

Summary of Changes
to
Procedure 341.1
Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Processing

Revised Version Issued as P 341.1C

LM Procedure 341.1B, Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Processing of 9/25/07, has undergone minor revisions. The revised procedure includes updated definitions and formatting. Please replace LM Procedure 341.1B with LM Procedure 341.1C.

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U.S. Department of Energy Office of Legacy Management



Procedure: 341.1C

Effective: 1/26/09

SUBJECT: ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT (EEOICPA) PROCESSING

1. **PURPOSE.** To provide Legacy Management (LM) personnel with procedures necessary to process, track, and complete claims associated with the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).
2. **CANCELLATION.** Procedure 341.1B, Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Processing, dated 9/25/07
3. **REFERENCES.**
 - a. 5 United States Code (U.S.C.) 552a, Privacy Act
 - b. 42 U.S.C. 2210, Radiation Exposure Compensation Act, as amended
 - c. 42 U.S.C. 7384, Energy Employees Occupational Illness Compensation Program Act of 2000, as amended
 - d. 20 Code of Federal Regulations (CFR) Parts 1 and 30, Performance of Functions; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000
 - e. 36 CFR Chapter XII, Subchapter B, Records Management
 - f. Executive Order 13179, Providing Compensation to America's Nuclear Weapons Workers
 - g. U.S. Department of Energy (DOE) Order 243.1, Records Management Program

INITIATED BY: Office of Business Operations
NO. OF PAGES/ATTACHMENTS: 11 pages, 5 attachments

h. LM Procedure 200.4, Records Management

4. DEFINITIONS.

- a. Cancellation Notice -- A notice that stops active processing of an EEOICPA-related claim.
- b. Department of Labor (DOL) -- Federal department of the United States government responsible for occupational safety, wage and hour standards, unemployment insurance benefits, re-employment services, and some economic statistics. DOL is responsible for processing claims filed under EEOICPA.
- c. Document Acquisition Request (DAR) -- A form used by DOL to request EEOICPA-related employment and health monitoring documents for claimants.
- d. Electronic Recordkeeping System (ERKS) -- An electronic information system in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition. An ERKS is certified according to Department of Defense (DoD) 5015.02-STD to ensure the records it maintains have sufficient authenticity and reliability to meet the agency's recordkeeping requirements.
- e. Energy Employees Occupational Injury Compensation Program Act (EEOICPA) of 2000 -- Law enacted to provide compensation benefits for DOE nuclear weapons workers who developed certain work-related illnesses due to radiation, beryllium, and silica exposure. The law covers employees of DOE, its predecessor agencies, and certain contractors and subcontractors. It also covers, where applicable, survivors of such employees. [See Attachment A. – EEOICPA and LM's Support]
- f. EEOICPA Federal Point of Contact (POC) -- LM individual responsible for oversight of EEOICPA claim processing.
- g. EEOICPA Technicians -- Personnel who process EEOICPA claims and provide related support and tracking activities.
- h. EEOICPA Tracking Database -- LM database created to track EEOICPA-related requests and status.
- i. National Institute for Occupational Safety and Health (NIOSH) -- Department of Health and Human Services (HHS) organization that uses exposure information to help determine the probability that a covered employee's illness is the result of work-related exposure.
- j. Office of Former Worker Screening Programs -- DOE Office of Health, Safety, and Security organization that provides DOL with worker and facility records and data needed for decision-making relating to EEOICPA administration.

