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United States Government Accountability Office
Washington, DC 20548

September 7, 2007

The Honorable Patrick J. Leahy
Chairman
The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate

The Honorable John Conyers, Jr.
Chairman
The Honorable Lamar S. Smith
Ranking Member
Committee on the Judiciary
House of Representatives

Subject: *Radiation Exposure Compensation Act: Program Status*

From 1945 through 1962, the United States conducted a series of aboveground atomic weapons tests as it built up its Cold War nuclear arsenal. Around this same time period, the United States also conducted underground uranium-mining operations and related activities, which were critical to the production of the atomic weapons. Many people were exposed to radiation resulting from the nuclear weapons development and testing program, and such exposure is presumed to have produced an increased incidence of certain serious diseases, including various types of cancer. To make partial restitution to these individuals, or their eligible surviving beneficiaries, for their hardships associated with the radiation exposure, the Radiation Exposure Compensation Act (RECA) was enacted on October 15, 1990.¹ RECA provided that the Attorney General be responsible for processing and adjudicating claims under the act. The Department of Justice (DOJ) established the Radiation Exposure Compensation Program (RECP), which is administered by its Civil Division's Torts Branch. RECP began processing claims in April 1992.

¹Pub. L. No. 101-426, 104 Stat. 920 (1990). RECA recognizes that the amount of money paid does not completely compensate for the burdens placed upon such individuals.

RECA has been amended various times,² including on July 10, 2000, when the Radiation Exposure Compensation Act Amendments of 2000 (RECA Amendments of 2000) were enacted.³ The RECA Amendments of 2000 broadened the scope of eligibility for benefits to include two new occupationally exposed claimant categories (uranium mill workers and uranium ore transporters), expanding both the time periods and geographic areas covered, and adding compensable diseases, thus allowing more individuals to be eligible to qualify. The RECA Trust Fund is scheduled to terminate in 2022 pursuant to a sunset provision in the legislation. The RECA Amendments of 2000 also mandated that we report to Congress on DOJ's administration of RECA not later than 18 months after the enactment of the amendments and every 18 months thereafter.⁴ We have reported three times previously on DOJ's administration of RECA.⁵ This report updates information on DOJ's administration of RECA including

- the outcome of the claims adjudication process, including the number and status of claims approved, denied, and pending since RECP began in April 1992;
- average processing time for claims; and
- RECP's current estimates of the number of future claims to be paid from the RECA Trust Fund, associated funding requirements, and RECP administrative costs.

To provide updated information on the claims adjudication process, we interviewed RECP officials, obtained responses to our written inquiries, and obtained RECA-related case information for fiscal years 1992 through 2007 (as of June 30) from DOJ's Civil Division's case histories database. According to RECP, the information provided was obtained from the same data sources that we had previously determined to be reliable. We did not revalidate the data from these sources; we believe they are sufficiently reliable for the purposes of this update. We also interviewed officials in the Civil Division's Office of Management Information (OMI), the office that maintains the database, and RECP, the office that uses information contained in the database, to obtain updated information about the database. We specifically inquired

²Amendments included the November 1990 amendments (Pub. L. No.101-510, 104 Stat.1835, 1837) that, among other things, expanded eligibility to include on-site participants; the October 1992 amendments (Pub. L. No. 102-486, 106 Stat. 3131) that provided for the judicial review of denied claims; and the November 2002 amendments (Pub. L. No. 107-273, 116 Stat.1758) that, among other things, eliminated the requirement for uranium workers diagnosed with lung cancer to submit medical evidence of a non-malignant respiratory disease because this requirement had the unintended effect of excluding most lung cancer claimants from establishing eligibility for compensation.

³Pub. L. No. 106-245, 114 Stat. 501 (2000).

⁴Section 11007 of the 21st Century Department of Justice Appropriations Authorization Act (Pub. L. No. 107-273, 116 Stat. 1758, 1818 (2002)) made a technical amendment to the GAO reporting requirement provisions by striking such reporting provision in the RECA Amendments of 2000 and enacting the same reporting requirement provision at a different location within RECA.

⁵GAO, *Radiation Exposure Compensation: Analysis of Justice's Program Administration*, [GAO-01-1043](#) (Washington, D.C.: Sept. 17, 2001); GAO, *Radiation Exposure Compensation: Funding to Pay Claims May Be Inadequate to Meet Projected Needs*, [GAO-03-481](#) (Washington, D.C.: Apr. 14, 2003); and GAO, *Radiation Exposure Compensation Act: Program Status*, [GAO-05-1002R](#) (Washington, D.C.: Sept. 28, 2005).

as to whether any changes had occurred in the design specifications and documentation of the database, quality controls and procedures used to help ensure data reliability, or quality and usability of the data. On the basis of information obtained from OMI and RECP officials, we did not identify any data reliability issues.

For information on average claim-processing times, we received data from the case histories database, interviewed RECP program officials, reviewed the 2007 and 2008 performance budget submissions to Congress for DOJ's Civil Division and RECA Trust Fund, and reviewed the results of the Office of Management and Budget's (OMB) evaluation of RECP using OMB's Program Assessment Rating Tool (PART).⁶ We then compared RECP's average claim-processing times for fiscal years 2004 through 2006, and 2007 (as of June 30).

To provide updated information on RECP's estimates of the number of future claims to be paid from the RECA Trust Fund, including associated funding requirements, and on RECP administrative costs, we obtained these data from the Civil Division's Office of Planning, Budget and Evaluation (OPBE). We also obtained an explanation from OPBE of the method and mathematical model used to develop these estimates. Estimates of future claims were limited to claims paid from the Trust Fund because some RECA claims are paid through a program administered by the Department of Labor.

