



JAN - 4 2005

Dear Applicant:

I am writing to inform you of important changes in the administration of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

On October 28, 2004, President Bush signed into law new legislation that replaces Part D of the EEOICPA with a new program called Part E. The new law gives the Department of Labor (DOL) the responsibility for administering this new program. Your Part D claim will be transferred from the Department of Energy to the Department of Labor and treated as a Part E claim. You are receiving this letter because the Department of Energy advised us that your name appeared on their inventory of claims under Part D of the EEOICPA, which the Department of Energy administered. You do not need to file a new claim. The physical case file transfer is nearly complete, and we are now assigning these claims to one of our four District Offices for further review and adjudication. You will be contacted directly by one of those offices in the coming months.

We know that many Part D applicants have waited years for help. We are moving as quickly as possible to implement the new Part E program. We are required by the statute to issue regulatory guidelines for the new program within 210 days, and we are committed to achieving that goal.

The new Part E program is quite different from the earlier Part D. I encourage you to read the enclosed "Questions and Answers" to help you understand how these new changes may impact your claim. If you have further questions, please contact the EEOICPA resource center nearest you, or the Department of Labor's Division of Energy Employees Occupational Illness Compensation at 1-866-888-3322.

The Labor Department is dedicated to providing benefits to eligible individuals, as specified under the Act. Please be assured that the President and I remain committed to taking care of the men and women who were put in harm's way as a result of loyal service to their country.

Sincerely,

A handwritten signature in blue ink that reads "Victoria A. Lipnic".

Victoria A. Lipnic

Enclosure

## Questions and Answers Regarding the EEOICPA Amendments of October 2004

### GENERAL QUESTIONS

***Q1 – There has been a lot of media coverage about Part D being transferred to the Department of Labor. What does this mean?***

A – On October 28, 2004, the President signed into law legislation that replaces Part D of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) with a new program called Part E. This effectively abolishes the Part D program. This new program will be administered by the Department of Labor's Division of Energy Employees Occupational Illness Compensation (DEEOIC).

***Q2 – Does Part E just rename Part D and transfer it to DOL or are there significant differences with this new program?***

A – The new Part E program is very different from the Part D program. The questions below will provide information concerning the new program.

***Q3 – How can I learn about Part E?***

A – The Department of Labor's web site (<http://www.dol.gov/esa/regs/compliance/owcp/eeoicp/main.htm>) will provide information about the new law and DOL activities. As Part E (formerly Part D) cases begin to move through our adjudication process, claimants will be contacted directly by the district office responsible for their case. In addition, there will be town hall meetings, media announcements and other mailings. You can also contact your local EEOICPA resource center for the latest update.

***Q4 – When will Part E go into effect?***

A – Preliminary procedures are now in place, with the final interim regulations to be completed by June 2005. The preliminary procedures will allow us to process certain straightforward claims to completion, and begin work on others.

***Q5 – How does the new law affect my Part B claim?***

A – Claims filed under Part B will continue to be processed without interruption.

### FILING CLAIMS

***Q6 – I previously filed a Part D claim, do I have to file a new claim under Part E?***

A – Individuals who have already filed for benefits under Part D will have their claims automatically transferred to DOL as a claim under Part E; ***therefore, it is not necessary to file a new claim.***



***Q7 – When will the Part D claims be transferred to DOL?***

A – The Department of Energy (DOE) has provided us with the claim information of individuals who have filed a Part D claim and most case files were transferred to DOL during the month of November. Your claim will be assigned to one of our four District Offices for further review of your claim. The offices are located in Seattle, WA; Denver, CO; Cleveland, OH; and Jacksonville, FL.

***Q8 – I have not previously filed a Part D claim. How do I file a Part E claim?***

A – New Part E claims can be filed with a resource center located in your area. Until Part E forms are available, you can continue to use the Part D forms issued by DOE. The resource centers provide valuable information about the claims process and also assist the individual in completing the necessary forms. For a listing of resource center locations and telephone numbers, please visit our web site at:

<http://www.dol.gov/esa/regs/compliance/owcp/eeoicp/contactphones.htm>.

**Note:** Also see Question 15 if you have a claim accepted under Part B but have not filed a Part E claim.

***Q9 – Am I entitled to file a claim with DOL under Part E if my claim was denied under Part B?***

A – If you didn't previously file a Part D claim and your claim under Part B was denied, you may file a Part E claim with DOL for consideration of benefits under the new program.