- k. Office of Health, Safety, and Security (HSS) -- DOE's central organization responsible for health, safety, environment, and security. HSS is responsible for policy development and technical assistance; safety analysis; corporate safety and security programs; education and training; complex-wide independent oversight; and enforcement.
- l. Office of Workers' Compensation Program (OWCP) -- DOL organization with primary responsibility for administering the EEOICPA and for granting or denying compensation under the act.
- m. Personally Identifiable Information (PII) -- Any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information that can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc., and any other personal information that is linked or linkable to an individual.
- n. Privacy Act -- Provides safeguards against unwarranted invasions of privacy through the misuse of records by Federal agencies by restricting disclosure of personally identifiable records maintained by agencies; granting individuals increased rights of access to records maintained about them; granting individuals the right to seek amendment of records maintained about them upon a showing that the records are not accurate, relevant, timely or complete; and establishing a code of "fair information practices" which requires agencies to comply with statutory norms for collection, maintenance, use, and dissemination of records.
- o. Response Package -- Supporting documents answering a request for information. In the case of EEOICPA-related requests, a response package includes a combination of the following as appropriate: DOL Form EE-1, Employee's Claim; DOL Form EE-2, Survivor's Claim; DOL Form EE-3, Employment History; DOL Form EE-4, Employment History Affidavit; DOL Form EE-5, Employment Verification Sheet or a statement that no employment information for the claimant is available; DOL Form Part E, Document Acquisition Request (DAR); NIOSH Request for Personnel Exposure; NIOSH Additional Request for Personnel Exposure Information; and any relevant personnel, medical, radiological-related, training, and industrial hygiene records.
- p. Responsible Organization -- Entity having custodianship of the responsive documents or information needed to respond to a request.

5. QUALITY CONTROL. None

6. RESPONSIBILITIES.

a. The EEOICPA Federal POC is responsible for:

- Providing oversight for all EEOICPA claim processing and appropriate guidance to the EEOICPA Technician.
- Receiving EEOICPA claims, setting a response schedule for each claim, and ensuring timely response to the requesting entity.
- Determining the responsible organization having the responsive documents or information needed to answer an EEOICPA-related request.
- Submitting monthly claim activity information for the HSS/Office of Former Worker Screening Programs EEOICPA report.
- Ensuring claim information is entered and updated in the EEOICPA Tracking Database.

b. The EEOICPA Technician is responsible for:

- Performing searches using appropriate finding aids to locate responsive documents and information, processing claims, coordinating verification of employment with contractors, verifying employment through employment records in LM's custody, assessing dosimetry records and providing detailed and summarized exposure information to NIOSH, and providing medical files and industrial hygiene records where applicable.
- Maintaining the EEOICPA Tracking Database, adding information as appropriate and generating EEOICPA-related reports.
- Maintaining EEOICPA-related files according to the LM File Plan.
- Supporting administration and processing of other EEOICPA-related activities (copies claims, maintains DOL request files, prepares transmittal letters, generates distribution lists, etc.).

7. TRAINING REQUIREMENTS.

- a. Personnel creating, using, or maintaining records shall be trained in all applicable areas of this procedure.
- b. Personnel involved in EEOICPA-related requests shall be trained to ensure Privacy Act provisions are followed.
- c. Training will be provided on the use, functions, retrieval, and entry of information into the EEOICPA Tracking Database.

8. DOCUMENT CONTROL. None

9. PROCEDURE.

NOTE: EEOICPA claims and related documentation contain PII and should be handled as sensitive information and safeguarded at all times. Additionally, encryption technology, as specified by LM cyber security personnel, must be used when electronically transmitting PII.

Attachments B., C., and D. illustrate the EEOICPA request processes.

a. EEOICPA Employment Verification, Part B

(1) Claim Receipt

(a) The EEOICPA Federal POC (or designated individual):

- 1 Receives the claim and analyzes the claim package and supporting documentation to identify the applicable responsible organization. [Contacts the DOL claims examiner if clarification or additional information is needed.]
- 2 Enters the request into the EEOICPA Tracking Database, after ensuring that a duplicate request is not already in the database. [Contacts DOL when the claim is a duplicate request. DOL may withdraw or modify the information request based on this contact.]
- 3 Sets an appropriate schedule to ensure timely response to the claimant.
- 4 Securely transmits the claim electronically to the responsible organization's EEOICPA Technician along with any appropriate guidance. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.

(b) The EEOICPA Technician:

- 1 Receives, tracks, and documents the request using the EEOICPA Tracking Database as required to ensure the responsible organization's response meets the schedule set by the EEOICPA Federal POC.
- 2 Generates a new claim file. [If a claim file already exists, the EEOICPA Technician processes the duplicate claim as instructed or contacts the EEOICPA Federal POC for guidance.]

