

STATEMENT OF SHELBY HALLMARK
DIRECTOR
OFFICE OF WORKERS' COMPENSATION PROGRAMS
EMPLOYMENT STANDARDS ADMINISTRATION
U.S. DEPARTMENT OF LABOR
BEFORE THE
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UNITED STATES SENATE

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Good morning Chairman Kennedy, Ranking Member Enzi and Members of the Committee. My name is Shelby Hallmark and I am the Director of the Office of Workers' Compensation Programs, a component of the Employment Standards Administration of the U.S. Department of Labor (DOL). I am pleased to appear before the Committee today to discuss our efforts to fulfill the promise made to veterans of the Cold War with the enactment of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). During the Cold War era, thousands of workers served the nation in building its nuclear defense programs. Many of these workers were exposed to radioactive and toxic substances that caused serious illness or death. The EEOICPA compensation and benefits provided at the federal level are intended to minimize the financial

hardships of claimants who have developed occupational illnesses related to the production and testing of nuclear weapons.

In previous testimony, I have highlighted the dedication of the DOL staff to ensure that we adjudicate claims and provide benefits to eligible workers and their survivors in a manner that is timely, fair, consistent, and according to the law as enacted by Congress. We do our best to administer the program in the best interest of the workers and survivors for which it was intended, and as outlined in the statute—and we believe the results demonstrate that the promise of the statute is being kept.

“Is EEOICPA Being Administered in a Claimant Friendly Manner?”

DOL has been working since the inception of EEOICPA to address the concerns of stakeholders. We have designed and implemented our program to provide a wealth of assistance and multiple opportunities for claimants to obtain information, request reconsideration of decisions, and otherwise better understand the process. I will outline some of those efforts below.

In any compensation program, including EEOICPA, the administering agency has a dual role of service to claimants and program stewardship. Stewardship means we must adhere to the statute’s eligibility criteria established in law, and thus some claims will be unsuccessful. Even for denied cases, however, DOL

seeks to provide as clear, helpful, and prompt a process as possible, so that claimants fully understand why they received the decision they did, and what their options are if they disagree.

The Adjudication Process

Our adjudication process is the primary means whereby we assist claimants in pursuing and perfecting their claims. At the outset, DOL moved quickly to establish a fair but streamlined and flexible adjudication structure. Thanks to the dedication of our staff and managers, we have been able to modify our strategies over the years to address the frequent and substantial changes in this program. From the start we have been keenly aware that EEOICPA is a complex law and that our claimants are generally ill and elderly, and have been awaiting compensation for their sacrifices for a long time. Our staff works hard to process claims fairly and promptly, and has made extraordinary efforts to help suffering nuclear workers and their families.

DOL strives to clearly inform claimants about EEOICPA requirements and benefits as well as DOL's adjudication process, including the process for objecting to our decisions. In the first phase, DOL (via our Resource Centers) helps claimants gather information and file applications for benefits. Next, the claim is forwarded to a DOL district office for development and adjudication. During the development phase, claims examiners do all they can to help

claimants collect evidence to support their claims. Following collection and review of the evidence, the district office will issue a recommended decision to accept or deny benefits.

If the case involves a claim of radiation induced cancer, and is not covered by a Special Exposure Cohort (SEC) class (i.e., the cancer was not one of the 22 listed cancers for which SEC covered claims are presumed to have been caused by workplace radiation, or the work was not at an SEC facility, or the work was at an SEC facility but did not meet the 250 work day requirement), DOL must request and receive a dose reconstruction report from the National Institute for Occupational Safety and Health (NIOSH) before issuing a recommended decision. DOL then uses the information in NIOSH's report to determine if the worker's exposure meets the statutory minimum test that the illness had a 50% or greater probability of being caused by work-related exposure. In these cases, the "probability of causation" outcome is the key determinate in the recommended decision.

All recommended decisions are sent to the claimant with a detailed explanation of the decision, as well as an explanation of the claimant's rights and the process for formally objecting to the recommendation. At this point, the recommended decision is also forwarded to the Final Adjudication Branch (FAB) for a final decision. The FAB is a separate and independent component from the district office. In the final decision phase, claimants can object to the recommended

decision and have a formal review of the written record or an oral hearing. The FAB may also remand a decision back to the district office if further development of the case is needed. Ultimately, the FAB reviews all recommended decisions and any evidence/testimony submitted by the claimant and issues a final decision.

