



Wage Loss Benefits

Under Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA)

EEOICPA

Benefits for survivors

Survivor benefits include a lump sum of \$125,000 where it is established that the covered employee was exposed to a toxic substance at a DOE facility, and the exposure aggravated, contributed to, or caused the death of the employee.

In addition to a \$125,000 lump sum benefit, survivors may receive additional compensation payments.

- \$25,000 is awarded when an employee accrued between 10 and 19 years of wage loss.
- \$50,000 is awarded if an employee had 20 years or more of wage loss.

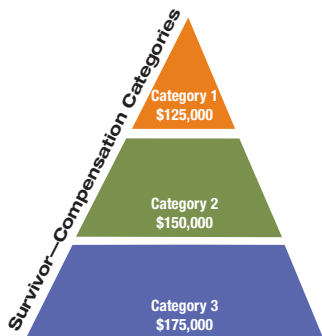
For purposes of the survivor benefit, wage loss must be 50% or more.

For those years after the employee's death, but before the regular SSA retirement age, DOL assumes the decedent's wages were less than or equal to 50% of the AAW.

Evidence needed to support wage loss

DOL is committed to delivering benefits to all eligible claimants. To facilitate fair, accurate and timely benefit awards, claimants need to provide employment and medical documentation. DOL district offices are available to help claimants obtain the needed records:

- Social Security earnings statements
- Social Security disability records
- Pay stubs
- Union records
- Tax returns
- Pension records
- Physician's office notes
- Return-to-work slips
- Physician's signed statement explaining a causal relationship between the covered illness and period(s) of wage loss
- District medical consultant's evaluation report



- **Category 1**—Employee death was caused, contributed to, or aggravated by toxic exposure
- **Category 2**—Category 1 plus employee had 10 years or more wage loss due to covered illness
- **Category 3**—Category 1 plus employee had 20 years or more wage loss due to covered illness



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

Wage loss benefits for employees and survivors under the EEOICPA

Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) provides wage loss compensation to employees or their survivors, but certain criteria must be met in order to receive benefits. To qualify, a worker must be, or have been, an employee of a Department of Energy (DOE) contractor or subcontractor, who developed an illness as a result of exposure to a toxic substance at a covered DOE facility. In addition, individuals covered under the Radiation Exposure Compensation Act (RECA) are also potentially eligible for benefits.

Benefits under Part E of the EEOICPA include compensation for wage loss, impairment, medical expenses, and survivor benefits. The maximum compensation amount is \$250,000 for all claims relating to an individual employee, but medical benefits are provided in addition to — and are not included in calculating — the maximum compensation amount.

Benefits for employees

Covered employees may receive compensation for wage loss if the loss was caused by a covered illness. Wage loss compensation is payable for those years worked before Social Security Administration (SSA) regular retirement age (usually 65 years) during which wage loss occurred. The benefit amount is calculated using a formula that applies an Average Annual Wage (AAW).

When the Department of Labor (DOL) determines an employee's AAW, it examines an employee's average earnings for the 36 months prior to the first month of wage loss. The AAW is one of the key factors used to calculate wage loss benefits.

Wage loss benefits calculation and payment

To determine the amount of wage loss compensation an employee will receive, DOL considers the following factors:

- When initial wage loss began;
- Dates of wage loss claimed (employees must provide specific wage loss dates);
- Number of years of wage loss prior to the SSA regular retirement age; and
- AAW amount prior to the first wage loss.

For each qualifying year in which an employee's earnings fell at least 25% below his or her AAW, either \$10,000 or \$15,000 is payable. DOL determines which benefit amount is applicable with further calculation and study.

- \$10,000 is awarded for qualifying years in which wages were more than 50% of the AAW but less than 75% of the calculated AAW.
- \$15,000 is awarded for any year in which wages were less than or equal to 50% of the AAW.

Additional filings for wage loss benefits

New wage loss claims may be filed on Form EE-10 for additional calendar years of wage loss subsequent to calendar years for which an employee was previously compensated.