- 3 Searches the organization's employment records using the appropriate finding aids to locate information verifying the claimant's employment history. If employment information for a claim is not available, the EEOICPA Technician conducts a search of appropriate facility finding aids (e.g., medical, dosimetry monitoring, badging) in an effort to establish a site presence for the claimant.
- 4 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
- 5 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
- 6 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.
- (c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.
- (d) The EEOICPA Technician:
- 1 Sends the signed transmittal letter and the response package to DOL.
- 2 Updates the EEOICPA Tracking Database to note the response date and close the claim activity.
- (2) Cancellation Notice Received from DOL
- (a) Upon receipt of a cancellation notice, the EEOICPA Federal POC:
- 1 Enters the cancellation information into the EEOICPA Tracking Database as appropriate.
- 2 Notifies the affected responsible organization of the cancellation.
- (b) The EEOICPA Technician files the cancellation notice in the claim file.

b. EEOICPA DOL DAR, Part E

(1) Claim Receipt

(a) The EEOICPA Federal POC (or designated individual):

- 1 Receives the DAR from DOL and identifies the applicable responsible organization. [Contacts the DOL claims examiner if clarification or additional information is needed.]
- 2 Enters the request into the EEOICPA Tracking Database, after ensuring that a duplicate DAR is not already in the database. [Contacts DOL when the claim is a duplicate request. DOL may withdraw or modify the information request based on this contact.]
- 3 Sets an appropriate schedule to ensure timely response to the claimant.
- 4 Securely transmits the DAR to the responsible organization's EEOICPA Technician along with any appropriate guidance. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.

(b) The EEOICPA Technician:

- 1 Confirms employment or establishes site presence, if necessary.
- 2 Generates a new claim file. [If a claim file already exists, the EEOICPA Technician processes the duplicate claim as instructed or contacts the EEOICPA Federal POC for guidance.]
- 3 Tracks and documents the request as required to ensure the responsible organization meets the schedule set by the EEOICPA Federal POC.
- 4 Analyzes the DAR and other supporting documentation, and identifies any previously retrieved information on file that can be used to complete the DOL claim.

- 5 Searches the organization's records to locate any other information needed to respond to the DOL request. The EEOICPA Technician shall provide all available information requested under the DAR. This includes:
- Medical records, including workers' compensation claims related to the claimed illness;
 - Radiological dose records (summary only);
 - Incident/accident reports;
 - Industrial hygiene/safety records;
 - Employment information; and
 - Other items stated in the request.
- 6 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
- 7 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
- 8 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.
- (c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.
- (d) The EEOICPA Technician:
- 1 Sends the signed transmittal letter and the response package to DOL.
- 2 Updates the EEOICPA Tracking Database to note the response date and close the claim activity.
- (2) Cancellation Notice Received from DOL
- (a) Upon receipt of a cancellation notice, the EEOICPA Federal POC:
- 1 Enters the cancellation information into the EEOICPA Tracking Database as appropriate.
- 2 Notifies the affected responsible organization of the cancellation.

(b) The EEOICPA Technician files the cancellation notice in the claim file.

c. EEOICPA NIOSH Process

(1) Claim Receipt

(a) The EEOICPA Federal POC:

- 1 Receives the claim from NIOSH and identifies the applicable responsible organization.
- 2 Enters claim information into the EEOICPA Tracking Database.
- 3 Sets an appropriate schedule to ensure timely response to the claimant.
- 4 Securely transmits the request to the responsible organization's EEOICPA Technician along with any appropriate guidance. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.

(b) The EEOICPA Technician:

- 1 Receives, tracks, and retrieves the claimant's DOL claim file, or creates a new file if one does not exist. [Note: NIOSH will send requests for dose (dosimetry), x-ray, and incident/accident reports that pertain to the claimant.]
- 2 Tracks and documents the request as required to ensure the responsible organization's response meets the schedule set by the EEOICPA Federal POC.
- 3 Searches the organization's epidemiological-related records using the appropriate finding aids to locate responsive documents (e.g., dose, incident/accident reports, x-ray).
- 4 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
- 5 Retains and files response package documents using an appropriate index to facilitate future file retrieval.
- 6 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.

