

Energy Employees Occupational Illness Compensation Program Act (EEOICPA)



Do I Qualify for Wage-Loss Benefits under the EEOICPA?

Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) provides for a wage-loss benefit for employees and their survivors. A claimant can file a claim for wage-loss benefits under Part E of the EEOICPA at any time. Before DOL's Division of Energy Employees Occupational Illness Compensation (DEEOIC) can make a determination on a wage-loss claim, an employee's claim must have been accepted under Part E for one or more covered medical conditions. The decision to accept finds that the employee contracted a covered illness due to exposure to a toxic substance at a covered facility. For survivor claims, the decision must also conclude that the employee died as result of the covered illness. To be eligible for wage-loss compensation, the employee's loss of wages must be related to a covered illness.

Wage-Loss Compensation for Employees

Covered employees may receive compensation for wage loss, if the loss is related to an accepted condition under Part E. Wage-loss compensation is payable for those years the employee experienced loss of wages before his or her Social Security Administration (SSA) regular retirement age. The benefit amount is calculated using a formula that applies an Average Annual Wage (AAW), which is calculated per year, using the previous 36 months of wages preceding the onset of qualifying wage loss. The AAW provides a way to measure loss of wages by comparing wages before and wages after a claimant began experiencing wage loss.

Calculation of an Employee's Wage-Loss Compensation

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

- When initial loss of wages began (the month it was first experienced);
- Dates of wage loss claimed (specific dates provided by the employee);
- Number of years of wage loss prior to the SSA regular retirement age; and
- Calculated Average Annual Wage amount prior to the onset of wage loss.

For each qualifying year in which an employee's earnings were significantly below his or her calculated Average Annual Wage, either \$10,000 or \$15,000 is payable. DEEOIC awards:

- \$10,000 per qualifying year, where wages were between 50% and 75% of the AAW.
- \$15,000 per qualifying year, where wages were 50% of the AAW or less.

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Wage-Loss Compensation for Survivors

Survivors may receive wage-loss compensation as well. In addition to the one-time \$125,000 lump-sum compensation for accepted conditions under Part E, eligible survivors may receive additional wage-loss compensation payments of:

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

Benefits under Part E of the EEOICPA also include payment of medical expenses for covered conditions and compensation for permanent impairment. The maximum compensation amount for all claims relating to one employee under Part E of the EEOICPA is \$250,000, in addition to medical benefits for the employee's accepted condition(s).

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 to support the claimed wage loss. DOL district offices are available to help claimants obtain the needed records, which can include:

- Social Security earning statements or disability records
- Pay stubs, Union records, or Pension records
- Tax returns
- Physician's office notes or 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 (DMC) evaluation report

Additional Filings for Wage-Loss Compensation

New wage-loss claims may be filed on Form EE-10 for additional calendar years of wage-loss compensation, subsequent to calendar years for which an employee was previously compensated, up to the employee's retirement age and subject to the \$250,000 Part E limit.

For help filing a wage-loss claim or other questions, contact your District Office, your local Resource Center, or call DEEOIC's toll-free number at 866-888-3322.