The last administrative step, reconsideration, is for the claimant's benefit. If the claimant objects to the final decision, he/she may request a reconsideration of the claim within thirty (30) calendar days. As a further protection for claimants, we do not close the evidentiary record when our administrative process is completed. A claimant may request a reopening of his or her claim at any time if there is new or compelling evidence. Lastly, the claimant may appeal a final decision to the U.S. District Court.

This procedural structure provides the foundation for a system of claims adjudication that allows for multiple opportunities for claimants to perfect their claim. However, we do not rely only on our administrative procedures to provide claimants every possible opportunity to receive a positive outcome; we make efforts at each stage of the process to assist them. We strive to foster an organizational culture wherein our claims staff knows their job is to ensure that all eligible claimants are compensated, not merely to close claims as quickly as possible.

DOL Claimant Assistance, Customer Service and Outreach

The EEOICPA is complex in terms of its clientele, the exposures and types of diseases involved, the science used in determining causation, the multiple agencies engaged in delivering the program, and the various types of compensation and medical benefits available. A total of 64,187 workers are represented by the 108,172 cases reported under the EEOICPA. This includes employees who worked in a broad range of occupations and professions at one (or more) of the 130 facilities identified as Department of Energy (DOE) facilities, 200-plus facilities identified as atomic weapons employers (AWEs), 70-plus beryllium vendors, and 4,000-plus uranium mines or mills covered by the EEOICPA. These workers suffer from a broad range of illnesses. In some cases, we have experienced difficulty in locating employment records to support claims. Many claimants have found it difficult to obtain documentation that can establish exposure to radiation and toxic substances due in large part to the secrecy and lack of information available about nuclear weapons production processes. Others struggle to locate medical records. Nearly all find it difficult to understand the complexities of the statute, and the differing eligibility rules under its various provisions. Their advanced ages and poor health only magnify these difficulties. If the worker is deceased, the survivors may not even be aware of their parent's, grandparent's or other family member's work history and may not have access to the documents and records required to support a claim.

All of these factors have required extraordinary efforts by DOL to not only inform the public about EEOICPA but to assist covered workers and their families who may be eligible for benefits. DOL continues to employ a wide range of outreach activities to educate the public and to provide specific assistance to claimants in completing forms, navigating through the process of submitting evidence and other information, and understanding the adjudication process from start to finish.

Assistance in Obtaining Employment Verification

DOL understands the difficulties claimants may have in locating employment records that are necessary to substantiate a claim, and has taken steps to provide meaningful assistance. DOL and DOE use a DOE database for on-line employment verification of some claims. DOL also has a contract with the Center to Protect Workers' Rights (CPWR) to secure employment information for subcontractors. For example, CPWR helps to obtain information about construction workers who may have been exposed at DOE sites but whose employment information was not captured in DOE's prime contractor data sets. DOL also works with DOE's Former Workers Program, and with other contractors, to locate appropriate records that are not immediately available through DOE. These key relationships help relieve the burden on the claimants to attempt to locate records. Another source of information is the Social Security Administration; with the claimant's permission, we can request earnings data to verify a claimant's work history.

Resource Centers

DOL operates eleven Resource Centers (RCs)¹ where knowledgeable staff work one-on-one with claimants to file forms, and gather and submit pertinent information for their claims. These RCs are located near major nuclear weapon production and testing facilities to serve locations with the highest claimant populations. The RCs handle the initial intake of information from claimants (i.e., claims forms, occupational history, and employment verification²) and send completed claims to the DOL's district offices. RC staff meets face-to-face with claimants and works via DOL's toll-free telephone service to provide all relevant information at the initial stages of claim submission and to answer any questions. They also participate in numerous local events to communicate with various stakeholder groups and potential claimants. We monitor the performance of the RCs via accountability reviews and direct feedback from our district offices, and they continue to provide high-quality service to claimants.

