

Nuclear Workers' Complaints Spotlight Generous Bonuses Paid to DOL Top Dogs

How the program works

Sick nuclear weapons workers have two ways to qualify for medical and monetary aid through the Energy Employees Occupational Illness Compensation program. Congress created the program in 2000 to help sick and dying weapons workers who'd been on the front lines of the Cold War. The program is administered by the U.S. Department of Labor.

Part B
Covers cancer and diseases caused by beryllium and silica, and offers claimants \$150,000 plus reimbursement for related medical costs.

- The claimant must prove employment at a covered site and diagnosis of a covered disease. To do this, the claimants often need decades-old work and medical records that sometimes no longer exist.
- Some claims are denied here, but if DOL accepts the claim:

Beryllium disease and silicosis are supposed to be automatically approved.

Cancer cases are sent to NIOSH, the National Institute for Occupational Safety and Health, for a "dose reconstruction." There government scientists try to use old records to estimate the amount of radiation a worker absorbed over a career.

The results are fed into a statistical computer model to determine the chances that the estimated exposures caused the cancer.

- If the chance is 50% or greater, the claimant is approved.
- If the chance is less than 50%, the claim is denied.

Approved
Claimant is paid \$150,000 plus covered medical costs.

If exposure records are faulty or missing and NIOSH can't estimate the worker's radiation dose, the claimant can petition for a "special exposure cohort," in which 22 cancers are automatically covered. Other cancers must accept a partial dose reconstruction.

Denied
If a claim is denied, the claimant can appeal to the DOL's Final Adjudication Board. DOL gets one last chance to rebut what the claimants says. If the board upholds the denial, claimants have 60 days to file a case in federal court.

Part E
Covers any illness that is linked to toxic exposure and offers claimants reimbursement for related medical costs, plus lost wages and impairment payments.

- Claimant proves employment at a covered site.
- If DOL accepts the case, the claimant must

provide evidence of which toxic substances the worker could have been exposed to and evidence that those substances are linked to the worker's disease. This process can take years. The effects of many toxic substances have not been studied. Workers often didn't know what they were exposed to at their top-secret jobs.

Approved
If DOL accepts the claimant's evidence, the claim is approved. Approved claims get medical benefits. DOL then is supposed to automatically consider the claim for wage loss and impairment benefits, which are \$2,500 for every percentage point of impairment up to \$250,000.



ROCKY MOUNTAIN NEWS

A nationwide uprising by sick nuclear workers and their survivors has lifted a veil of secrecy surrounding generous bonuses collected by several high level Department of Labor officials involved in setting up and administering the Energy Employees Occupational Illness Compensation Program (EEOICP).

In a massive investigative report on EEOICP, the *Rocky Mountain News* charged last summer that high-ranking FEC personnel had collected \$3.2 million in bonuses—presumably for work related to EEOICP administration. Shelby Hallmark, administrator of DOL's compensation programs, got \$116,000 over the past seven years, including \$18,500 in 2007. Peter Turcic, administrator for EEOICP, was awarded \$87,200 over seven years, including \$16,500 in 2007. Carol DeDeo was awarded \$84,407 in bonuses between 2001 and 2007—including \$25,000 in 2007.

Four years after DOL took over the

compensation process under this program from the Department of Energy, the number of claims processed has substantially increased (DOE managed to pay just 32 claims in the program's first four years). But, dissatisfaction with the process continues to grow. The *Rocky Mountain News* found that 43,000 claimants have now been paid out of 165,000 claims filed.

A loose coalition of former nuclear workers and their families held demonstrations and press conferences throughout the country over the past summer objecting to the convoluted processes that they endure in filing for claims and the difficulties they have encountered in compiling information to support their claims. Many of the demonstrations were held in front of Labor Department offices.

Although the law establishes a \$150,000 ceiling on individual claims, DOL's rules that guide claims examiners say that \$90,000 of that is to compensate an individual for illness

developed as a result of nuclear or toxic exposure. An additional \$60,000 can be awarded for lost wages because of such illnesses.

DOL still shares responsibility for the program, along with NIOSH—which has established the criteria for which illnesses are considered related to toxic and radioactive exposure, and the Department of Energy. Although DOL Secretary Elaine Chao had initially sought to dodge the assignment, she lost out when Congress directed DOE to turn over claims processing to DOL in 2004.

The *Rocky Mountain News* report quoted former claims examiners who said there was substantial pressure from above to move cases out. One former CE said that there were never any direct orders to deny cases, but that CE charged that the demand to speed up processing clearly was a factor in generating turndowns on cases.