COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

"A Native American - Woman Owned Company"

LC

Fax Cover Sheet

	To:	U.S. Department of Labor	From: Gary S. Vander Boegh
		ATTN: Hon. Secretary of Labor	
		Hilda Solis	
	Fax:	(202) 693-6111	Date: 8/09/10
	Phone:	(270) 450- 0850	Pages:16Pages including the Cover Sheet
	Re:	Charles Featherston	cc: Rachel Leiton
	Urgent	☐ For Review ☐ Please Comme	ent □ Please Reply □ Please Recycle
Co	mment	s:	
De	ar Secr	etary Solis,	
Atı	tached p	please find the following reopenin	g request for Charles Featherston.
Th	anks,		
Ga	ry		

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

"A Native American - Woman Owned Company"

Gary Vander Boegh, Vice President Commonwealth Environmental Services, LLC 4645 Village Square Drive, St. F Paducah, Kentucky 42001 Telephone: (270) 450-0850

Facsimile: (270) 450-0858

August 8, 2010

U. S. Department of Labor, Frances Perkins Building, 200 Constitution Ave., NW Room S-2018 Washington, DC 20210

Attention: Madam Secretary Hilda Solis

Employee: Charles E. Featherston

File Number:

Claimant: Helen Featherston

Dear Ms Solis,

As "Authorized Representative" (AR) for claimant Helen Featherston, I hereby submit the attached EE-1 form and further request Part B and Part E claims reopening based on additional medical evidence (Claimant Attachments 002 thru 009) that support Chronic Beryllium Disease, Acute Respiratory Disease, Pneumonia, Emphysema, Chronic Bronchitis, Chronic Obstructive Pulmonary Disease, Sinusitis, Chemical induced Rhinitis, Hital Hernia, and chronic sinus infections. In part, Mrs. Featherston also bases her request for reopening on 20 C.F.R. § 30.320(b):

"At any time after the FAB has issued a final decision pursuant to § 30.316, a claimant may file a written request that the Director for Energy Employees Occupational Illness Compensation reopen his or her claim, provided that the claimant also submits **new evidence of either covered employment or exposure to a toxic substance**, or identifies either a change in the PoC guidelines, a change in the dose reconstruction methods or an addition of a class of employees to the Special Exposure Cohort.

(1) If the Director concludes that the evidence submitted or matter identified in support of the claimant's request is material to the claim, the Director <u>WILL</u> reopen the claim and return it to the district office for such further development as may be necessary, to be followed by a new recommended decision."

Since the evidence presented indicates that Charles Featherston was diagnosed with

Acute Respiratory Disease, Pneumonia, Emphysema, Chronic Bronchitis, Chronic Obstructive Pulmonary Disease prior to January 1, 1993, the DOL is required by statutes to compensate Mrs. Helen Featherson for Part B in the amount of \$150,000 and Part E in the amount of \$125,000 as stated by the EEOICPA as follows:

42 U.S.C § 73841.

- (13) The term "established chronic beryllium disease" means chronic beryllium disease as established by the following:
 - (A) For diagnoses on or after January 1, 1993, beryllium sensitivity (as established in accordance with paragraph (8)(A)), together with lung pathology consistent with chronic beryllium disease, including—
 - (i) a lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease;
 - (ii) a computerized axial tomography scan showing changes consistent with chronic beryllium disease; or
 - (iii) pulmonary function or exercise testing showing pulmonary deficits consistent with chronic beryllium disease.
 - (B) For diagnoses before January 1, 1993, the presence of—
 - (i) occupational or environmental history, or epidemiologic evidence of beryllium exposure; and
 - (iii) ANY three of the following criteria:
 - (I) Characteristic chest radiographic (or computed tomography (CT)) abnormalities.
 - (II) Restrictive or obstructive lung physiology testing or diffusing lung capacity defect.
 - (III) Lung pathology consistent with chronic beryllium disease.
 - (IV) Clinical course consistent with a chronic respiratory disorder.
 - (V) Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

Your timely response to the reopening request of Mrs. Helen Featherston's Part B and E claim for compensation is appreciated.

Please contact me at 270-559-1752 or 270-450-0850, if you have any questions.

Sincerely,

Gary S. Vander Boegh

"Authorized Representative"

Vice President-Commonwealth Environmental Services, LLC.