We conducted our review from May 2007 through August 2007 in accordance with generally accepted government auditing standards.

Results in Brief

From April 1992 through June 2007, RECP authorized payments totaling \$1.2 billion for 18,110 claims. Almost half of the \$1.2 billion was paid to claimants who lived downwind of the Nevada Test Site during nuclear weapons testing. The 18,110 claims represented about two-thirds of the 26,550 claims filed since RECP began in April 1992. The remaining one-third of the claims were denied, because RECA's eligibility criteria were not satisfied or pending. In fiscal year 2001, the number of claims peaked at 3,822—the highest number of claims filed yearly since RECP began in 1992—following the RECA Amendments of 2000 that, among other things, broadened the scope of eligibility for benefits. Since fiscal year 2001, the number of claims filed with RECP has declined.

RECP's average claim-processing times for each individual category of claims have decreased over the 4-year period ending June 30, 2007. In fiscal year 2006, RECP's overall average claim-processing time across all claimant categories was 339 days,

⁶Using this tool, OMB evaluated RECP in fiscal year 2006 in the areas of program purpose and design, strategic planning, program management, and program results and accountability. OMB rated RECP as performing adequately.

which was 42 days longer than its performance goal for that year to reduce average claim-processing time across all types of claims to 297 days.

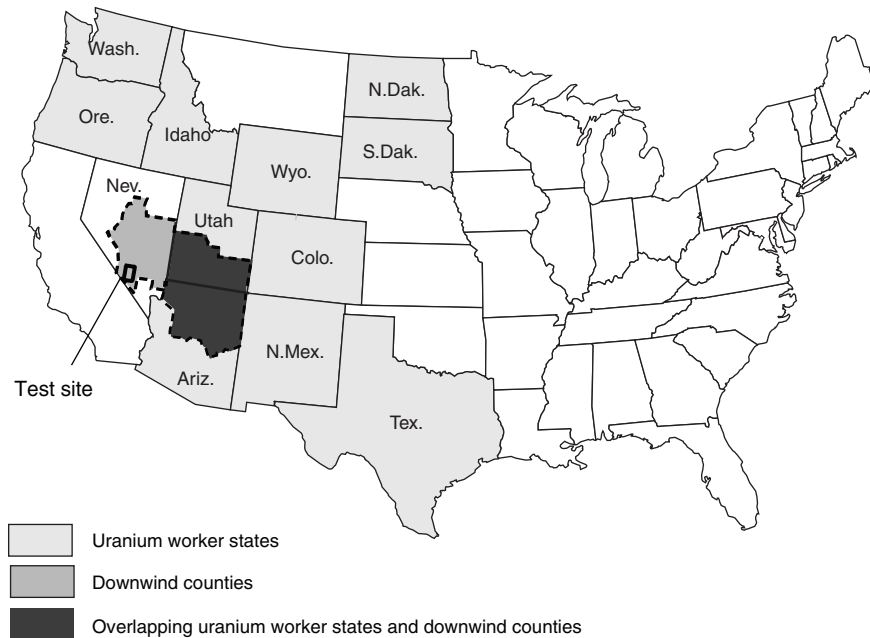
Starting in fiscal year 2007 through the scheduled termination of the RECA Trust Fund in 2022, OPBE estimates that RECP will receive about 5,560 additional claims and pay an additional \$248.3 million from the RECA Trust Fund to individuals who lived in certain counties downwind of the Nevada Test Site and individuals who were present at test site locations and participated in aboveground nuclear weapons testing.⁷ Over this time period, the number of claims OPBE estimates that RECP will receive from these individuals and the funding needed to pay their approved claims are expected to decline, according to OPBE's projections. Funding to administer RECP has been generally stable over the last 5 years, averaging about \$2.5 million each year.

Background

RECA established a procedure to make partial restitution to eligible individuals who contracted serious diseases, such as certain types of cancers, presumably resulting from exposure to radiation from aboveground nuclear tests or as a result of their employment in the uranium industry. These individuals are referred to as (1) downwinders (persons who lived in certain counties downwind of the Nevada Test Site); (2) on-site participants (persons who were present at test site locations and participated in aboveground nuclear weapons testing); and (3) above- and underground uranium miners, uranium mill workers, and ore transporters (persons who were employed in the uranium industry for at least 1 year and, in the case of uranium miners, were exposed to certain specified levels of radiation). Figure 1 shows the current geographic areas under RECA that represent the scope of eligibility for benefits coverage.

⁷For purposes of this report, the other three claimant categories—uranium miners, uranium millers, and ore transporters—are excluded from OPBE's estimates of future claims and funding requirements because the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 mandated that approved claims in these claimant categories be compensated through the Department of Labor's Energy Employees Occupational Illness Compensation Fund, although RECP would continue to adjudicate their claims [Pub. L. No. 108-375, 118 Stat. 1811, 2187-88 (2004)].

Figure 1: Map of RECA-Covered Areas



Source: Department of Justice, Civil Division.

In addition to creating eligibility criteria for compensation, RECA created a Trust Fund from which to pay claims. The Attorney General is responsible for reviewing claims to determine whether claimants qualify for compensation and establishing procedures for paying claims. To discharge these responsibilities, the Attorney General has issued implementing regulations.⁸ The regulations established RECP within DOJ's Civil Division and charged it with administering claims adjudication and compensation under the act.

