



# **Energy Employees Occupational Illness Compensation Program Town Hall**

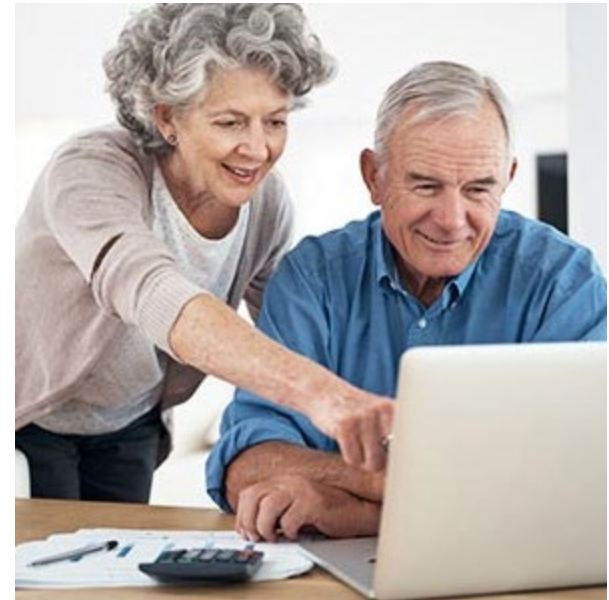
**Oak Ridge, Tennessee**

April 13, 2023



# 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.



# Required Components for Subcontractor Employment

- ▶ The claimed period of employment occurred during the covered time frame as alleged.
- ▶ A contract to provide **covered services** existed between the claimed subcontractor and a DOE contractor at the facility (during the covered time frame).
- ▶ The employment activities (work or labor) took place on the premises of the covered facility.



# Covered Facilities in Oak Ridge, TN and surrounding area:

- Clinton Engineer Works
- Manufacturing Sciences Corporation
- Oak Ridge Gaseous Diffusion Plant (K-25)
- Oak Ridge Hospital
- Oak Ridge Institute for Science Education (ORISE)
- Oak Ridge National Laboratory (X-10)
- Office of Scientific and Technical Information (OSTI)
- S-50 Oak Ridge Thermal Diffusion Plant
- Y-12 Plant
- Elza Gate (Remediation)

\*Covered time period and other information can be found at <https://ehss.energy.gov/Search/Facility/findfacility.aspx>





# 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	



## Part B: 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.



# Major Oak Ridge SEC Sites

An Employee that worked **250 aggregated work days** for the covered time period(s) listed below, can be included in the Special Exposure Cohort (SEC).

Facility	Beginning Date	Ending Date
Y-12 Plant	March 1, 1943	July 31, 1979
*Oak Ridge National Laboratory (X-10)	June 17, 1943	July 31, 1955
Oak Ridge Gaseous Diffusion Plant (K-25)	September 1944	February 1, 1992

\* Oak Ridge Gaseous Diffusion Plant (K-25) January 1, 1988 through February 1, 1992 SEC period requires employee was monitored for radiation exposure.



# Other Oak Ridge SEC Sites

An Employee that worked **250 aggregated work days** for the covered time period(s) listed below, can be included in the Special Exposure Cohort (SEC).

Facility	Beginning Date	Ending Date
*Clinton Engineer Works	January 1, 1943	December 31, 1949
Oak Ridge Hospital	May 15, 1950	December 31, 1959
Oak Ridge Institute for Nuclear Studies Cancer Research Hospital (ORINS)	May 15, 1950	December 31, 1963
Oak Ridge Thermal Diffusion Plant (S-50)	July 9, 1944	December 31, 1951

\* Clinton Engineer Works SEC period requires employment by either Tennessee Eastman Corp. or Carbide & Carbon Chemicals Corporation



