wage loss compensation eligibility under Part E.
 - Consequential conditions are accepted by Letter Decision issued by the District Office, no Final Decision is required.
 - If a consequential condition claim is recommended for denial, a Recommended Decision is issued, and the case is sent to the Final Adjudication Branch for independent review.



Program Updates

- **Form EE-1A:** Starting on September 7, 2024, claims for consequential conditions must be submitted on the new Form EE-1A.
- **Beryllium Sensitivity:** On December 22, 2023, the National Defense Authorization Act (NDAA) for Fiscal Year 2024 amended the EEOICPA to provide that beryllium sensitivity can now also be established by submitting three borderline BeLPTs or BeLTTs performed over a period of three years.
 - Previously, a claimant could only establish a Part B claim for beryllium sensitivity by presenting one abnormal beryllium lymphocyte proliferation test (BeLPT) or beryllium lymphocyte transformation test (BeLTT) that was performed on blood or lung lavage cells.



Claimant Assistance

- ▶ **Resource Centers – 11 locations nationwide**
- ▶ **District Offices – 4 locations** (Cleveland, Denver, Jacksonville, Seattle)
- ▶ **DEEOIC website**
 - <http://www.dol.gov/owcp/energy/>
 - General Program Information
 - Energy Document Portal
 - SEM Website
 - Claimant Resources (How to Guides, Forms, Medical Benefits Information)
 - Medical Provider Resources (Enrollment, Bill Processing)



DOL Resource Centers

- Explain compensation and benefits
- Assist Employee's/Survivor's with filing a claim
- Explain the impairment and wage loss process
- Assist with completing forms
- Conduct Occupational History Interviews
- Provide claim status and continued support
- Submit documents to DEEOIC
- Support outreach and special projects
- Explain Medical benefits
- Help complete Medical and Travel reimbursement forms
- Resolve medical billing issues associated with approved conditions
- Assist with prior authorization for medical procedures, home health care, durable medical equipment, and non-local travel associated with approved condition





DOL Resource Center Locations



Resource Center addresses and contact info can be found on the DEEOIC Webpage at www.dol.gov/EnergyProgramResourceCenters



Jurisdictional Resource Center



Espanola Resource Center
412 Paseo De Oate
Suite D
Espanola, NM 87532
Phone: 866-272-3622
Fax: 505-747-6765