Special Impairment and Wage-Loss Benefits Projects (Part E)

In 2006, DOL recognized that many claimants (including those who received a positive causation determination) were not submitting Part E claims for

¹ Resource Center locations include: Livermore, California; Westminster, Colorado; Idaho Falls, Idaho; Paducah, Kentucky; Las Vegas, Nevada; Espanola, New Mexico; Amherst, New York; Portsmouth, Ohio; North Augusta, South Carolina; Oak Ridge, Tennessee; and Richland, Washington.

² To date, RCs have processed more than 16,600 employment verifications and over 15,400 occupational history questionnaires.

impairment and wage-loss benefits, due to their confusion over the complexity of the benefit structure. In response, we immediately tasked the RCs with the critical role of helping claimants understand their potential eligibility for Part E benefits. RC staff contacted eligible claimants to explain impairment and wage-loss benefits and offered one-on-one assistance to individuals who sought to file claims.

Because of our concern that many living workers appeared to be uncertain about filing for Part E impairment or wage-loss benefits, we established a special performance target for the district offices to ensure that at least half of the cases potentially eligible for such benefits would receive a decision on that issue in FY 2007. We exceeded that goal, with 58% of the cases receiving a decision or an affirmative determination that the claimant did not want to pursue such benefits. As a result of this effort, we made over 1,250 impairment-rating payments in FY 2007 – a six-fold increase from FY 2006.

Avoiding “Extinguished Claims”

Because many of our claimants are elderly and very ill, we try to see to it that eligible claimants who are near death receive their benefits. However, when a claimant dies before a decision is made or before receipt of benefits, DOL will work with the survivors to reapply and to speed that process. While the death of even a single eligible employee or survivor prior to payment is extremely

unfortunate, our records show that this rarely occurs. Of the more than 20,000 Part B cases and 14,000 Part E cases that have an initial decision awarding benefits, only 64 cases involved eligible workers or survivors who died before payment and the benefits were “extinguished” (that is, no other member of the family was eligible). In 35 of the 64 cases, the family received Part B payments, but could not receive Part E benefits, primarily because the definition of “survivor” in the Part E statute is narrower than that specified in Part B. For the remaining 29 cases, no payments were made under either Part B or Part E of the Act. We regret that any family suffers in this way, and our staff continues to work as diligently as possible to prevent this unfortunate scenario from occurring.

Roundtables on Toxic Exposures

DOL also understands the difficulties claimants have in locating exposure records that are necessary to substantiate their claims. DOL has sent teams to DOE facilities to work jointly with DOE to collect records that describe the types of toxic materials present at DOE work sites and how these materials were used. Since 2006, DOL has conducted 86 roundtable meetings nationwide, meeting face-to-face with 918 workers from 48 DOE sites. The roundtable meetings have allowed DOL to identify toxic materials present at DOE sites, learn how the toxic materials were used, investigate how workers may have been protected from those substances, and find out whether there were any toxic material incidents. During these meetings, workers were encouraged to provide documents that

might shed light on the use of toxic substances at the site or to provide information they may have regarding where such documents may be found. These efforts have proven invaluable and have resulted in over one hundred toxic substances being identified and verified at DOE sites that may not have otherwise been found. DOL also has interviewed former workers of Radiation Exposure Compensation Act (RECA)-covered facilities in the uranium mining and milling industry.

District Medical Consultants (DMCs)

DOL also contracted with more than 200 physicians throughout the country to assess medical evidence used in issuing decisions related to causation and impairment. The DMCs work with DOL to review particularly difficult claims and assist in cases where claimants do not otherwise have access to a physician who can provide an impairment evaluation utilizing the AMA Guides.

Site Exposure Matrices (SEM) Database

Another way that we help claimants in assembling their evidence is through the Site Exposures Matrices (SEM) database. In fact, for the great majority of claimants, the SEM relieves some of the burden of providing information and records regarding workplace exposures. After years of work with DOE, we developed the SEM in 2006 to be a repository of information on toxic substances

present at covered facilities. This information can be accessed by our claims examiners and by claimants (via DOL's public website). While inclusion in the SEM is sufficient evidence of the presence of specific toxic substances, our claims staff makes additional efforts if claimants allege exposure to substances not found in SEM. The SEM database now houses information on 2,581 toxic substances/chemicals at 33 DOE sites, as well as 4,170 uranium mines, 48 uranium mills, and 17 uranium ore-buying stations covered under RECA and EEOICPA.