- (c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.
- (d) The EEOICPA Technician:
- 1 Sends the signed transmittal letter and the response package to NIOSH.
 - 2 Updates the EEOICPA Tracking Database to note the response date and close the claim activity.
- (2) NIOSH Special Request for Additional Dose Information
- (a) The EEOICPA Federal POC:
- 1 Receives the request for additional dose information from NIOSH and identifies the applicable responsible organization.
 - 2 Enters request information into the EEOICPA Tracking Database.
 - 3 Sets an appropriate schedule to ensure timely response to the request.
 - 4 Securely transmits the request to the responsible organization's EEOICPA Technician along with any appropriate guidance. Guidance may include any special reviews that may be needed to complete the request or special instructions concerning how the responsive documents should be packaged.
- (b) The EEOICPA Technician:
- 1 Receives, tracks, documents, and analyzes the NIOSH special request. [If the requested information is already on file, continue at Step 9.c.(2)(b)3 below.]
 - 2 Searches the responsible organization's records using the appropriate finding aids for responsive documentation.
 - 3 Generates a response package and ensures the information it contains is complete. A response is required even if the responsible organization has no relevant information.
 - 4 Retains and files response package documents using an appropriate index to facilitate future file retrieval.

- 5 Generates a transmittal letter and sends the letter to the EEOICPA Federal POC for signature.
- (c) The EEOICPA Federal POC signs the transmittal letter and returns it to the EEOICPA Technician.
- (d) The EEOICPA Technician:
 - 1 Sends the signed transmittal letter and the response package to NIOSH.
 - 2 Updates the EEOICPA Tracking Database to note the response date and close the claim activity.

10. ATTACHMENTS.

- a. Attachment A. – EEOICPA and LM’s Support
- b. Attachment B. – EEOICPA Part B, Employment Verification/DOL Request Flowchart
- c. Attachment C. – EEOICPA Part E, Document Acquisition Request/DOL Request Flowchart
- d. Attachment D. – EEOICPA NIOSH Request Flowchart
- e. Attachment E. – Office of Environmental, Safety, and Health/Office of Health Services EEOICPA Responsibilities

Approved: Original signed by Barbara McNeal 1/26/09
 Director
 Office of Business Operations

Distribution: As required

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Attachment A. – EEOICPA and LM’s Support

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was enacted to provide compensation and medical benefits to employees who worked at certain Department of Energy (DOE) facilities, including contractors and subcontractors at those locations, and certain of its vendors.

Mediation of issues pertaining to all claims for benefits under the EEOICPA is the responsibility of the Department of Labor (DOL). The DOL is supported in its role by the DOE, the National Institute for Occupational Safety and Health (NIOSH), and the Department of Justice (DOJ).

a. About EEOICPA

EEOICPA was enacted to provide compensation and medical benefits to current or former civilian employees who worked at certain Government or privately owned facilities where atomic weapons were produced or tested.

(1) Part B, Employment Verification

Part B of the EEOICPA provides variable benefits up to \$150,000 and payment of medical expenses (from the date a claim is filed) to qualified claimants, or their survivors, who are determined to have worked at a covered Department of Energy (DOE) facility. Eligible employees include:

- DOE employees,
- DOE contractors and subcontractors,
- Atomic weapons employees, and designated beryllium producer or vendor facility workers who developed a radiation-induced cancer, beryllium disease, or silicosis.

Benefits are available provided: the employee developed cancer after working at a covered facility, the cancer is determined to be likely related to work at that facility, or the employee is a member of the Special Exposure Cohort and developed a listed cancer.

Compensation up to \$50,000 and payment of medical expenses (from the date a claim is filed) is available to uranium workers or their survivors previously award benefits by the Department of Justice under Section 5 of the Radiation Exposure Compensation Act (RECA).

(2) Part E, Document Acquisition Request

Compensation and payment of medical expenses is available to employees of DOE contractors and subcontractors, or their survivors, who develop an illness due to exposure to toxic substances at certain DOE facilities. Uranium miners, millers, and ore transporters are also eligible for benefits if they develop an illness as a result of toxic exposure and worked at a facility covered under Section 5 of the RECA. Under Part E, a

toxic substance is not limited to radiation but includes things such as chemicals, solvents, acids and metals.

Variable compensation up to \$250,000 is determined based on wage loss, impairment, and survivorship.

(3) The Former Part D, Physicians Panel

The state workers compensation assistance program, previously administered by DOE under Part D of EEOICPA, was abolished in an amendment enacted on October 28, 2004. Claims filed under the Part D program have been transferred to DOL for consideration under Part E.

b. The DOE Role

DOL has primary responsibility for EEOICPA administration. DOL is supported in its role with assistance from the DOE, the HHS, and the DOJ.

