



Energy Employees Occupational Illness Compensation Program Town Hall

North Las Vegas & Pahrump, NV
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





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.



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 Nevada:

- Nevada Test Site
- Tonopah Test Range
- Nevada Site Office
- Project Faultless Nuclear Explosion Site
- Project Shoal Nuclear Explosion Site
- Yucca Mountain Site Characterization Project

*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 Eligibility for Cancer

- **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.



Nevada Test Site SEC

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

Facility	Beginning Date	Ending Date
Nevada Test Site	01/01/1951	12/31/1992



Chronic Silicosis

Nevada Test Site Employment Eligibility Under Part B

- DOE employee or a DOE contractor employee; and
- Present for an aggregate of at least 250 workdays during the mining of tunnels at Nevada Test Site for tests or experiments related to an atomic weapon. This tunnel work occurred through October 1992; however recent research indicates that the mining of tunnels related to noncritical atomic weapons testing has continued through the present and therefore the 1992 date is no longer a cut off.
- The initial occupational exposure to silica dust preceded the onset of chronic silicosis by at least 10 years.
- Required medical evidence: diagnosis, diagnosis date, and testing results.
- Eligibility under Part E can be established by acceptance under Part B, causation presumption, or routine Part E development.



Chronic Silicosis

Causal Presumptions for Chronic Silicosis Under Part E (EEOICPA Bulletin No. 23-01)

- For a covered Part E employee diagnosed with chronic silicosis, it may be presumed that exposure to silica resulted in the disease when evidence establishes that:
 - The employee had significant exposure to silica dust for an aggregate of 180 workdays of occupational exposure.
 - There is a latency of at least 10 years between the initial occupational exposure and diagnosis.
- Any claim that does not satisfy the presumption described in this bulletin must undergo routine development.



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 official website of the U.S. Department of Labor, Office of Workers' Compensation Programs. The page title is "Office of Workers' Compensation Programs". The breadcrumb trail reads: "DOL Home > OWCP > DEEOIC > SEM Introduction > SEM home page > Detailed SEM Data home". The main content area contains the following text:

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.

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.

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.

Show DOE sites Show uranium mines Show uranium mills Show Ore-buying stations Show uranium transport

Site:

[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.



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.





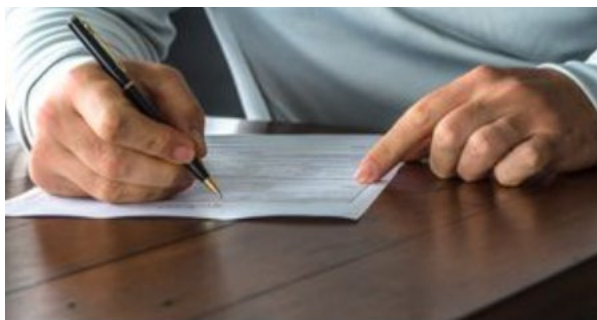
Consequential Conditions

- 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 Responsibilities

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





Claim Decision Process

Recommended Decision (District Office)

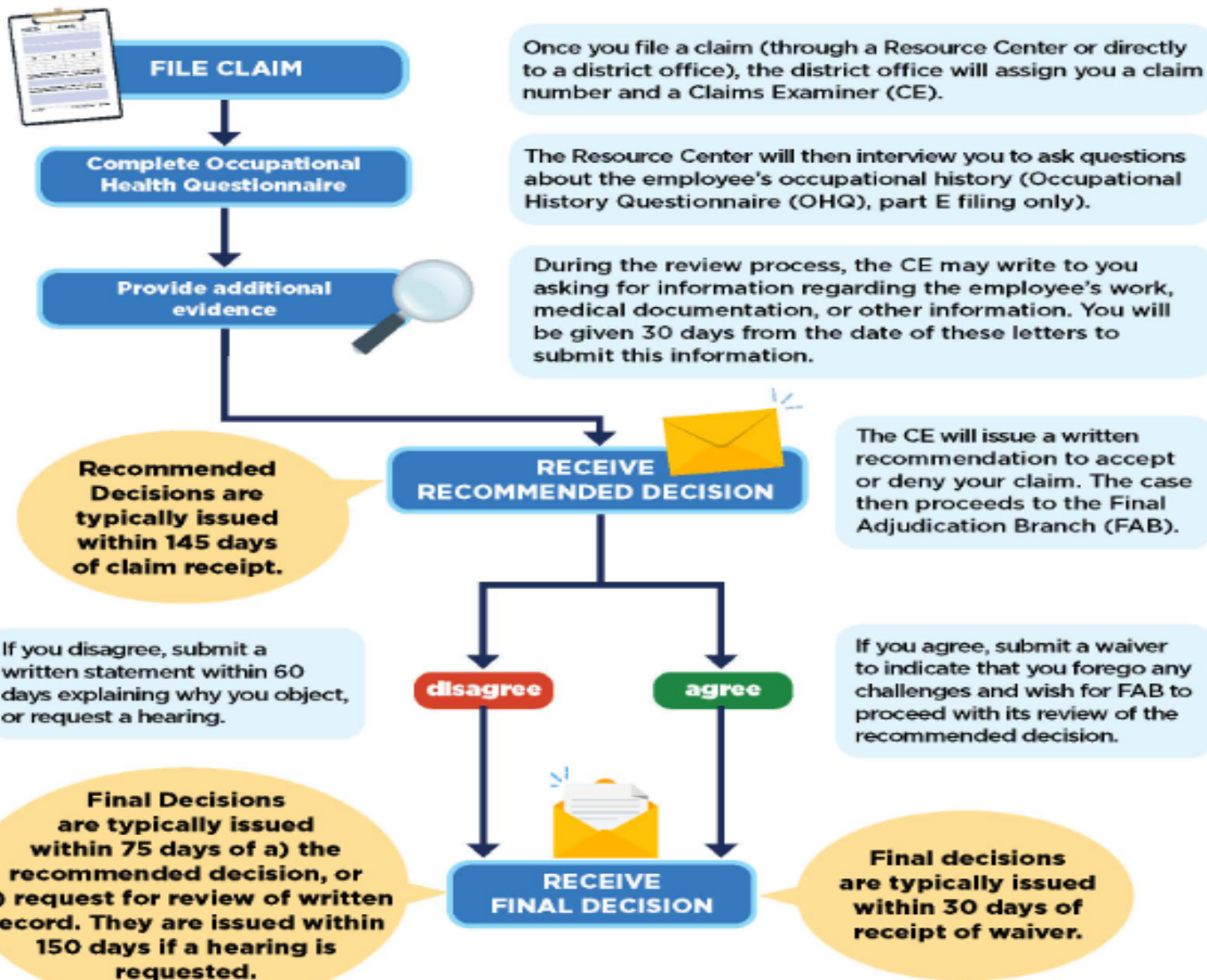
- Reviews the record
- Develops Factual information
- Issue a Preliminary Determination