Extensive DOL EEOICPA Web site

This year, DOL updated and improved its EEOICPA Web site. The Web site allows claimants to access claim forms and to complete and file claims electronically. The website also provides searchable access to the program's regulations, procedures, and instructive final decisions; a link to the list of covered facilities; the program's current statistics, including claims status and payments made at every EEOICPA site; links to NIOSH, DOE and the Department of Justice (DOJ); a page for medical providers; and information on the medical billing process. The public also may access an online version of our SEM database and may submit information relative to worksite toxic substances. This effort has resulted in several hundred substances being identified and added to the SEM.

Access to DOL District Offices and Final Adjudication Branch

Each of our four district offices and the Final Adjudication Branch have toll-free telephone lines and provide prompt response to thousands of inquiries each year. The quality and promptness of staff responses to telephone calls and letters is monitored at the office and individual employee level, and improving the accuracy and timeliness of responses will receive increased focus in FY 2008.

Town Hall Meetings

DOL remains dedicated to reaching out to the public to increase awareness of the EEOICPA and to alleviating the burden on the claimants by assisting them at all stages of the adjudication process. Since the beginning of the program, our Traveling Resource Centers have provided program information and claims assistance to people who live outside the immediate areas of our district offices and RCs. DOL also held numerous, well-publicized Town Hall Meetings in various locations throughout the country where there was a significant population of individuals currently or formerly employed at covered facilities. DOE, DOJ, and NIOSH have participated in these meetings, providing information and answering questions about their responsibilities under the statute. DOL has continued these meetings as new regulations and procedures are developed. We also have held Focus Group meetings with claimants, as we have realized

that claimants' questions about medical benefits and Part E benefits have demanded more personal attention.

In 2007, Town Hall and Focus Group Meetings were held (or will soon be held) in Oak Ridge, Tennessee; Kennewick, Washington; Albuquerque and Santa Fe, New Mexico; and North Augusta, South Carolina. These meetings give DOL officials the opportunity to meet with claimants who were identified as having a positive causation determination, to explain additional wage loss and impairment benefits available to them under Part E, as well as to obtain feedback on the claims process. The focus groups give claimants an opportunity to discuss the difficulties they have encountered with the medical bill payment process. As a result of the feedback we have received, DOL is increasing our outreach efforts to medical providers and is taking steps to simplify the medical provider enrollment process. DOL has also developed an action plan to make our processes more claimant-friendly.

Outreach to RECA Claimants (Uranium Miners, Millers and Transporters)

DOL has also strengthened its outreach to RECA claimants. There are three federally funded programs assisting uranium workers potentially eligible for some form of federal compensation: (1) EEOICPA -- administered by DOL; (2) the Radiation Exposure Screening and Education Program -- administered by the Department of Health and Human Services (HHS); and (3) RECA -- administered

by DOJ. These agencies are hosting town hall meetings to provide general program information to uranium workers regarding EEOICPA benefits and those of the HHS and DOJ programs. Meetings were held on October 2, 2007 in Grand Junction, Colorado, and on October 4, 2007 in Moab, Utah. Additional town hall meetings are scheduled for November 14, 2007 in Shiprock, New Mexico, and November 15, 2007 in Grants, New Mexico.

Significant Administrative Challenges Remain for EEOICPA

DOL has faced major challenges as the program has matured and changed – with the resultant shifts in workload and priorities. Most notably, in 2004, after nearing steady state in our handling of Part B claims, we were tasked with the new Part E program. During FY 2005-2007 we devoted the lion’s share of our attention to implementing Part E, which involved our management of 25,000 aged cases from the DOE’s old Part D operation. Unfortunately, most of the old Part D (now Part E) cases were already four years old when we received them. Part of our representation to Congress at that time was that these individuals would not have to “go back to the end of the line,” and we have worked hard to keep that commitment. I will address our actions to fulfill that promise in greater detail later on, but as of September 30, 2007, all cases that we had inherited from DOE have received at least an initial determination.

In addition, to ensure that Part E claimants receive all benefits due, we focused on identifying and paying valid impairment rating cases during FY 2007. These initiatives were successful, but as a result of our necessary focus on older cases, the speed with which DOL could address newer claims, both Part B and Part E, was diminished.

