



Energy Employees Occupational Illness Compensation Program



What is the EEOICPA?

- ▶ A law administered by the Labor Department's Division of Energy Employees Occupational Illness Compensation (DEEOIC).
 - History – Enacted October, 2000, Initially just Part B and D (Department of Energy handled Part D); October 2004, amendment, created Part E – moved to DOL
- ▶ 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





Program Eligibility

Part B (enacted 2000)

Part E (enacted 2004)



- Employment
- Medical
- Survivors





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.



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 **Special Exposure Cohort (SEC)**. Presumption that the diagnosed **specified cancer** was caused by radiation exposure during their eligible SEC employment.
- ▶ Dose reconstruction 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. Based on this acceptance, exposure and causation are presumed to already exist.
Occupational History Interview 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 before accepting the survivor claim under Part E.



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 Evaluation may be performed by a Contract Medical Consultant or claimant may choose their own qualified physician
- Two Year waiting period for additional impairment claims.
 - May be waived under certain circumstances



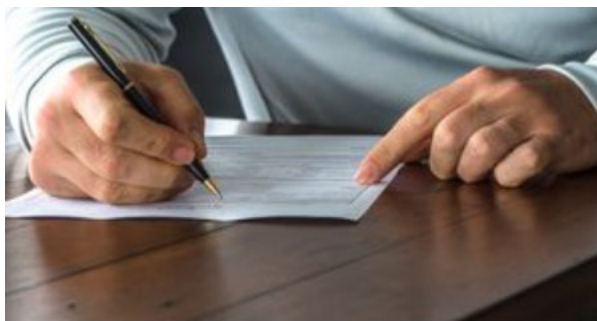
Part E: Wage Loss

- 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, 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 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



Filing for Additional Illnesses

- If the employee develops additional condition(s) believed to be related to occupational toxic exposure, the employee (or survivor) can file a claim for the additional condition(s).
- Claims for other illnesses can be filed at any time regardless of whether initial claim is accepted or denied.
- Similar process to initial claim but we may be able to use some of the previously collected evidence.





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 review.



Claimant Assistance

- ▶ **Resource Centers – 11 locations nationwide**
 - Paducah Resource Center
 - Toll free number: (866) 866-0599

- ▶ **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)



Updates – DOL Projects

➤ Outreach

- In-Person Outreach Events and Authorized Representative Workshops
- Monthly Webinars

➤ Customer Experience

- Collect, analyze, and report on stakeholder feedback
- Surveys, Focus Groups
- Results impact decision making

➤ Energy Document Portal (EDP)

- Claim Forms (EE-1, EE-2 and EE-1A)
- Employment History Forms (EE-3)
- Payment Forms (EN-20)
- Reimbursement Forms (OWCP 915/957A/B)
- Impairment & Wage Loss Claims (EN-10, EN-11A, EN-11B)



DOL Resource Centers

- Manage Resource Center Operations
- Guide Claimants through the EEOICPA Process
- Comply with DOL Procedures
- Maintain Highest Level of Customer Service
- Claims Intake
- Conduct Occupational History Interviews
- Provide Medical Bill Payment Assistance
- Maintain Databases
- Conduct Outreach
- Support DEEOIC Special Projects
- Be Responsive to DEEOIC Guidance and Direction
- Communicate Daily with DEEOIC Management
- Ongoing Training for Staff





DOL Resource Center Locations



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



Statutory Duties of the Board

- ▶ Site Exposure Matrices
- ▶ Medical guidance for claims examiners with respect to the weighing of the medical evidence of claimants
- ▶ Evidentiary requirements for claims under subtitle B related to lung disease
- ▶ The work of industrial hygienists & staff physicians and consulting physicians and reports of hygienists to ensure quality, objectivity, and consistency
- ▶ The claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual & claims for medical benefits
- ▶ Such other matters the Secretary considers appropriate