

Waterloo, Anthony - EXECSEC

From: Lineberger, Timothy L - OSEC on behalf of Acosta, Alexander - OSEC
Sent: Tuesday, June 13, 2017 5:04 PM
To: Executive Secretariat
Subject: FW: ERIC HOLDER RUFUSED TO LINK

832886

From: Gary Vander Boegh |
Sent: Monday, June 12, 2017 1:40 PM
To: President Trump and VP Mike Pence (info@mail.whitehouse.gov); Acosta, Alexander - OSEC; U. S. Attorney General (askdoj@usdoj.gov); Secretary of Energy Rick Perry (The.Secetary@hq.doe.gov)
Cc: Dr. Steven Markowitz EAB Chairman; Redlich, Carrie; Gary S. Vander Boegh; invliger; KEN SILVER (Rios, Antonio A - OWCP; Lwelch; Lboden)
Subject: ERIC HOLDER RUFUSED TO LINK

Mr. President and Mr. Acosta,

I also meant to include Laura Welch, Ken Silver, Leslie Bodin, Antonio Rios, and Faye Vlieger from the "Energy Advisory Board" to advise them of the issue surrounding DEEOICP Director Ms. Leiton's mischaracterization that "calcified granulomas" were not characteristic of CBD, when in fact, calcified granulomas were consistent with "favorable" CBD decisions issued by DOL FAB Officials after "District Medical Consultants" confirmed that calcified granulomas were characteristic of CBD. Of course this was, "BEFORE DEEOICP DIRECTO LEITON ESTABLISHED, WITHOUT A BASIS, CALCIFIED GRANULOMAS WERE NOT CHARACTERISTIC WITH CBD. I want to personally thank Dr. Markowitz and other EAB board members for proposing that "calcified granulomas" are consistent with CBD.

for assuring the workers that the EAB WILL be correcting this overdue oversight, thus assisting workers !

Gary

<http://commonwealthenvironmentalservices.com/documents/565586379.pdf>

RECEIVED
2017 JUN 14 AM 8:43
DOL
OFFICE OF LABOR
ATTENTION: 2017

Gary Vander Boegh

From: Gary Vander Boegh
Sent: Monday, April 29, 2013 3:56 PM
To: 'markowitz@ , .malcolm Nelson (nelson.malcolm@dol.gov)
Cc: Gary Vander Boegh (gvandy@cesllc.net); Bill.Campbell@usdoj.gov; Michael Pape (Michael.Pape@mail.house.gov); Jack Kolar (john.kolar@usdoj.gov); U. S. Attorney General Eric Holder (askdoj@usdoj.gov)
Subject: Waiver of BelPT if Claimant Was Prescribed Steroids
Importance: High

Dr. Markowitz,

Dr. Markowitz,

I want to thank you for your return phone call on Wednesday of last week regarding my email below. I further appreciate you having Dr. Pepper from your staff discussing the characteristics of "chronic beryllium disease" (CBD), especially as related to the presence of "calcified granulomas" in nuclear workers that meet the statutory criteria of CBD. The issue before the Department of Labor OWCP Director is how to address the issue that the Director of DEEOCP does not have the authority to adopt procedures that effectively become more stringent than the EEOICPA itself and whether these DOL program Director's decisions led to the unwarranted dismissal of legitimate claims that met CBD Pre-1993 CBD Criteria I (noted below), "Characteristic chest radiographic (or computed tomography (CT) abnormalities." It was refreshing to hear from Dr. Pepper that calcified granulomas can be associated with CBD and therefore, if they can be associated with/ a characteristic CBD abnormality, the injured nuclear worker has met his statutory obligation under the act.

Ms. Leiton has taken my personal interpretation of her ability to limit CBD claims by adopting procedures that conflict with the EEOICPA ("the Act") as a personal attack on her authority. When in fact, Ms. Leiton should simply understand that even with my limited experience with the law, it is my understanding that ONLY statutes may override the implementing regulations, and any and all procedures may not be more strict than the regulations or the statutes, especially since Congress must oversee and correct any Agency's abuse of procedural application.

As I respectfully hope you will agree, any Agency official who is found to have installed procedures effectively eliminated a claimant's statutory rights should be held accountable to Congress for their actions. The procedures were implemented after President Obama took office and these officials answer to him. In addition, those DOL contractors that would have demonstrated their support of an abuse of due process, should also be held accountable since they were to follow the federal laws, and subjective procedures. Again, please thank Dr. Pepper for his support of my position that calcified granulomas may also be a characteristic of chronic beryllium disease and therefore can be used to document compliance with CBD pre-1993 Criteria No. 1. I would also request that this email be considered as a "protected disclosure" should DOE or anyone from the DOL consider my and Dr. Pepper's position adverse to the DOL's procedural claims process.

Regards,

Gary S. Vander Boegh

§ 7384d. Establishment of Energy Employees Occupational Illness Compensation Program

(a) **PROGRAM ESTABLISHED**—There is hereby established a program to be known as the “Energy Employees Occupational Illness Compensation Program” (in this subchapter referred to as the “compensation program”). The President shall carry out the compensation program through one or more Federal agencies or officials, as designated by the President.

(b) **PURPOSE OF PROGRAM**—The purpose of the compensation program is to provide for uniform, and adequate compensation of covered employees and, where applicable, survivors of such employees, suffering from illnesses incurred by such employees in the performance of duties for the Department of Energy and certain of its contractors and subcontractors.

(c) **ELIGIBILITY FOR COMPENSATION**—The eligibility of covered employees for compensation under the compensation program shall be determined in accordance with the provisions of part B of this subchapter as may be modified by a law enacted after the date of the submittal of the proposal for the program required by section 7384f of this title.

Pub. L. 106-398, Title XXXVI, § 3611

Recipient

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Jack Kolar (john.kolar@usdoj.gov)

U. S. Attorney General Eric Holder (askdoj@usdoj.gov)