Similar impacts have been, and will continue to be, felt by DOL as a result of program changes emanating from NIOSH. These include creation of new Special Exposure Cohort (SEC) classes and NIOSH changes to its dose reconstruction procedures – activities that consume the time of both DOL and NIOSH to identify cases that need to be either withdrawn from or returned to NIOSH for a new dose reconstruction. These issues are described in greater detail below. The addition of new SEC classes (24 classes to date) has required analysis and dialogue to fully understand this evolution and its potential impact on the program.

New SEC Designations

In the early years of the program, it was believed that few, if any, additions to the SEC would be made, and that any new classes would be narrowly drawn.

NIOSH was confident that they could do a dose reconstruction for almost any case. As the program matured, NIOSH found that many types of data were missing or could not be relied upon for dose reconstructions -- giving rise to the

addition of new SEC classes. As HHS determines and introduces new SEC classes into the claims process, DOL's role is to adjudicate claims based on the definitions of these classes, explain the effect of HHS's SEC decisions to stakeholders, and ultimately, assist DOJ in defending compensation decisions in federal district court.

For each new class, DOL, in consultation with NIOSH, advises its claims staff on how to interpret the class definition, and how to identify which cases are covered by the class (and thus need immediate processing under presumptive rules) and which are not. When an HHS SEC designation contained an imprecise class definition such as the first Y-12 designation -- DOL staff encountered greater problems in adjudicating the coverage of the class, and those cases took longer to decide. DOL now works with NIOSH to ensure that the class definitions are precise and can be properly interpreted by DOL staff. This has resulted in increased timeliness.

Under the statute, the designation of a class as an SEC means that members of the class who suffer from one of the cancers listed in the statute are presumptively entitled to Part B benefits. Since each new SEC class designation is unique in its rationale and in its impact on how (or if) dose reconstruction can be done for those cancers that do not have presumptive entitlement, DOL and NIOSH have had to coordinate unique procedures for each class. For example, if a worker from an SEC-covered facility has a non-presumptive illness, typically

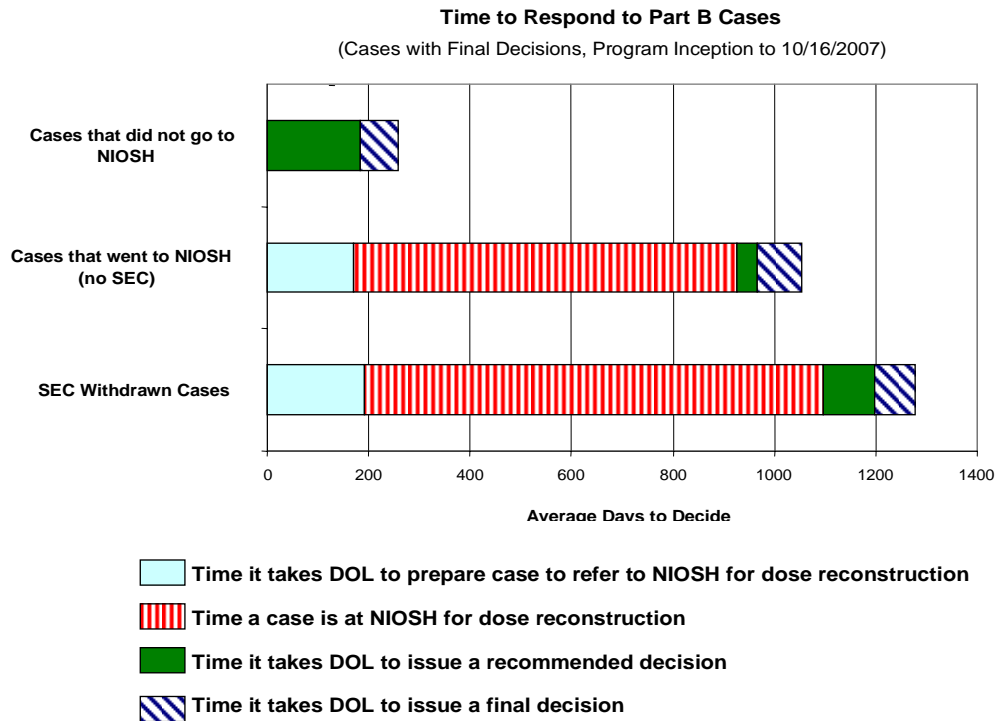
NIOSH will only be able to conduct a “partial dose reconstruction” because some data has been found to be missing or unusable. If the outcome is negative for the worker, DOL staff must then explain to the claimant why the SEC designation had this negative impact on him or her.