To file for compensation, the claimant or eligible surviving beneficiary, either acting on his or her own behalf or represented by counsel, submits the appropriate claim form along with corroborating documentation to RECP, whose claims examiners and legal staff review and adjudicate the claims. RECP's review of claims results in either approval or denial. If RECP approves a claim, a letter is sent notifying the person of the approval and enclosing an "acceptance of payment" form for the claimant to return to RECP. According to program officials, upon receipt of a signed acceptance of payment form and corroboration of banking information from the claimant's financial institution, DOJ authorizes the Department of the Treasury or the Department of Labor, depending on the type of claim, to make payment to the claimant. The Treasury Department makes payments to downwinder and on-site participant claimants from the RECA Trust Fund. Payments from the Labor Department to uranium miners, uranium millers, and ore transporters come from the

⁸DOJ implementing regulations for the RECA program are found at Part 79 of Title 28 Code of Federal Regulations (28 C.F.R. Part 79).

Energy Employees Occupational Illness Compensation Fund.⁹ If RECP denies a claim, the claimant may pursue the following two administrative options before seeking judicial review of the denied claim, according to program officials. First, denied claimants may refile their claims up to three times in cases where they obtain new supporting documentation¹⁰ that they did not have when their claims were previously filed and that they believe might correct the deficiency that resulted in the denial. Second, denied claimants may appeal the denial, in writing, within 60 days of the date of the decision to an appeals officer within the Civil Division, who may either affirm or reverse the decision, or remand the claim to RECP for further action when appropriate. After exhausting the administrative appeal process, denied claimants may seek judicial review of the claim in a U.S. district court. For a flowchart of the RECA claims adjudication process, including the procedures for refiling and administratively appealing denied claims, see appendix I.

In September 2002, in response to congressional direction,¹¹ the Health Resources and Services Administration (HRSA), a division of the U.S. Department of Health and Human Services, asked the National Research Council (NRC) to convene a committee to assess recent scientific evidence associating radiation exposure with cancers or other human health effects and determine whether other groups of people or additional geographic areas should be covered under RECA.¹² In April 2005, NRC's committee published its report entitled *Assessment of the Scientific Information for the Radiation Exposure Screening and Education Program*, which included among its recommendations that Congress establish a new, science-based process to determine whether persons from other states and territories should be eligible for coverage and compensation under RECA. The new science-based process would assess eligibility using a method called "probability of causation/assigned share," which is a mathematical formula representing the fraction of a group of identical persons in whom a radiation-induced cancer would be expected to occur at some specified time after receiving a dose of radiation. Eligibility for compensation would be based on a scientific determination for each claimant of whether his or her illness was caused by exposure to radiation. According to NRC's committee report, the

⁹The Energy Employees Occupational Illness Compensation Program compensates certain workers of the Department of Energy (and certain contractors and subcontractors) who work or worked at nuclear facilities or nuclear weapons testing sites or their survivors, as well as RECA-covered uranium miners, millers, and ore transporters injured by exposure to ultrahazardous materials, or their survivors. This program's authorizing statute, the Energy Employees Occupational Illness Compensation Program Act, enacted on October 30, 2000, made a permanent appropriation of such amounts as may be needed to pay benefits. Pub. L. No. 106-398, 114 Stat. 1654 (2000).

¹⁰As of July 10, 2000, on the basis of the RECA Amendments of 2000, a claimant can resubmit a claim for consideration up to three times.

¹¹H.R. Conf. Rep. No. 107-593, at 158 (2002).

¹²HRSA provides national leadership, program resources, and services needed to improve access to quality health care for uninsured, underserved, and special needs populations. More detailed information on HRSA can be obtained through the HRSA Web site at www.hrsa.gov. NRC is part of the National Academies, which also comprise the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine. They are private, nonprofit institutions that provide science, technology and health policy advice under a congressional charter. See www.nationalacademies.org.

scientific evidence indicates that in most cases it is unlikely that exposure to radiation from fallout was a substantial contributing cause to developing cancer.

The Conference Report¹³ that accompanied the fiscal year 2006 Science, State, Justice, Commerce, and Related Agencies Appropriations Act,¹⁴ enacted on November 22, 2005, contained language directing DOJ to submit a report to the Committees on Appropriations, within 90 days of passage of the appropriations act, that detailed actions the department and Congress could take to implement the recommendations contained in NRC's committee report. In April 2006, DOJ submitted a report to the Appropriations Committees in which it concluded that on the basis of reviewing the recommendations contained in the NRC's committee report, it would not have authority to take action to implement the recommendations because doing so would entail a complete revision of RECA, which would require legislative action. According to RECP, Congress has taken no action to implement the recommendations contained in NRC's 2005 report. RECP plans to continue monitoring the activities of the National Academies of Sciences and similar organizations that seek to revise RECA's eligibility criteria.

RECP Has Approved Over 18,000 Claims, Awarded \$1.2 Billion to Over 24,000 Eligible Claimants, and Experienced a General Decline in the Number of Claims Filed Since 2001