Cc. Honorable Secretary of Labor Hilda Solis w/Attachments (202) 693-6111

U.S. Department of Labor 200 Constitution Avenue, NW Room S-2018 Washington, DC 20210

Director OWCP Shelby Hallmark
Director DEEOIC Rachel Leiton (202) 693-1465

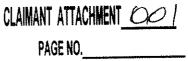
FAB Final Adjudication Branch Chief LuAnn Kresley FAB Assistant Director Thomasyne L. Hill

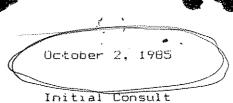
Claim for Benefits Under the Energy Employees Occupational Illness Compensation Program Act



U.S. Department of Labor Employment Standards Administration Office of Workers' Compensation Programs

Note: Provide all information requested below. Do not write in the shaded areas.	OMB Number:	1215-01			
Employee Information (Please Print Clearly)	Expiration Date	: 08/31/20)10		
	2. Social Security	v Number			
Featherston Charles E		,			
3. Date of Birth 4. Sex 5. Depe	ndents				
Month Day Year Male Female Spot	ıse 🔲 Children 🔲	Other:			
	hone Number(s)		····		
a. Home:					
(City, State, ZIP Code) b. Other:	()	_			
8. Identify the Diagnosed Condition(s) Being Claimed as Work-R		x and list spe	cific diagno	sis)	
Cancer (List Specific Diagnosis Below)	Ì		e of Diagr		
List openie siegnosis scieny		Month	Day	Year	
a.					
b.					
c.					
Beryllium Sensitivity					
Chronic Beryllium Disease (CBD)					
Chronic Silicosis					
Other Work-Related Condition(s) due to exposure to toxic substances or related.	adiation (List Spec	ific Diagnosis	Below)		
a. Acute Respiratory Disease ; Sinusitis 1- 08- 79:Pneumonia 55		09	16	1963	
b. Emphyssema 5-3-1982 Chemical Rhinitis		01	10	1979	
c. Hital Hernia; sinus infection; chronic bronchitis		10	02	1985	
Awards and Other Information					
10. Did you work at a location designated as a Special Exposure Cohort (SEC)?			X YES	□ NO	
11. Have you filed a lawsuit seeking either money or medical coverage for the above claimed condition(s)?					
12. Have you filed any workers' compensation claims in connection with the above claimed		YES	⊠ ио		
13. Have you or another person received a settlement or other award in connection with a lawsuit or workers'					
compensation claim for the above claimed condition(s)? 14. Have you either pled guilty or been convicted of any charges connected with an applic	ation for or receipt	of federal	YES	NO 🔀	
or state workers' compensation? 15. Have you applied for an award under Section 5 of the Radiation Exposure Compensation.	nn Act (DECA)2	***************************************	YES	NO NO	
			[Z] NO		
If yes, provide RECA Claim #:					
16. Have you applied for an award under Section 4 of the Radiation Exposure Compensation	on Act (RECA)?		YES	⊠ NO	
Employee Declaration					
Any person who knowingly makes any false statement, misrepresentation, concealment of fact, or any other act of f obtain compensation as provided under EEOICPA or who knowingly accepts compensation to which that person is necessary.		source Cent	er Date S	tamp	
subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate crimina	l provisions,				
be punished by a fine or imprisonment or both. Any change to the information provided on this form once it is subn be reported immediately to the district office responsible for the administration of the claim. I hereby make a claim	for benefits				
under EEOICPA and affirm that the information I have provided on this form is true. If applicable, I authorize the Department of Justice to release any requested information, including information related to my RECA claim, to the U.S. Department of					
Labor, Office of Workers' Compensation Programs (OWCP). Furthermore, I authorize any physician or hospital (or a					
erson, institution, corporation, or government agency, including the Social Security Administration) to furnish any desired increase and the U.S. Department of 1250r, office of Workers' Compensation Programs.					
08/08/2010					
Employee Signature Date	-				
			Form EE April 200		
\checkmark			, .p 200	-	





RE: CHARLES E. FEATHERSTON

Referring person Ms. Susan Featherston.

REASON FOR REFERRAL:

Positive TB skin test.

SCANNED

PRESENT ILLNESS:

Mr. Featherston is a 56 year old caucasian male who has been in his usual state of health for the last several years. A recent PPD skin test was applied and was found to be positive and he was told that he must begin taking INH medication. He came to our office for further consultation.

Patient denies any specific exposure to TB. Chest x-ray shows no evidence of TB. X-rays were compaired to previous films and showed no change. It is of interest he has had an industrial exposure to multiple toxic chemicals in the past.

PAST MEDICAL HISTORY:

Usual childhood illnesses. Denies any significant allergies.

HOSPITALIZATIONS:

Have included hemorrhoidectomy, appendectomy, and hand surgery.