When a new SEC class is designated, DOL takes steps to ensure that workers’ claims are reviewed timely for potential inclusion in the SEC and rapid payment for those who are covered. However, the complexity of this process and the slow unfolding of new SEC classes have reduced the overall speed and efficiency of the claims process, and often leaves claimants and other stakeholders confused while waiting for a determination. For example, an SEC class was declared for a small subset of buildings within the Los Alamos National Laboratory in December 2006, only to be subsumed in a larger SEC class declared six months later. Similarly, before NIOSH determined that an SEC class was required for the Hanford site for the World War II era, it had already completed 328 of 378 relevant dose reconstructions (86% of cases involving the years in the SEC).

The Dose Reconstruction Process

The dose reconstruction process is complex, confusing to the public, and time-consuming. Our records show that, on average, cases requiring dose reconstruction have taken over two years and 10 months to reach a final decision. Of that time, the case remains with NIOSH for an average of over two years. I should note that

during the past year, NIOSH's time to produce dose reconstructions has been reduced significantly. In these cases, DOL must wait for NIOSH to perform the dose reconstruction and return the results to DOL before we can adjudicate the claim. Since the inception of the programs, our statistics on cases where no dose reconstruction is required from NIOSH indicate that it takes DOL an average of six months to issue a recommended decision, and an additional 73 days to issue a final decision. Unfortunately, in FY 2007, the DOL-only average for Part B recommended decisions rose by about 60 days as we focused on eliminating the old Part D backlog that we inherited from DOE. We will continue to work to reduce the average time it takes to complete our processes, and expect this measure to improve over time. For SEC claims that had to be withdrawn from NIOSH our records show that these SEC claims have taken an average of 1,278 days to reach a final decision. Of that time, the case remained with NIOSH for an average of 905 days. The following chart demonstrates these comparisons:



DOL's claims process requires that a claims examiner, after receiving a dose reconstruction report from NIOSH, review the report for accuracy and consistency prior to issuing a recommended decision on a case. Therefore, claims examiners will check for anomalies in the reports which require further analysis. For example, if a dose reconstruction was conducted based on a different cancer than the one used by NIOSH in its initial dose reconstruction, or additional evidence was received following or during a dose reconstruction that reveals additional employment evidence and/or medical evidence, a claims examiner will initiate a rework of the dose reconstruction. In all instances, if the information may change the outcome of the dose reconstruction or can affect the accuracy of the case, DOL will request a rework.

As of March 31, 2007, Labor had returned 2,811 cases to NIOSH for rework. Many of these cases were returned to NIOSH as a result of new evidence. The vast majority (87%) of the cases returned for rework did not previously meet the statutory minimum of having at least a 50% probability of causation (POC) based on NIOSH's initial dose reconstruction, and thus the affected claimants would likely not have received compensation. After the rework, 385 of the denials/negative cases were switched to approvals; and 41 of the positive cases were switched to denials. While reworks often lead to favorable decisions for some claimants, they represent another workload factor.

Recently, the pace at which cases must be returned to NIOSH for rework of the dose reconstruction has substantially increased because of the modifications NIOSH has made to its scientific procedures for performing a dose reconstruction. Neither NIOSH nor DOL want to add further unnecessary paperwork and heartache for claimants who were previously told they were ineligible – only to have that bad news repeated as a result of the rework. However, if it is possible that the change may alter the dose reconstruction so that a previous denial may be overturned, DOL and NIOSH have agreed that these claimants should receive a new dose reconstruction report so their due process rights are protected. If NIOSH cannot determine the potential impact of the change in its procedure, we refer the case to NIOSH for a determination if a new dose reconstruction is necessary. To date, we are in the process of returning over 4,400 cases to NIOSH for new dose reconstructions based on

NIOSH's identification of cases that may be affected by the new procedures, and we are referring about 5,000 additional cases to NIOSH for case-specific determinations on the need for a new dose reconstruction.