***Q10 – Should I file a claim under Part E if my claim was previously denied under Part D?***

A – It will not be necessary for you to file a new claim with DOL. All Part D claims that were denied by DOE will be reviewed by DOL.

***Q11 – I received a positive finding from the Physician Panel. Will DOL honor this finding?***

A – Positive Physician Panel determinations under Part D that have been accepted by DOE will be accepted by DOL under the new Part E program. Claims filed under Part D that are currently assigned to a Physician Panel will continue to be reviewed by the Panel.

**ELIGIBLE EMPLOYEES/CLAIMANTS**

***Q12 – Who can receive compensation under Part E?***

A – Only employees of DOE contractors and subcontractors, and uranium workers as defined by Section 5 of the Radiation Exposure Compensation Act (RECA), are eligible for benefits under Part E. In addition, certain survivors of these workers may also be eligible for benefits.

***Q13 – Are survivors eligible for benefits under Part E?***

A – Yes, eligible survivors may receive federal compensation, if the employee’s death was caused or contributed to by the covered occupational illness. Survivors include the spouse of the employee and children who, at the time of the employee’s death, qualify as an eligible child. Part E specifies which survivor or survivors are entitled to receive all or part of the benefits in cases where there is more than one eligible survivor.

***Q14 – Who would be considered an eligible child?***

A – An eligible child is someone, who at the time of the employee’s death, was under the age of 18, a full time student under the age of 23, or a child of any age who is incapable of self support.

**BENEFITS/COMPENSATION**

***Q15 – I received compensation under Part B of the EEOICPA. Am I entitled to additional benefits?***

A – Claims from DOE contractor and subcontractor employees, or their eligible survivors, that have been accepted under Part B will be considered eligible for additional payment of compensation under Part E. These additional payments will be based on the level of impairment and/or wage loss if an occupational illness developed as a result of exposure to toxic substances at a DOE facility, or based on a showing that the worker’s death was caused or contributed to by such an illness. (Please note that eligible survivors are defined differently under Parts B and E. Part E has a more limited definition of eligible survivors than Part B; as a result, some survivors who are eligible to receive benefits under Part B will not be eligible to receive benefits under Part E.) Individuals who have not filed a Part D claim may contact a resource center to file for benefits under Part E.

***Q16 – What are the available benefits under Part E?***

A – Part E will provide for monetary compensation to DOE contractor employees for occupational illnesses caused by exposure to toxic substances while working as a contractor or subcontractor employee at a DOE facility. Medical benefits will also be available to qualifying employees under Part E for treatment and care of accepted occupational illnesses.

***Q17 – What is the compensation based on for claims accepted under Part E?***

A – The amendments grant the covered employees a federal payment based on the level of impairment and/or wage loss if they develop an occupational illness as a result of exposure to toxic substances at a DOE facility. Medical benefits will also be available to qualifying employees for treatment and care of the accepted occupational illness. Also, eligible survivors may receive federal compensation, if the employee’s death was caused or contributed to by the covered occupational illness.

***Q18 – Who will determine my impairment, a DOL doctor or my doctor?***

A – The process for determining degree of impairment has not been established at this time, but will be explained in the upcoming regulations.

## **STATE WORKERS' COMPENSATION ISSUES**

***Q19 – Will I be able to apply for Part E if I have received an award from state workers' compensation or entered into a settlement with the third party administrator, i.e. Bechtel/AIG?***

A – Yes. However, DOL may subtract certain amounts of compensation received from state workers' compensation from any Part E award.

***Q20 – I have a claim pending in state workers' compensation. Do I need to withdraw it to file under Part E?***

A – No. However, DOL may reduce the amount of benefits awarded based upon the amount of compensation received from state workers' compensation after deducting the cost of obtaining those benefits.

## **APPEALS**

***Q21 – What happens to my Part D claim with DOE if I want to appeal an adverse Physicians Panel determination after the date of the enactment of the 2004 amendments? Do I file an appeal with DOE or DOL?***

A – Only Part D appeals that were filed prior to the date of enactment of Part E will continue to be considered by DOE. Claimants who receive an adverse Physician Panel determination may ask DOL to consider their claim under Part E. DOL regulations to be issued by June 2005 will establish a system for appealing a denial of Part E claims.

## **FURTHER INFORMATION**

***Q22 – Where can I go for additional information about these programs?***

A – Additional information can be obtained through your local resource center or by visiting the DOL web site at: <http://www.dol.gov/esa/regs/compliance/owcp/eoicp/main.htm>.