

Implementation of the Energy Employees Occupational Illness Compensation Program Act

Requestors

GAO has received and is merging letters from the following requestors concerning a review of EEOICPA implementation:

Senator Edward M. Kennedy, Chairman, Committee on Health, Education, Labor and Pensions
Senator Jeff Bingaman, Chairman, Committee on Energy and Natural Resources
Senator Lamar Alexander
Senator Wayne Allard
Senator Sherrod Brown
Senator Jim Bunning
Senator Maria Cantwell
Senator Tom Harkin
Senator Mitch McConnell
Senator Patty Murray
Senator Harry Reid
Senator Ken Salazar
Senator George V. Voinovich
Representative George Miller, Chairman, Committee on Education and Labor
Representative Ed Perlmutter
Representative Mark Udall

Topics

(1) Claims Processing Times for Parts B& E

- average processing times (overall and for major steps in the process)
 - by program or type of claim (i.e. Subparts B & E, dose reconstruction or not, SEC, uranium mining)
 - at each agency (including trends)
 - by DOL district offices
- extent to which the following factors contribute to processing delays
 - claims moving back and forth between NIOSH and DOL
 - DOL requests for additional information from DOE
 - revisions to NIOSH dose reconstruction methods and site profiles
 - DOL staff turnover
- analysis of DOL reopening cases after claimant files an appeal
- agency performance metrics related to processing times

(2) Cost of Claims Processing for Parts B&E

- costs of processing (overall and for major steps in the process)
 - by type of claim
 - by agency (including trends)
- most costly parts of the process and reasons
- percentage of all program funds expended for claims processing

(3) Concerns Raised Regarding Agencies' Policies and Procedures for Making Compensation Decisions, Including Quality Control for Parts B&E

- compensation rates
 - compensation rates by DOL district offices and reasons for any disparities
 - compensation rates of completed cases returned to NIOSH to be reworked as a result of revisions in dose reconstruction methods or site profiles
- DOL's policies and procedures
 - DOL treatment of diseases on former "no pay" list
 - whether DOL is using same or different standard of proof for parts B & E
 - changes in agency rules, for example how timeliness is measured for SEC petitions
- NIOSH's policies and procedures
 - how NIOSH incorporates incident reports and other information from claimants into dose reconstructions
 - most common gaps in information that NIOSH faces in developing dose reconstructions and whether DOE has such information.
- quality control procedures
 - DOE, NIOSH and DOL's quality controls
 - Compensation decisions
 - Gathering complete/accurate/adequate data
 - results of Advisory Board reviews of dose reconstructions and SEC petitions
 - DOL's Final Adjudication Branch rates of overturning decisions and reasons why decisions are overturned
 - appropriateness of certain fraud prevention measures such as placing claimants under surveillance

(4) Agencies' Efforts to Provide Information and Assistance to Claimants.

- claimants' access to data
 - public availability of site exposure matrices
 - impact of new DOE security review requirements on claimants' access to data pertinent to their claims
- assistance provided to claimants
 - communication with claimants throughout the process, including referrals to other programs.
 - reports of claimants being repeatedly asked to provide information already submitted and agencies mistakenly sending out sensitive materials to the wrong recipients
- role and effectiveness of Ombudsman
- allegations of retaliation or other improper treatment of individuals who sought benefits or supported enactment of EEOICPA