We work as closely as possible with NIOSH on all of these issues, conferring at the staff level on at least a weekly basis to streamline the handling of the SEC class and dose reconstruction issues. However, as indicated by the sheer numbers of cases requiring return, rework, SEC consideration, partial dose reconstructions, or notification of NIOSH evaluation of a possible rework -- these changes have created a substantial and growing burden on DOL's adjudication process and decisional timelines.

Program Accomplishments

Despite these challenges, DOL has made great progress since 2001 in implementing Part B of the Act—and similar progress since October 2004 in implementing Part E. We have set ambitious performance targets—and consistently exceeded those targets—to ensure that workers and their families, who have waited so long for compensation, receive prompt and accurate decisions. An analysis of the overall program statistics shows that the Energy Compensation program is moving forward, despite its complexity and ongoing change. We continually seek new ways to improve and streamline our compensation system and embrace the valuable input of the workers and families we serve.

It has been six years since Secretary of Labor Elaine L. Chao issued the first EEOICPA benefit check on August 9, 2001. Since then, DOL has paid nearly \$3.2 billion in total EEOICPA compensation and medical benefits to workers and their survivors. Under Part B, DOL has issued more than 27,000 payments with compensation totaling nearly \$2.2 billion. Under Part E, DOL has made nearly 7,400 payments with compensation totaling nearly \$850 million.

Despite these significant accomplishments, some suggest that DOL has denied a high percentage of claims for budget reasons and is antagonistic toward claimants. No such animus exists, and I believe that impression rests in part on a misunderstanding of the statute's requirements. While anyone can file a claim, many applications have been filed that do not meet the statute's basic requirements for eligibility. This is especially true for those who filed Part B claims early in the program, as many of these individuals did not have one of the three medical conditions required for Part B eligibility. Similarly, many "adult children" of deceased workers filed Part D (later Part E) claims who did not meet the narrower survivor definition that Congress created for Part E.

If we set aside those applications that do not meet the statutory minimum requirements, our records show that over half of the remaining claims have been approved under both Parts B and E. Specifically, since 2001, DOL has received over 59,000 Part B cases and has issued final decisions on 83% of them. Almost

20,000 have been approved for payment (55% when non-covered applications are set aside), with nearly \$2.2 billion in compensation so far.

After Part E's enactment in 2004, DOE transferred over 25,000 aged Part D cases to DOL. In response to this new workload, DOL identified certain quick decision claims that met specific, straightforward criteria contained in the amendment. Within two months of Part E's enactment, DOL was paying claimants under the newly established Part E. Further, DOL is especially proud of its success in addressing the backlog of aged DOE cases. DOL has focused on doing everything it can to speed the processing of these cases, which clearly deserved to be prioritized, given the long wait these claimants have endured. For FY 2007 we set and met a goal to issue at least an initial determination for all 25,000 cases inherited from DOE. Additionally, DOL has paid nearly \$500 million in Part E benefits to this group of claimants.

Our total Part E workload of 48,925 claims includes more than 23,000 new Part E claims. Notably, more than 8,000 (17%) Part E claims were "non-covered", mostly from "adult children" who did not meet the basic requirements for eligibility. To date, DOL has issued at least one final decision on over 70% of the (old and new) Part E cases. When non-covered claims are set aside, our approval rate on covered Part E cases is over 51%. To date, DOL has approved about 13,500 Part E cases, with payments totaling nearly \$850 million.

Summary

The record of DOL's administration of EEOICPA demonstrates that our Nation's promises made to our Cold War veterans are being kept. Over 34,000 eligible workers and their survivors have received more than \$3.2 billion in benefits and medical reimbursements; we have eliminated the Part D backlog; and litigation remains remarkably low.

DOL continues to strengthen its processes and procedures, maintain its outreach efforts, improve its service to claimants, and adjudicate and pay eligible claims as promptly and accurately as possible. We have continually reevaluated the program's performance goals and strategies, and we remain proactive in addressing the many program changes that have challenged our operation. I am proud of the efforts of our staff in carrying out the important mission of this program.

I will be glad to answer any questions the Committee may have.