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

Claims Adjudication Timeframes





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





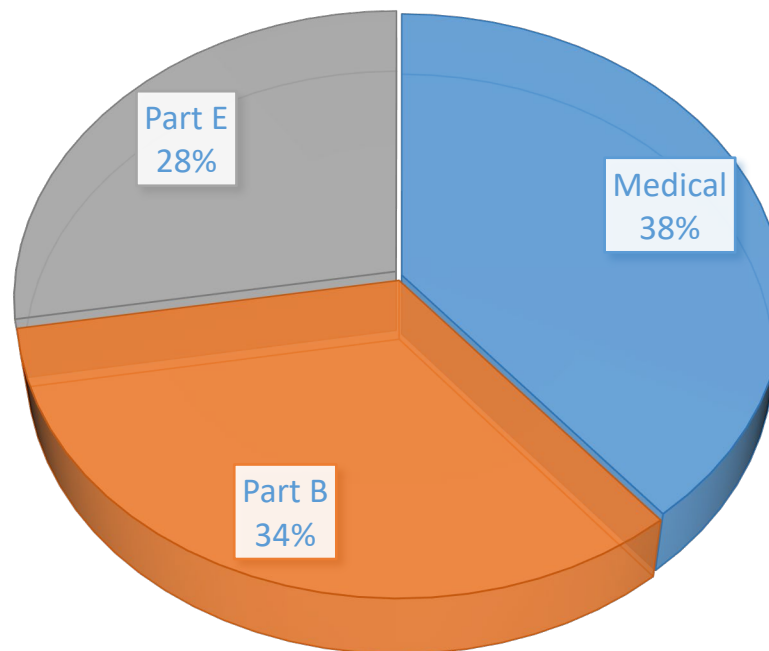
Reopening Requests

- Reopening Requests may be submitted anytime (more than 30 days after issuance of Final Decision)
- Requests are initially reviewed by the District Office, and may be assigned to the Policy Branch
- After review, a Director's Order Vacating the Final Decision or a Denial of Reopening Request will be issued by the Director or a person with delegated authority such as the District Director, Assistant District Director or Policy Branch Chief
- There must be sufficient justification provided by a claimant to warrant vacating a Final Decision including the presentation of new information or evidence.
- A case may be reopened by the Director (or designee) at anytime without a claim for reopening – this typically occurs when there is a change in policy, a new SEC class, or an error noted during audits.



EEOICPA Program Compensation

- **\$21.8 Billion Compensation & Medical Benefits**
- **\$7.6 Billion Part B**
- **\$6.3 Billion Part E**
- **\$8.9 Billion Medical**



*Data as of February 8, 2023



Nevada Compensation

- ▶ 15,671 Employee & Survivor Claims
- ▶ 7,138 Individual Employees
- ▶ \$1.53 Billion Compensation & Medical Benefits
- ▶ \$453 Million Part B
- ▶ \$453 Million Part E
- ▶ \$624 Million Medical Bills

*Data as of February 8, 2023



Claimant Assistance

- ▶ **Resource Centers – 11 locations nationwide**
 - Las Vegas Resource Center
 - Toll free number: (866) 697-0841

- ▶ **District Offices – 4 locations** (Cleveland, Denver, Jacksonville, Seattle)

- ▶ **DEEOIC web site**
 - <http://www.dol.gov/owcp/energy/>
 - General program information
 - SEM website
 - Federal (EEOICPA) Procedure Manual
 - Claimant Resources (How to Guides, Forms, Medical Benefits Information)
 - Medical Provider Resources (Enrollment, Bill Processing)



Customer Experience

- Creation of Outreach and Customer Experience Unit (OCXU)
- Collect, analyze, and report on stakeholder feedback
- Surveys, Focus Groups, Results Impact Decision Making





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