\$1.2 Billion Paid in Approved Claims

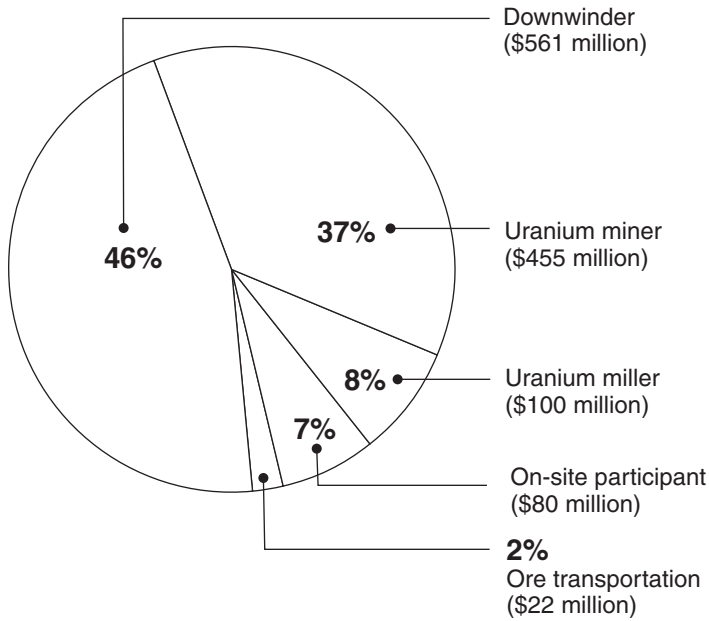
As of June 30, 2007, RECP had approved 18,110 claims and a total of \$1.2 billion had been awarded to over 24,000 claimants¹⁵ in all five claimant categories since RECP began in April 1992. The number of approved claims represents 68 percent of the 26,550 claims filed during this time period. Downwinder claimants constituted the largest claimant category of award recipients. Of the \$1.2 billion paid out, \$561 million, or 46 percent, was paid to downwinder claimants, as shown in figure 2.

¹³H.R. Conf. Rep. No. 109-272 (2005).

¹⁴Pub. L. No. 109-108, 119 Stat. 2290 (2005).

¹⁵According to RECP, many claims include multiple eligible beneficiaries such as the children or grandchildren of a deceased uranium worker, on-site participant, or downwinder claimant. Because of that, the number of award recipients is greater than the number of claims awarded. The lump sum payment award is divided equally among the recipients.

Figure 2: Downwinder Claimants Received Almost Half of the \$1.2 Billion in Payments



Source: DOJ's Civil Division.

Among the claims not approved since RECP began in April 1992, 7,539 were denied because RECA's eligibility criteria were not satisfied, and 901 were pending adjudication, as of June 30, 2007. According to RECP data, in about 40 percent (2,916) of the claims denied, claimants continued to pursue a compensation award—1,856 refiled their claims at least once; 1,048 pursued an administrative appeal; and of those who filed an administrative appeal, 12 sought judicial review.¹⁶ Table 1 shows the number of claims approved, denied, and pending by claimant category.

¹⁶Of the 12 claimants who sought judicial review, 2 of the claimants withdrew their claims after filing them with district court. One claimant voluntarily withdrew the claim immediately after filing it in district court and according to a RECP official, the claimant decided to refile the claim with RECP after obtaining new evidence to correct the deficiency that resulted in RECP's denial of the claim. The other claimant withdrew the claim after the district court dismissed it for failure to follow proper filing procedures.

Table 1: Claims Approved, Denied, and Pending from April 1992 through June 30, 2007, by Claimant Category

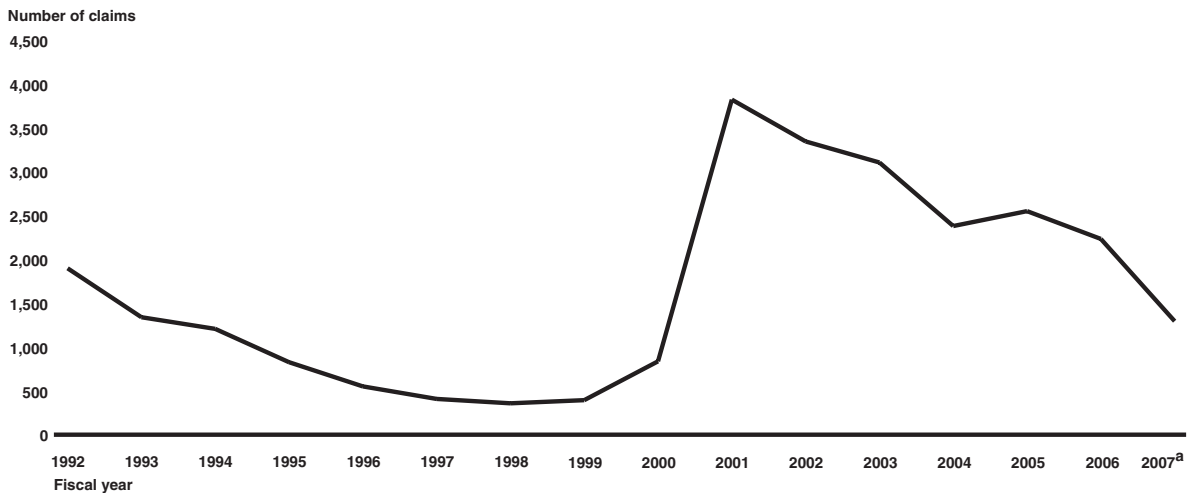
Claimant category	Approved	Denied	Pending	Total number of claims
Downwinder	11,219	3,176	541	14,936
Uranium miner	4,560	2,661	208	7,429
On-site participant	1,114	1,393	112	2,619
Uranium miller	1,000	239	33	1,272
Ore transporter	217	70	7	294
Total	18,110	7,539	901	26,550

Source: DOJ's Civil Division.

Number of Claims Filed Peaked In 2001

The number of claims peaked at 3,822 in fiscal year 2001 following the RECA Amendments of 2000, which, as we noted earlier, broadened the scope of eligibility for benefits to include two new occupationally exposed claimant categories. Since fiscal year 2001, there has been a decline in the number of claims filed with the exception of a slight increase in fiscal year 2005. Figure 3 shows the number of new claims filed annually.

Figure 3: Number of RECA Claims Received Each Fiscal Year from 1992 through 2007



Source: DOJ's Civil Division.