## 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.



# 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>

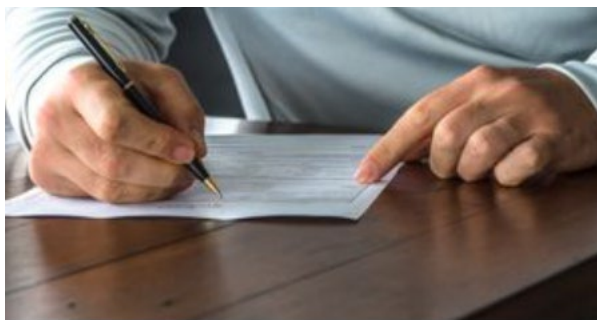
The screenshot shows the website for the Office of Workers' Compensation Programs (OWCP) under the U.S. Department of Labor. The page title is "Office of Workers' Compensation Programs". The breadcrumb trail is "DOL Home > OWCP > DEEOIC > SEM Introduction > SEM home page > Detailed SEM Data home". The main content area contains a disclaimer: "The site specific information in this database reflects available data and may not be complete. The results should be used with a full understanding of the limitations of the current dataset." Below this, there is a welcome message: "Welcome to the expanded version of the Site Exposure Matrix (SEM). It contains more data and provides more ways to look for information regarding toxic substances at facilities covered under Part E of the EEOICPA. In the expanded SEM, you can more easily identify interrelationships between buildings, work processes and exposure to toxic substances. For additional guidance on how to navigate the new and improved SEM, click on the Help Guide link in the menu above." A paragraph follows: "The information in this database is a reflection of the information that has been collected to date. DOL continues to enhance SEM as more information is collected and becomes available. Thus, SEM cannot be considered complete or final. If you have additional unclassified information, you are encouraged to submit it to the DOL using the Site-Related Information Submittal Form on this page." At the bottom, there are radio buttons for filtering sites: "Show DOE sites", "Show uranium mines", "Show uranium mills", "Show Ore-buying stations", and "Show uranium transport". Below these is a "Site:" dropdown menu with a "Select" button. A note says: "Click here to locate a site by alias, description and owner/operator, if you cannot find the site you are looking for in the list above."





# Claimant Responsibilities

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





# 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



# Medical Benefits

- ▶ Broad coverage for medical treatment costs linked to accepted work-related illnesses:
  - Office visits (including lab and radiology services)
  - Prescriptions
  - Medical travel expenses
  - Equipment (wheelchairs / supplies)
  - Home and vehicle modifications
  - Extended and hospice care
  - Home health care





## 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.

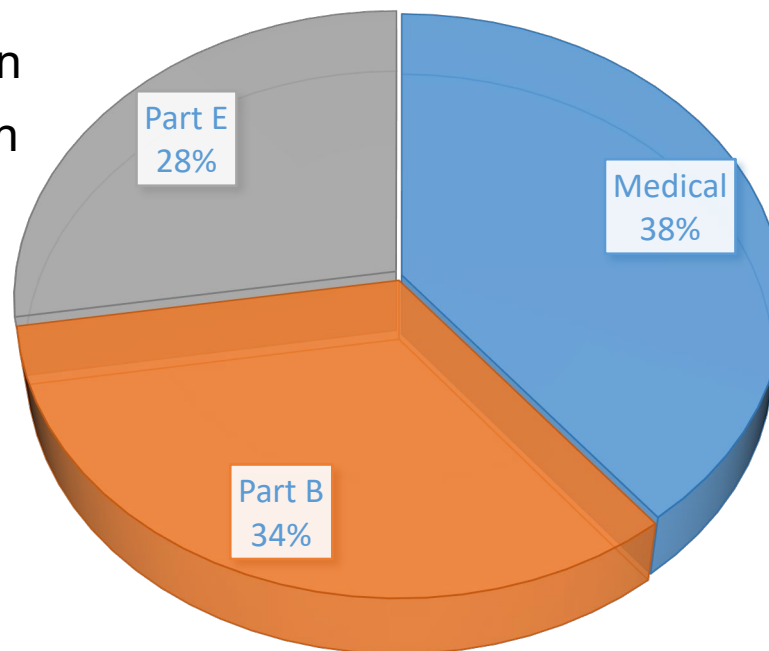


# EEOICPA Program Compensation

- **\$7.6 Billion Part B** Compensation
- **\$6.3 Billion Part E** Compensation
- **\$9 Billion** Medical Benefits

**TOTAL:**

- **\$23 Billion** Compensation & Medical Benefits



\*Data as of March 30, 2023



# Tennessee Compensation

- ▶ 48,798 Employee & Survivor Claims
- ▶ 20,102 Individual Employees
- ▶ \$1.2 Billion Part B Compensation
- ▶ \$1.1 Billion Part E Compensation
- ▶ \$1.7 Billion Medical Benefits
- ▶ Total: \$4 Billion Compensation & Medical Benefits

\*Data as of 03/30/2023



# Claimant Assistance

- ▶ **Resource Centers – 11 locations nationwide**
  - Oak Ridge Resource Center
  - Toll free number: (866) 481-0411
  
- ▶ **District Offices – 4 locations** (Cleveland, Denver, Jacksonville, Seattle)
  
- ▶ **DEEOIC web site**
  - <http://www.dol.gov/owcp/energy/>
  - General program information
  - 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-1/2)
- Employment History Forms (EE-3)
- Payment Forms (EN-20)
- Reimbursement Forms (OWCP 915/957)

## ➤ Changes to Pharmacy Benefits

- New Medical Benefits ID Cards
- New Pharmacy Benefits Contractor – myMatrixx
- Easy access to prescriptions, home delivery option, 24/7 call center



# 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](http://www.dol.gov/EnergyProgramResourceCenters)