DOE provides worker and facility records and data to DOL to assist its decision-making and to support EEOICPA administration. DOE maintains a list of facilities covered under the EEOICPA. This list is published in the Federal Register and is periodically updated.

In addition to periodic publication of the list in the Federal Register, DOE also maintains the searchable covered facility database available at the DOE Office of Environment, Safety, and Health Internet site. This database contains additional information pertaining to each of the facilities noted in the Federal Register, including years of activity and a general overview of what the facility did. When new information supports new listings or expanded periods, updates are made accordingly.

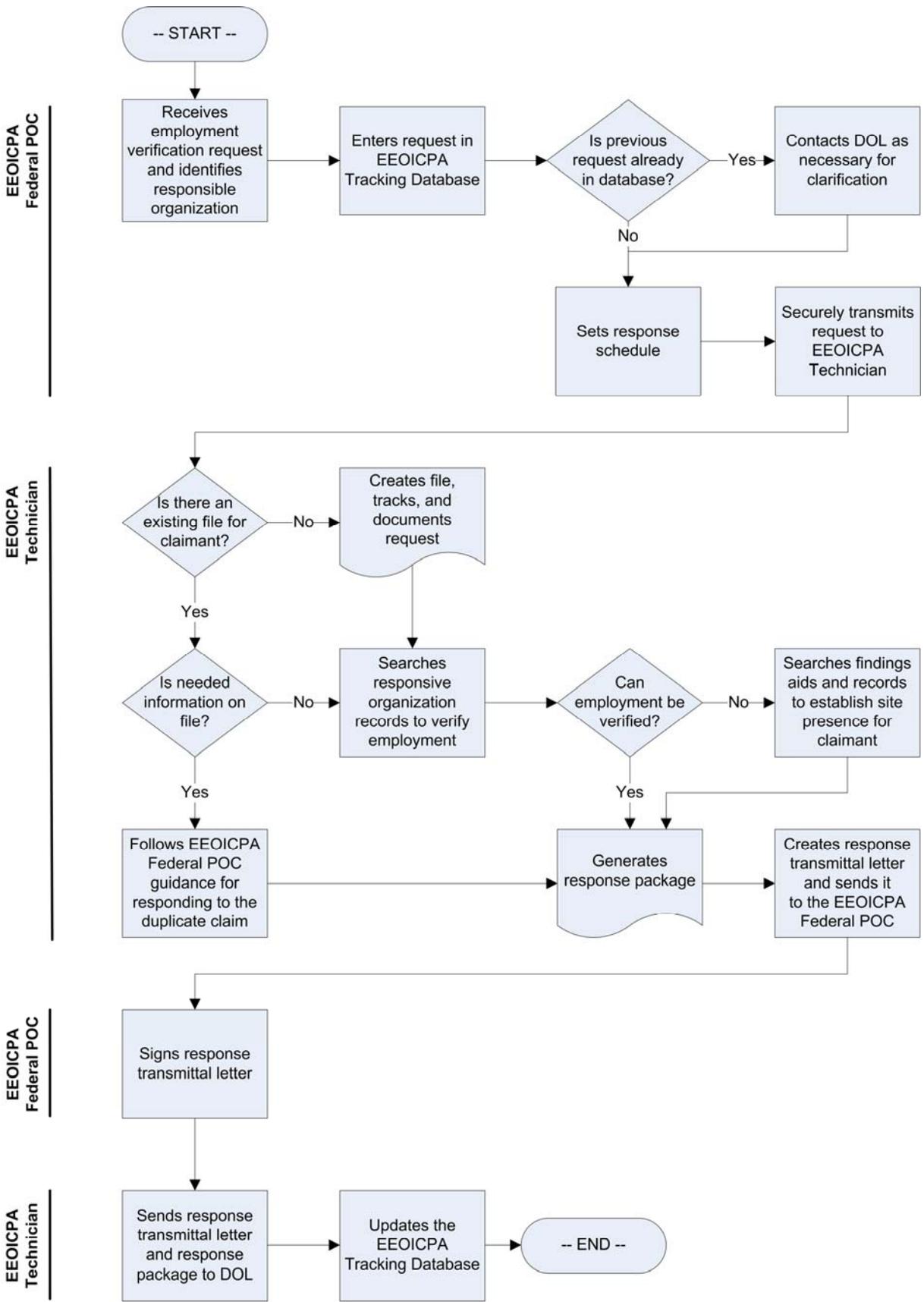
c. LM Support

It is LM policy to support DOL, NIOSH, and Office of Former Worker Screening Programs efforts to implement the EEOICPA.