Note: The numbers of RECA claims received from 1992 through 2007 do not include appeals of denied claims.

^aClaims received through June 30, 2007.

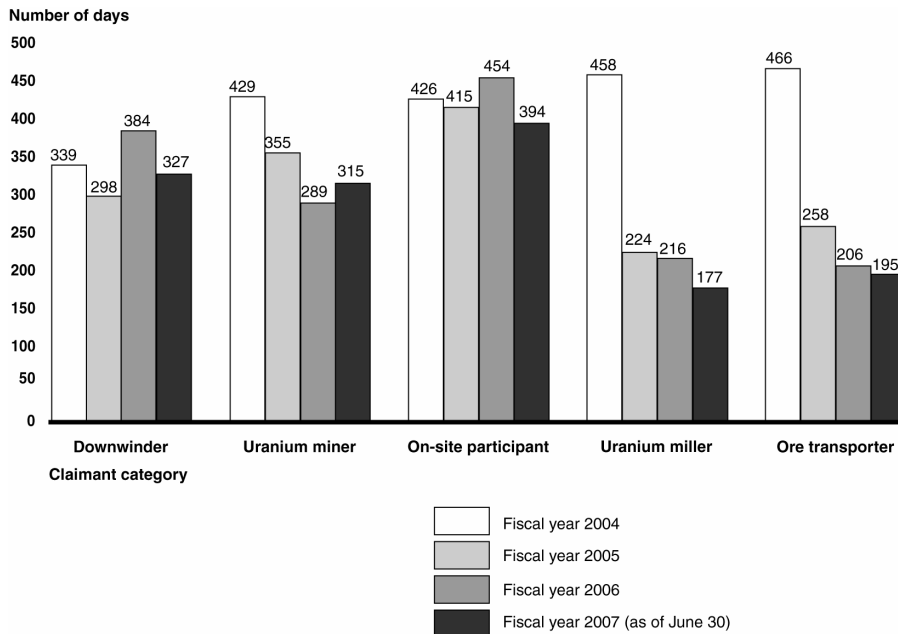
The declining number of claims received since the peak in 2001 has also allowed RECP to make significant progress in reducing the backlog of claims awaiting

adjudication. In 2003 and 2005 we reported that RECP's backlog of pending claims was 2,654 as of September 30, 2002 and 1,803 as of June 19, 2005, respectively. As of June 30, 2007, the backlog of pending claims was down to 901, as shown in table 1.

Average Annual Processing Times for Each Category of Claimant Have Decreased since 2004

We compared RECP-provided data on average claim-processing time by claimant category for claims adjudicated in fiscal years 2004 through 2006, and 2007 (as of June 30). As shown in figure 4, the average processing times decreased across all five claimant categories between fiscal years 2004 and 2007.

Figure 4: Average Processing Times for Claims Adjudicated in Fiscal Years 2004 through 2007, by Claimant Category



Source: DOJ's Civil Division.

The Civil Division set a long-term performance goal for RECP to reduce its overall average claim-processing time across all five claimant categories to 200 days by 2011. Starting with fiscal year 2005 as a baseline, and for each fiscal year thereafter through 2011, the Civil Division also set interim performance goals for processing claims in 297, 277, 258, 239, 219, and 200 days, respectively. For fiscal year 2006, RECP overall average claim-processing time was 339 days, 42 days more than its performance goal of 297 days.¹⁷ These processing goals consider that much of the delay in claim-processing time is attributed to periods of time when RECP is awaiting the

¹⁷According to RECP, the methodology it uses to measure overall average claim-processing time is a weighted average calculated on the basis of the number of claims adjudicated in each claimant category. Using that methodology, the overall average claim-processing time in days for fiscal year 2004 was 379; fiscal year 2005 was 316; fiscal year 2006 was 339; and fiscal year 2007 (as of 6/30/07) was 312.

submission of additional documentation from claimants in response to program requests for additional evidence to establish a meritorious claim. According to RECP, there are also situations where the claimants request extensions of time to provide such documentation. OMB, in its evaluation of RECP's strategic planning efforts in fiscal year 2006, noted that although the long-term performance goal to reduce processing time to 200 days by 2011 was ambitious, it meaningfully reflected the need to reduce the amount of time that this aging population must wait for adjudication of its claims.

While RECP did not meet its overall processing goal of 297 days for fiscal year 2006, it did process claims for three out of five claimant categories in less than 297 days. For example, in fiscal year 2006, average processing time for uranium miners was 289 days, uranium millers was 216 days, and ore transporters was 206 days. According to RECP, average processing times for on-site participant claims are typically longer (454 days during fiscal year 2006). In many cases on-site participant claimants requested extensions of time in order to consider whether to continue receiving monthly annuity compensation from the Department of Veterans Affairs (VA) or to accept the lump sum RECA award. The statute requires RECP to offset all payments made by VA for the same injuries that the individual has applied for under RECA. In some situations, the on-site participant claimant will reject the RECA award in favor of receiving the monthly annuity compensation from VA.

