

How is my EEOICPA claim for RECA Section 5 employment processed by the Department of Labor?

I have filed a EEOICPA claim under Part B, Part E or both. I am also a RECA Section 5 uranium worker (or a survivor of a RECA Section 5 uranium worker). What happens next?

The Department of Labor's Division of Energy Employees Occupational Illness Compensation (DEEOIC) administers the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) which provides compensation and medical benefits to atomic weapons industry workers and Radiation Exposure Compensation Act (RECA) Section 5 workers who became ill as a result of working in the nuclear weapons industry. Survivors of qualified workers may also be entitled to benefits. The EEOICPA has two parts, Parts B and E. Both Parts B and E have unique criteria for establishing positive claims.

To adjudicate claims under the EEOICPA, DEEOIC staff must assemble a case file containing evidence that shows your eligibility for compensation and benefits. Our claims examiners (CEs) will work with you to obtain the necessary evidence and will also assist in obtaining certain evidence from other sources including the Department of Justice (DOJ). Once all the evidence is collected and analyzed, the CE will issue a Recommended Decision to accept or deny your claim. You have appeal rights if you disagree with the Recommended Decision.

What is the claims process?

After a claim is filed, the resource center may contact you to complete an Occupational History Questionnaire (OHQ), which is information pertaining to your covered employment. Once the OHQ is completed, the resource center forwards the information to your assigned CE at the district office. All RECA Section 5 claims are adjudicated by DEEOIC's Denver District Office. During the adjudication process, the CE may request documentation from you regarding employment, medical, or other necessary evidence and you will be given 30 days from the date of these letters to submit this information. You may continue to refer any questions you may have to the resource center, or to your CE, throughout the process.

****Please do not hesitate to contact your resource center or CE with any questions you may have.***

What are the eligibility requirements for a RECA Section 5 claim under Part B of the EEOICPA?

RECA Section 5 workers and their survivors must have received a \$100,000 award under RECA Section 5 administered by the Department of Justice (DOJ) in order to qualify for benefits under Part B of the EEOICPA. Your CE will contact DOJ on your behalf for information regarding the status of your RECA claim.

Is a \$100,000 award under RECA Section 5 administered by DOJ required for eligibility under Part E of the EEOICPA?

No, a \$100,000 award under RECA Section 5 administered by the DOJ is NOT required for eligibility under Part E of the EEOICPA. If DOJ did not approve your RECA Section 5 claim, you may still be eligible for benefits under Part E of the EEOICPA.

Do I need to have worked in a RECA Section 5 facility for a certain amount of time in order to receive benefits under Part E of the EEOICPA?

No, under Part E of the EEOICPA only one day of RECA Section 5 employment exposure is required, BUT additional employment may be necessary to satisfy certain causation criteria.

What medical conditions are covered under Part E of the EEOICPA? Can I only receive Part E benefits for those conditions covered under RECA Section 5 administered by DOJ?

Potentially any medical condition is covered under Part E of the EEOICPA if it is determined to be related to exposure to a toxic substance at a covered RECA Section 5 facility or covered DOE facility, including Part B illnesses. Coverage under Part E is not limited to those conditions covered under RECA Section 5 administered by DOJ.

Your CE may ask you to submit additional medical information if the diagnosis of a claimed condition is not contained in the file or to aid in determining causation.

What evidence is required for my Part E claim to be accepted?

Your case file must contain evidence of covered RECA Section 5 employment, a diagnosed medical condition, an eligible survivor, if the employee is deceased, and causation. Causation means a demonstrated relationship between the employment, exposures and the diagnosed condition.

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What are the causation requirements for a RECA Section 5 claim under Part E of the EEOICPA?

Under Part E, the evidence must show that toxic exposure at a RECA Section 5 facility was a significant factor in causing, contributing to or aggravating the claimed condition. Your CE will use a variety of tools to establish this connection, including your social security records, information in the Site Exposure Matrices (SEM) database developed by DOL, and referral to a physician, industrial hygienist, or toxicologist. Further, if necessary, your CE will request a copy of your RECA Section 5 case file from DOJ and may also ask for any additional information you may have on this issue.

Under Part E, where the employee is deceased, his or her death must also be related to the claimed condition in order for any survivor claim to be accepted.

If my RECA Section 5 claim was accepted under Part B of the EEOICPA, will it be automatically accepted under Part E?

In all instances other than awards involving survivor claims, any RECA Section 5 medical conditions approved under Part B will be given a presumption of causation under Part E. Meaning, an acceptance for a medical condition under Part B will correlate to an automatic acceptance under Part E for the same medical condition.

However, RECA Section 5 survivor claims do NOT automatically translate to an acceptance under Part E. All survivors (including spouses) must submit the required documents to establish their survivorship eligibility under Part E of the EEOICPA. Your CE will contact you and request all necessary documents required to establish survivorship eligibility, these documents may include a marriage certificate or birth certificate, etc.

Who may be eligible survivors under Part E of the EEOICPA?

Under Part E, eligible survivors are limited to:

- **Spouse** (married to employee at least one year prior to employee's death); and
- **Covered Child** – natural child, stepchild, or adopted child who lived with the deceased

employee in a parent-child relationship who, at the time of the employee's death, was:

- Under 18 years of age; or
- Under 23 years of age and a full-time student; or
- Any age and medically incapable of self support.

Parents, siblings, self-supporting adult children and other relatives are not eligible survivors under Part E.

What is a Recommended Decision?

When your claim file is complete and the CE has analyzed all available information, the CE will issue you a Recommended Decision (RD) to accept or to deny your claim. The RD explains the basis for the proposed decision to accept or deny. The RD is forwarded to the Final Adjudication Branch (FAB) for review and issuance of a final decision.

What benefits will I receive if my RECA Section 5 claim is accepted under Part B of the EEOICPA?

- A \$50,000 supplemental lump sum award (if awarded \$100,000 from DOJ), and
 - Medical benefits for accepted conditions.
- Conditions accepted under RECA Section 5 are accepted under Part B.

What benefits will I receive if my RECA Section 5 claim is accepted under Part E of the EEOICPA?

Up to \$250,000 in compensation may be available under Part E. Compensation differs for employees and survivors.

Covered Part E employees receive:

- Medical benefits for the accepted conditions;
- Impairment compensation (\$2,500 for each percentage of whole body impairment caused by a covered illness); and
- Wage loss compensation (\$10,000 or \$15,000 per year of eligible wage loss).

Eligible survivors (employee death related to or caused by covered illness) receive:

- \$125,000 lump sum compensation payment
- Additional wage loss of \$25,000 or \$50,000, if applicable

Additional information for employees on the process for claiming impairment and wage loss will be provided when a RD accepting your Part E claim is issued.

What if I disagree with the Recommended Decision?

If you disagree with the RD, you may exercise your right to object and/or request a hearing through the Final Adjudication Branch (FAB). Information on the hearing process will be provided along with your RD. A FAB final decision may be appealed to federal court.