LM provides:

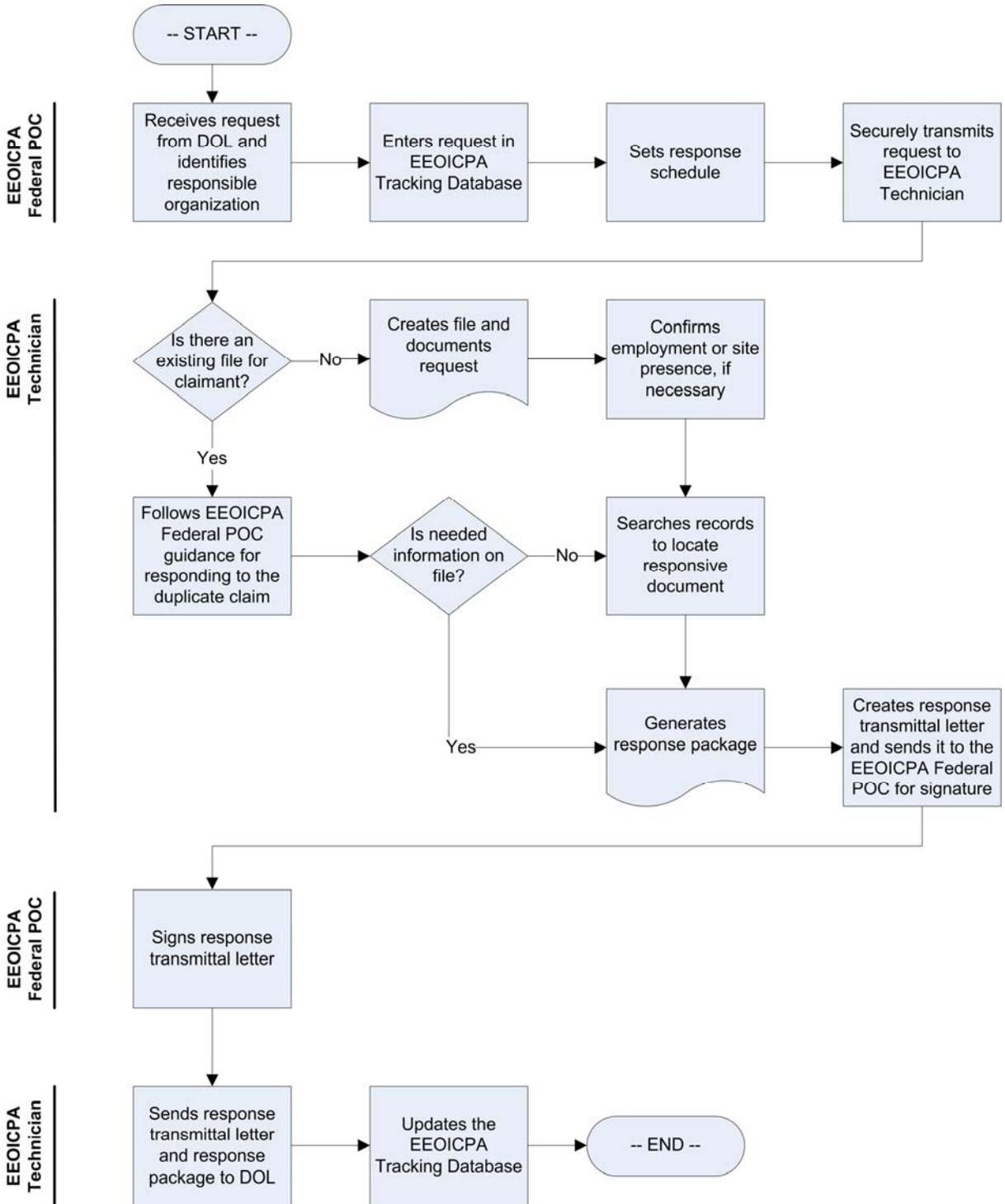
- Employment, medical, workers compensation, industrial hygiene, and other records as requested.
- Employment information to DOL to support the EEOICPA process; and
- Dosimetry (dose) data (occupational exposure and medical treatment exposure) to NIOSH to support individual claims and radiological dose data in support of site dose reconstruction.