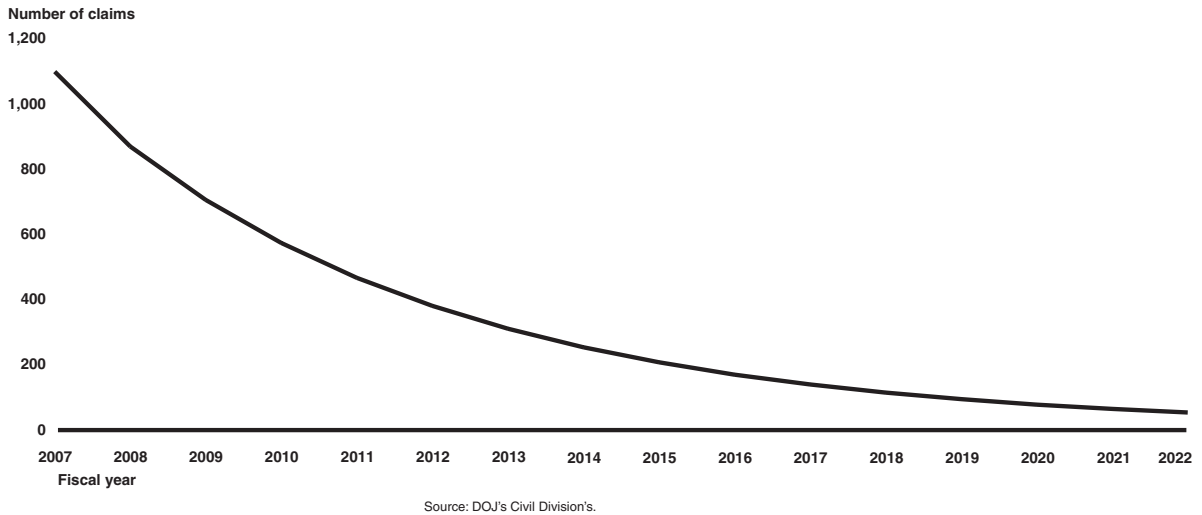
Similarly, processing times increased for on-site participants, and to a lesser extent for downwinders, because these claimants requested extended periods of time to elect whether to accept an award under RECA or under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). According to RECP, a provision of EEOICPA has been interpreted to mean that on-site participant and downwinder claimants who elect to accept payments under RECA are disqualified from receiving benefits under EEOICPA for which they may be eligible. Further, with respect to downwinder claims, which took 384 days to process during fiscal year 2006, a reduction in staffing was the main reason behind the delay in processing these claims, according to RECP.

Future Downwinder and On-site Participant Claims and Funding Needs Are Expected to Decline over the Next 16 Years; RECP Administrative Costs Have Remained Generally Stable over the Past 5 Years

Using cumulative historical data on claim activity from RECP's first 15 years, OPBE estimates that starting in fiscal year 2007 through the scheduled end of the RECA Trust Fund in 2022, RECP will receive a total of about 5,560 additional claims from

downwinder and on-site participants.¹⁸ Figure 5 shows that the number of claims RECP is currently estimated to receive annually will steadily decline from 1,073 in fiscal year 2007 to 54 in fiscal year 2022.

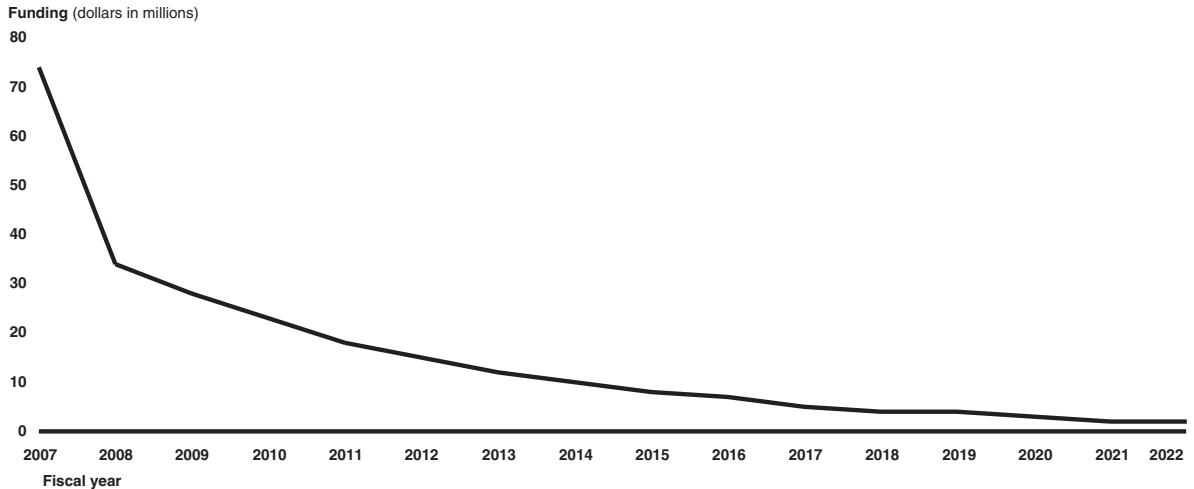
Figure 5: OPBE’s Projections of the Number of Claims RECP Expects to Receive from Downwinder and On-site Participant Claimants during Fiscal Years 2007 through 2022



OPBE also estimates that an additional \$248.3 million will be required to pay approved downwinder and on-site participant claimants from the RECA Trust Fund for the remaining life of the program. Figure 6 shows projected payments to downwinder and on-site participant claimants during fiscal years 2007 through 2022.

¹⁸To develop the estimates of future claims, OPBE used the Civil Division’s mathematical model, which makes projections on the basis of cumulative historical claim activity data from RECP’s first 15 years. According to OPBE, KPMG, DOJ’s independent auditor, has reviewed the Civil Division’s model and methods for projecting claim receipts and awards for the life of RECP since fiscal year 2005 and recommended that outlier years (fiscal years 1992, 2000, and 2001) be excluded from all estimate calculations to minimize the impact of workload aberrations caused by RECP’s initial start-up and the RECA Amendments of 2000. OPBE estimated the number of claims filed annually until the RECA Trust Fund ends in 2022 by finding the average number of claims filed from 1992 through 2006 (exclusive of the outlier years).

