

From: RStephe726@aol.com
To: EnergyAdvisoryBoard@dol.gov
Sent: 4/17/2016 7:06:13 A.M. Eastern Daylight Time
Subj: "Request to Speak: Advisory Board on Toxic Substances and Worker Health").

Raymond W. Stephens, Jr.
RStephe726@aol.com

April 18, 2016

Steven Markowitz, MD. Dr.Ph.
Chair
Advisory Board on Toxic Substances and Worker Health
U.S. Department of Labor
Office of Workers' Compensation Programs
Room S-3522
200 Constitution Ave. NW.
Washington, DC 20210

RE: Loral American Beryllium Company as a covered DOE facility

Dear Dr. Markowitz:

I write you today as my last hope for justice. I understand that the Board will be advising the Department of Labor on a number of issues regarding the Energy Employees Occupational Illness Compensation Program. The biggest issue I see is that DOL blatantly ignores credible evidence submitted by claimants and denies claims without giving the claimant an explanation of why the evidence is not sufficient.

For many years, I have been petitioning DOL to designate the Loral American Beryllium Company as a covered DOE facility. The law states that a site is a covered facility if the Department of Energy had proprietary interest in the site. If I was successful, I and my coworkers would be covered under Part E.

The story of my attempts to prove DOE did have proprietary interest is long and involved. Briefly, DOL denied my original claim and I went to court. The court ruled against me saying I did not provide contracts which showed that DOE, basically, did not have use or control of the site, a requirement to prove proprietary interest.

It took me a few years but I was able to locate contracts between Rockwell International when they ran Rocky Flats and EG&G when they ran the Idaho site. These contracts clearly show that LABC had to abide by same security and other requirements DOE demanded their contractors (Rockwell and EG&G) to follow. These requirements included security clearances before entering the area where DOE parts were manufactured.

I submitted these contracts to DOL as evidence in my request to reopen my claim in 2014. DOL once again denied the reopening (attached) simply saying "...there was an insufficient basis to do so." DOL never explained in detail why these contracts were not sufficient to prove DOE's proprietary interest in a small section of LABC.

I went to court again. The court did not rule on the evidence I supplied to support my claim but instead said they had no jurisdiction to review the complaint because the law doesn't grant them the authority to hear a denial of a request to reopen.

It seems DOL will not accept any evidence that doesn't fit in with their pre-determined policies. My site is not the only plant that is affected. I know of at least two other sites – National Bureau of Standards and Areas I, II and III – where DOL has ignored factual documentation proving DOE had proprietary interest in the site.

My understanding of the board's duties includes advising DOL claims examiners about weighing medical evidence. I think this duty should also include the weighing of *any* evidence submitted with a claim. DOL has yet to explain why, exactly, the evidence I supplied is not sufficient.

I have only given you a brief description of my claim in this letter. I will be happy to discuss this further with you and provide more documentation.

Please consider these to be public comments for the meeting next week.

Sincerely,

Raymond W. Stephens, Jr.