Attachment B. – EEOICPA Part B, Employment Verification/DOL Request Flowchart



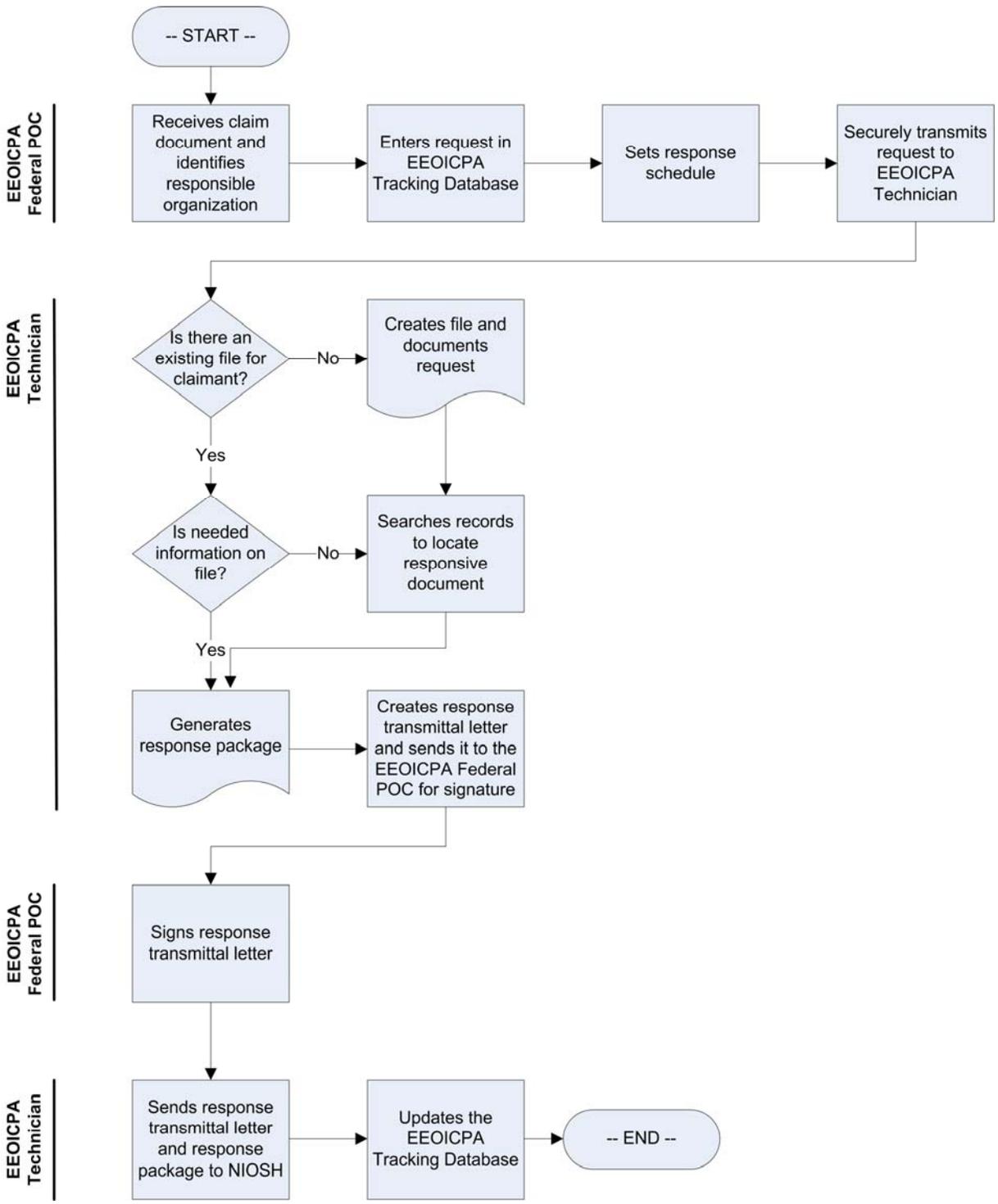
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Attachment C. – EEOICPA Part E, Document Acquisition Request/DOL Request Flowchart



