

Survivor definition

The criteria for establishing survivor eligibility differ between Parts B and E under the Act.

Eligible survivors under Part B

Under Part B, survivor eligibility is determined at the time of compensation payment. In the event of a covered employee's death, the worker's survivors may be eligible for benefits under Part B of the EEOICPA.

- Eligible spouse (when married to the covered worker for at least one year immediately prior to the employee's death)
- Children (if there is no surviving spouse)
- Parents (when there is no surviving spouse or child)
- Grandchildren (when there are no preceding survivors)
- Grandparents (when there are no preceding survivors)

Eligible survivors under Part E

Survivorship under Part E is determined at the time of the covered employee's death. After a covered employee's death, certain survivors may be eligible for benefits under Part E of the EEOICPA.

- Eligible spouse (married to the covered employee for at least one year immediately prior to the employee's death)
- Children (if there is no surviving spouse)
 - under 18
 - under 23 and a full-time student
 - any age if incapable of self support

Address Correction Required

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Energy Employees Occupational Illness Compensation
Washington, D.C. 20210

Benefit Information

for

Atomic Weapons Industry Workers and Their Survivors



EEOICPA



U.S. DEPARTMENT OF LABOR
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Benefits under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA)

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) provides compensation and medical benefits to employees who became ill as a result of working in the atomic weapons industry. The EEOICPA also offers benefits to their survivors. Workers who developed certain illnesses as a result of work performed in the production and testing of nuclear weapons while they were employees of the Department of Energy (DOE), its predecessor agencies, or its contractors and subcontractors, are eligible for benefits. Employees of DOE designated Atomic Weapons Employers (AWE) and beryllium vendors are also eligible for compensation.

Benefit eligibility

There are two different benefit programs—Part B and Part E. In some cases, employees, or their survivors, are eligible for compensation from both programs.

PART B

Part B covers current or former workers who have been diagnosed with cancers, beryllium diseases, or silicosis, whose illness(es) was caused by exposure to radiation, beryllium or silica while working directly for DOE, DOE contractors or subcontractors, a designated AWE or beryllium vendor. Under Part B, silicosis is only covered for employees who

worked during mining of atomic weapon test tunnels in Nevada or Alaska.

If a worker (or qualified survivor) is eligible for Part B compensation under the EEOICPA, the following benefits are available:

- Up to \$150,000 lump sum payment;
- Paid medical expenses (from the filing date of the claim but no earlier than July 31, 2001) for employees with radiogenic cancers, chronic beryllium disease, or chronic silicosis;
- Medical monitoring for employees diagnosed with beryllium sensitivity;
- Up to \$50,000 lump sum payment for uranium miners, millers, and ore transporters (or their eligible survivors) who have been awarded compensation under Section 5 of the Radiation Exposure Compensation Act (RECA); and
- Paid medical expenses for conditions accepted under RECA for uranium miners, millers, and ore transporters who were awarded compensation under Section 5 of the RECA.

PART E

Part E provides coverage to DOE contractor and subcontractor employees who developed any illness, including cancer, beryllium disease, and silicosis, as a result of occupational exposure to any toxic substances at a covered DOE facility.

Section 5 uranium miners, millers, and ore transporters (or their eligible survivors), and certain Section 4 RECA individuals may be eligible for benefits under the EEOICPA under both Part B and Part E.

The maximum compensation amount is \$250,000 for all Part E claims related to an individual employee, but medical benefits are provided in addition to—and are not included in calculating—the maximum compensation amount. When an employee of a DOE contractor or subcontractor, or an eligible RECA claimant, qualifies for Part E compensation under the EEOICPA, the following benefits are available:

- Payment for wage loss;
- Impairment awards for employees;
- Paid medical expenses (from the filing date of the claim but no earlier than October 30, 2000) for employees with illnesses covered under Part E;
- \$125,000 lump sum survivor benefit when the covered illness aggravated, contributed to, or caused employee's death; and
- Up to \$50,000 wage loss survivor compensation.