Figure 6: OPBE’s Projections of RECP’s Payments to Downwinder and On-site Participant Claimants during Fiscal Years 2007 through 2022



Source: DOJ's Civil Division.

OPBE projects that the funding needed annually to pay downwinder and on-site participant claimants through the end of the RECA Trust Fund will decrease substantially since fewer claims are being filed and DOJ no longer is responsible for paying the highest-paid claimants—uranium miners, millers, and ore transporters. The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 mandated that uranium millers, miners, and ore transporters (those who are the highest cost claimants entitled to \$100,000) be compensated through the Energy Employees Occupational Illness Compensation Program administered by the Department of Labor, although RECP would continue to adjudicate their claims.

Funds to administer RECP have remained generally stable over the last 5 years, averaging about \$2.5 million each year. Starting in fiscal year 2003, appropriations for RECP’s administrative expenses were included in DOJ’s Salaries and Expenses, General Legal Activities account, rather than in a separate appropriation account. RECP’s administrative expenses for fiscal year 2007 (as of June 30) were \$2.2 million, and expenses for fiscal years 2003 through 2006 ranged from \$2.2 million to \$2.9 million, as shown in table 2. Table 2 also shows the number of full-time equivalent (FTE) government positions and contract employees each year during fiscal years 2003 through 2007.

Table 2: Full-time Equivalent Staff Levels and Administrative Costs for Processing RECA Claims during Fiscal Years 2003 through 2007

	Fiscal year				
	2003	2004	2005	2006	2007 ^a
Total administrative costs (dollars in millions)	\$2.2	\$2.6	\$2.9	\$2.6	\$2.2
Government FTE staff	17	16	16	14	14
Contractor FTE staff	3	8	7	4	3

Source: DOJ's Civil Division.

^aRECA administrative cost data for fiscal year 2007 are as of June 30, 2007.

Agency Comments

We provided a draft of this report to the Attorney General for review and comment. DOJ advised us that it had no formal agency comments. Department of Justice staff provided technical comments, which have been incorporated into the report as appropriate.