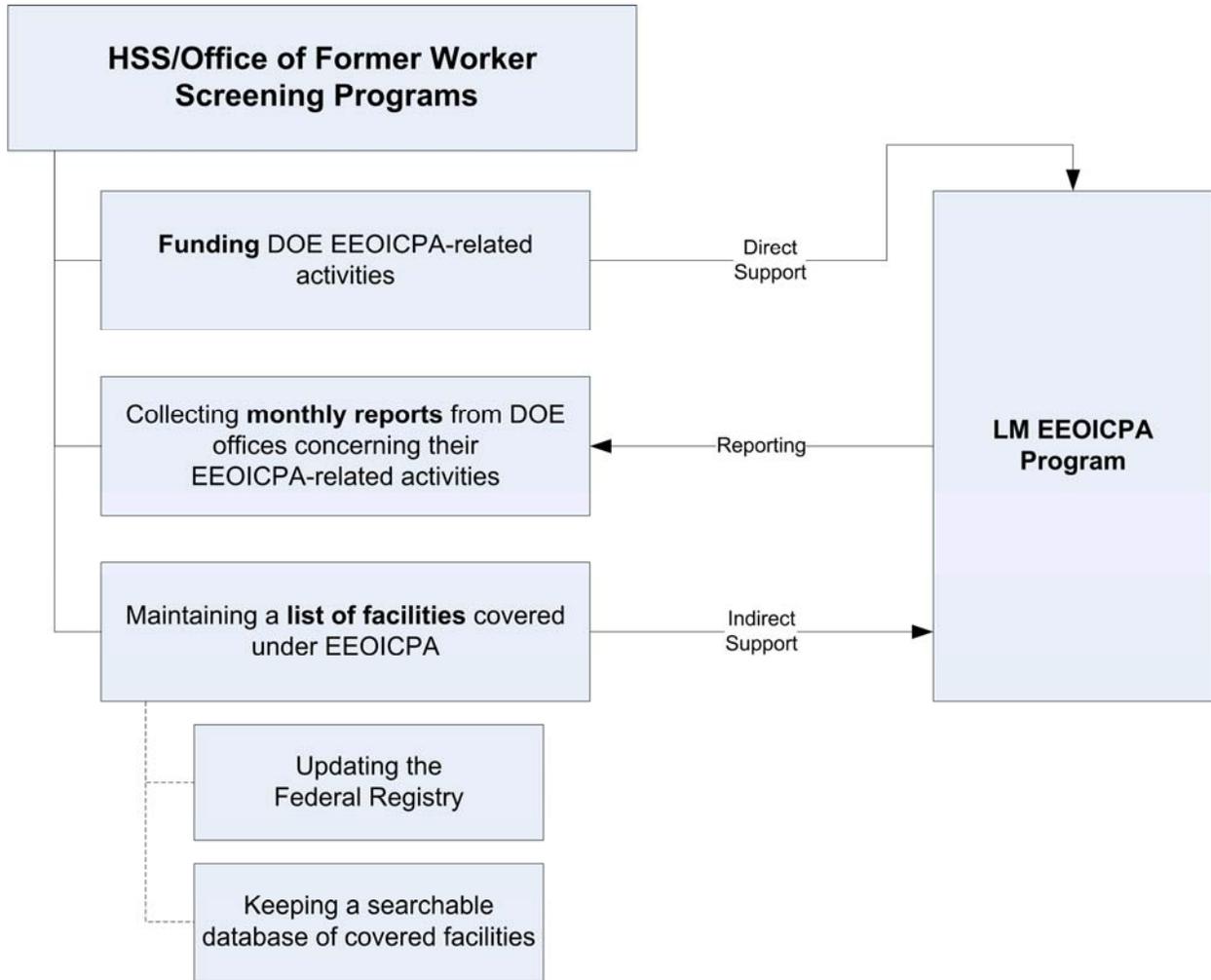
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Attachment D. – EEOICPA NIOSH Request Flowchart



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Attachment E. – Office of Health, Safety and Security/ Office of Former Worker Screening Programs



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