




Department of Energy  
Office of Science  
Washington, DC 20585

Office of the Director

May 10, 2004

MEMORANDUM FOR DISTRIBUTION

FROM: MILTON D. JOHNSON  
CHIEF OPERATING OFFICER 

SUBJECT: Office of Science Implementation of Part D of the  
Energy Employees Occupational Illness Compensation  
Program Act of 2000

To assist in processing claims under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), this memorandum delegates authority to the Office of Science (SC) Site Office Managers to sign "Letters of Determination" to SC contractors in regard to the provisions of Part D the EEOICPA, as outlined in the sample *Notice of Positive Physician Panel Determination and Transmittal* form (Attachment 1). These forms are currently sent to SC by the Office of Worker Advocacy (OWA) in the Office of Environment, Safety and Health (EH), but will be sent directly to you by OWA in the future.

The OWA has also requested that we provide points of contact at each site to obtain information for processing claims made under Part D the EEOICPA (Attachment 2). Please provide those points of contact to EH's OWA, and to Matt Cole at 301-903-8388, within 14 days of receiving this memorandum.

A special case exists for the Oak Ridge Reservation, due to the proximity of the three major sites located there, and the significant number of workers who worked for multiple employers in their careers. A process currently exists among the three major contractors on the Oak Ridge Reservation to establish responsibility for the EEOICPA claims, called the "Site Assignment Board." The Manager of the Oak Ridge Office should establish a single point of contact there who will work with the three DOE programs (SC, Office of Environmental Management, and National Nuclear Security Administration) at Oak Ridge and the contractors' Site Assignment Board to disposition the positive determinations and establish the responsible party.

If you have any questions, please contact Matt Cole at 301-903-8388 or at [matt.cole@science.doe.gov](mailto:matt.cole@science.doe.gov).

Attachments



Distribution:

G. Boyd, Oak Ridge Office  
M. Gunn, Chicago Office  
J. Faul, Princeton Site Office  
M. Holland, Brookhaven Site Office  
J. Monhart, Fermi Site Office  
R. Wunderlich, Argonne Site Office  
R. Purucker, Ames Site Office  
J. Muhlestein, SLAC Site Office  
R. Nolan, Berkeley Site Office  
G. Malosh, Oak Ridge Site Office  
P. Kruger, Pacific Northwest Site Office  
J. Turi, TJNAF Site Office

cc w/attachment:

J. Zamirowski, Chicago Office  
R. Poe, Oak Ridge Office  
H. Monroe, Oak Ridge Office  
T. Rollow, EH-8  
J. Stack, EH-8

See attachment:  
L. Davis, SC-99  
J. Lamm, SC-83  
M. Cole, SC-83

**Notice of Positive Physician Panel  
Determination & Transmittal**  
Energy Employees Occupational Illness  
Compensation Program Act Part D  
DOE State Workers' Compensation  
Assistance Program

**U.S. Department of Energy**  
Office of Environment, Safety and Health  
Office of Worker Advocacy  
1000 Independence Avenue, S.W.  
Room 1G-080  
Washington, D.C. 20585

EM _____ NNSA _____ OS _____  LAST FACILITY WORKED _____ CURRENT FACILITY CONTRACTOR _____
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A Physicians Panel has determined that the applicant named below has an illness caused by exposure to a toxic substance at DOE. The DOE Office of Worker Advocacy has accepted the determination of the Physicians Panel. In accordance with the EEOICPA, when a worker files a workers' compensation first report of injury, the cognizant contracting officer should notify the contractor to accept primary liability for this workers' compensation claim and not raise any affirmative defenses against this claim or award in any administrative or judicial forum with respect to the same health condition for which the applicant received a favorable Physician Panel determination.

DATE OF PHYSICIAN PANEL DETERMINATION \_\_\_\_\_

DATE OF OWA ACCEPTANCE OF DETERMINATION \_\_\_\_\_


DIRECTOR, OFFICE OF WORKER ADVOCACY \_\_\_\_\_

CASE DATA	
EMPLOYEE NAME _____	DOB _____
EMPLOYEE SSN _____	
EMPLOYER DATES OF EMPLOYMENT _____ TO _____	
ILLNESS OR DIAGNOSIS _____	
DATE OF DIAGNOSIS / ONSET _____	
TRANSMITTAL	
DOE SECRETARIAL OFFICE BY:	NAME _____ DATE _____
DOE FIELD OFFICE MANAGER:	NAME _____ DATE _____
COGNIZANT CONTRACTING OFFICER:	NAME _____ DATE _____



**Department of Energy**  
Washington, DC 20585

To: Distribution

From: Tom Rollow   
Director  
Office of Worker Advocacy  
Office of Environment, Safety and Health

Subject: Request for Your Assistance in  
Tracking the Progress of EEOICPA Part D Cases

Date: March 23, 2004

I am writing to ask your office's assistance in connection with a project that the Office of Worker Advocacy (OWA) is developing in order to facilitate DOE's implementation of Part D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

OWA is developing an information resource to enable us to track the progress of Part D cases from the point of affirmative Physician Panel (PP) finding to disposition of claims under state workers' compensation systems. Our objective is to complete a definitive information resource of workers' compensation coverage mechanisms for DOE contractor employees and the processes for payment of workers' compensation claims under those relationships, especially for those sites with the majority of Part D claims (Attachment 1). We are incorporating information already provided from your offices and the field into this information resource and we anticipate the need to contact the field to both verify existing information previously provided, and in some cases provide clarification of this information. We would appreciate it if, by April 9, 2004, you would identify a Point of Contact (POC) for each site in Attachment 1.

Once you have identified a POC for each site covered, we will be contacting them to help us collect the following information:

Prime contractor history over time (including construction and security services prime contracts where applicable);  
History of workers' compensation coverage mechanisms for prime contractors;  
Copies of actual workers' compensation coverage mechanisms for each prime contractor;  
Best available information on the workers' compensation coverage mechanisms for subcontractors not covered under prime contractor workers' compensation mechanisms;  
and Claims payment process information.



Ms. Judy Keating is the EH-8 point of contact for this initiative. Her telephone number is 202-586-7551. Working with Ms. Keating are Mr. Stuart Fribush and Mr. Joshua Stack.

We appreciate your continuing cooperation. Please feel free to contact me if you have any questions. My telephone number is 202-586-7449.

Attachment

Distribution

Jesse H. Roberson, EM-1  
Linton F. Brooks, NNSA-1  
William O. Magwood, NE-1  
Raymond L. Orbach, SC-1

cc:

Roger A. Butler, EM-10  
James J. Mangeno, NNSA-1  
Randal Scott, NE-1  
James A. Larson, Jr., SC-83

Environmental Management Sites:

Savannah River (SC)  
Paducah GDP (KY)  
Hanford (WA)  
Rocky Flats (CO)  
Oak Ridge K-25 GDP (TN)  
Portsmouth GDP (OH)  
Fernald (OH)  
Mound Plant (OH)  
Huntington Pilot Plant (WV)  
Mallinckrodt Chemical (MO)  
Weldon Spring Plant (MO)

National Nuclear Security Administration Sites:

Y-12 (TN)  
LANL (NM)  
Nevada Test Site (NV)  
Pinellas Plant (FL)  
LLNL (CA)  
Kansas City Plant (MO)  
Sandia (NM)  
Pantex (TX)  
Clarksville Facility (TN)  
Amchitka Island (AK)  
Iowa Ordnance Plant (IA)

Office of Nuclear Energy Sites:

INEEL (ID)

Office of Science Sites:

ORNL (TN)  
LBNL (CA)