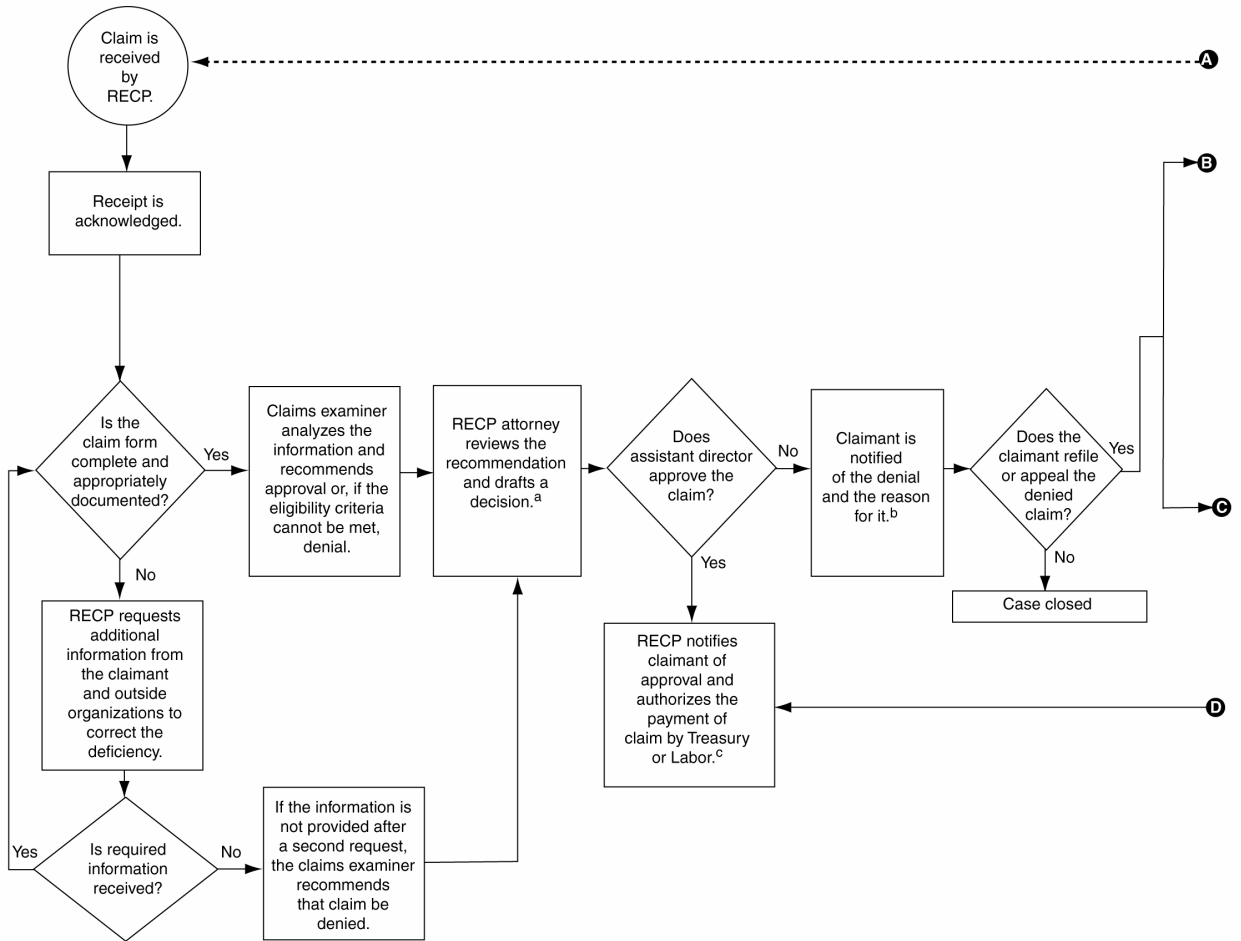
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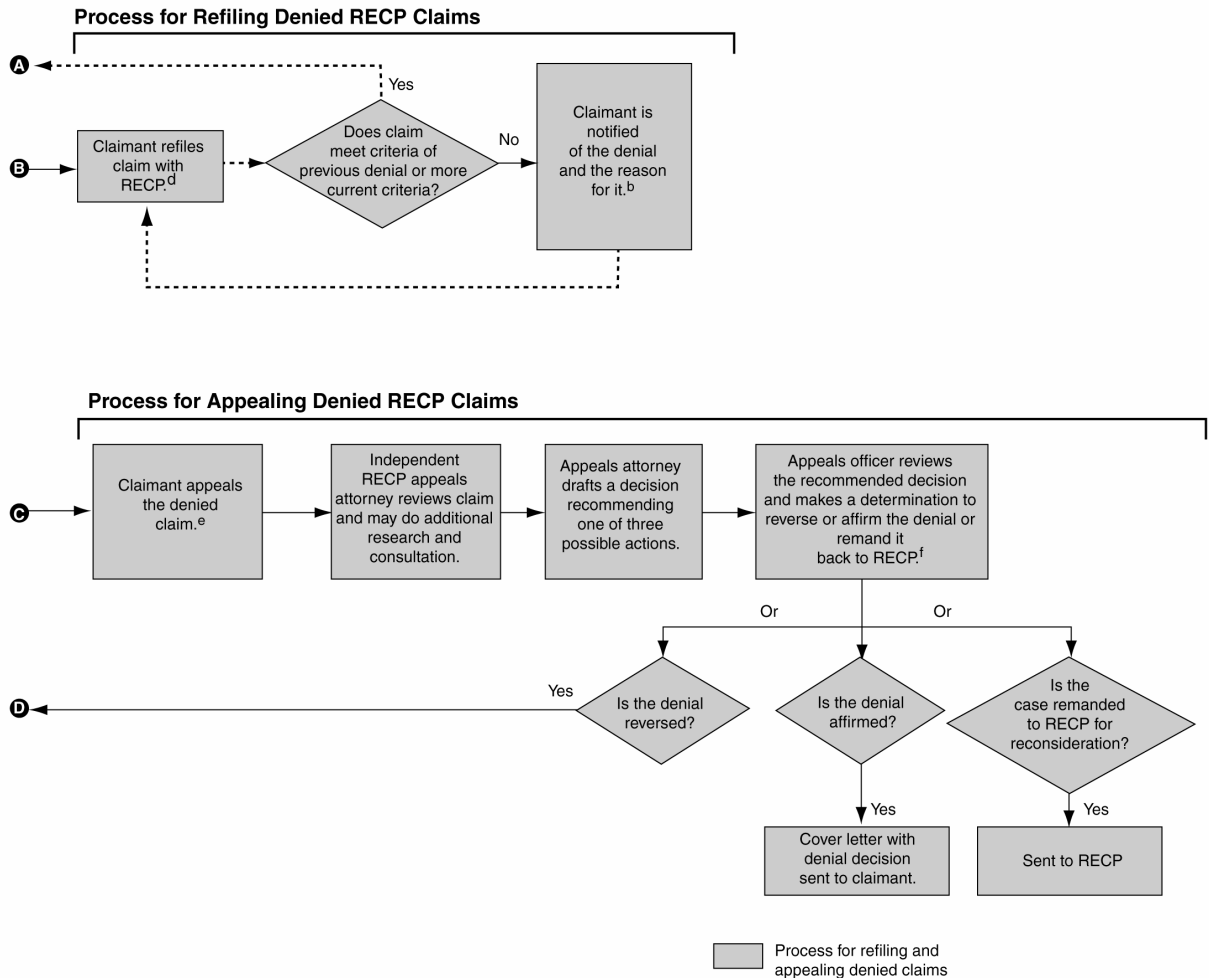
If you or your staffs have any questions about this report, please contact me at 202-512-9610 or at caldwells@gao.gov. William W. Crocker, Mary Y. Martin, and Geoffrey R. Hamilton made key contributions to this report.



Stephen L. Caldwell
 Director, Homeland Security and
 Justice Issues

Appendix I: RECP's Claims Adjudication Process





Source: Prepared by GAO based on RECP's data.

^aThe RECP attorney may request additional supporting information before making a recommendation (for approval or denial) to the Assistant Director.

^bClaimants have the option of refiling their denied claims or appealing the denial decision to the appeals officer.

^cRECP authorizes the Department of the Treasury to pay downwinder and on-site participant claims and the Department of Labor to pay claims of uranium miners, uranium millers, and ore transporters.

^dClaimants who have been denied are permitted to refile their claims if (1) they provide information to correct the deficiency that was the basis for the last denial under the original RECA legislation or (2) they believe that they are now eligible as a result of the 1999 regulatory changes and/or the 2000 amendments. As of July 10, 2000, on the basis of the RECA Amendments of 2000, a claimant can refile a claim for consideration up to three times.

^eA claimant may appeal the denial, in writing, within 60 days of the Assistant Director's decision.

^fThe appeals officer may (1) reverse the denial (award compensation to the claimant), (2) affirm the denial (deny compensation to the claimant), or (3) remand the case to RECP for further consideration.

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