MEDICAL ILLNESS:

Hital Hernia. sinus infections and bronchitus.

INJURIES:

Fractured ribs and wrist.

MEDICATIONS:

Pathibamate 400 mg. q.i.d.

Inderol LA 80 mg. 1 g day.

The patient was previously in the military service, Army. He had bilateral pneumonia.

CLAIMANT ATTACHMENT <u>02</u>
PAGE NO.

Page 279 of 1288

DISPENSARY RECORD

Name C. E. Lealherstone Dept. No. 5760-4 Medical No. 123
Pate TEMP. 99
(1/16/63) Productive Cough And pain in chest for 24
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(Foremen notified)
- Charles
$\frac{1}{2}$
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Buffarin toplats
(R.b)
H. Z. HOUSMAN. R.H.
0-17-63 Requests Bufferin for headache
10 3 m. Dispensed Same
1 A. Sleles, R. M.
3 6 4 Hash Rehing
12 noin R. Bufferin tablets de requested H. E. Hausman, R.n.
H- C Frau 3 In July K. II .
12964 Healache
1.20 p.m. S. Bufferin tab. ks requested.
HEMENON H. S. HOUSMAN
Page 57 of 1288 CLAIMANT ATTACHMENT OO3
PAGE NO

, p	
SITE	NO. CHART 15 15 7J
3	01232
LAST NAME FEATHE	RSTON Cr
SEX GROUP	BIRTH DATE AGE DISPENSARY RECORD
DATE	DEPARTMENT:
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	(62V)
	1 Charlotte
	1407
1879	B.P. 140 80 (R) P. 68
10.35 NM	Patient has feeling of pounding heart and thinks his
	pulse irregular.
	On Sat of Symptoms 2 or 3 Months ago.
-	States he does not have Personal doctor but rolies on
	Medical Dept. Also had store problems during recent Strike.
	Hx of hoodache and Sinusifis for 40018.
	Seen ly J. Phillips M.D.
	appoint. L. Roberto M.D. at 2 P.M. Mon. Oct. 8th
	Dr. C. Hogancamp booked into Dec. 1979.
F	R.W. H. E. Hausman, R.M.
0/5/79	BP. 134 84 (P) 70
13:50PM	1. Saa Wore - Wishas to See M.D.
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	7 010 à continuing die tay des aution (amplegee is to
	contact De Logan carry for concellation of apprount)
	CLAIMANT ATTACHMENT OF 4
	Page 69 of 1288
CN-451 (1235 8-	PAGE NO. + USGPO: 1979—640-028/2212

p.2, Mr. Featherson

Blood and Urine Tests

Three of your liver function tests were elevated, which included: Alkaline phosphatase and AST (both mildly elevated) and GGT (markedly elevated). Your triglycerides were high. The rest of your blood chemistry tests, which included kidney function tests, were normal, as were your white blood cell counts. Your platelet count was mildly decreased. Your urinalysis test showed the presence of trace amounts of ketones, glucose (sugar) and bilirubin, and a mild amount of protein.

Summary and Recommendations

The physical exam finding of probable liver enlargement is consistent with the elevated liver function tests. These liver function tests should be compared with previous values to assess for degree of elevation. Please contact your physician as soon as possible to discuss these findings. The other physical exam finding of an elevated blood pressure should receive follow-up monitoring, especially since you do not report a history of high blood pressure. Please discuss this finding with your physician to determine how often your blood pressure should be checked.

The chest x-ray B reading finding of a possible density along the right side of the windpipe should receive follow-up, if this is a new finding. This follow-up should include a comparison with previous films (if available). Otherwise, a CAT scan would be indicated. Please discuss this finding with you physician as soon as possible.

The breathing test abnormality was moderate and can be a specific finding for certain types of lung diseases. We note you have been experiencing phlegm production for the past 50 years. This symptom is consistent with chronic bronchitis. Your history of exposure to toxic agents, especially acids and bases, at the gaseous diffusion plant, is likely to have contributed to the development of this condition. Your history of eigarctic use is also likely to have contributed to the development of this condition. We recommend a one time pneumococcal vaccination (if you have not had one previously), a yearly influenza vaccination, and prompt treatment of any chest colds.

The noted abnormalities of the serum chemistries, platelet counts and urinalysis should receive follow-up. Please contact your physician as soon as possible to determine when this should be done.

The abnormal hearing test could have been caused by a variety of factors, including noise exposure and aging. Given your history of noise exposure at the gaseous diffusion plant, it is likely that occupational noise exposure contributed to your hearing loss. However, since the right ear could not be evaluated properly, we recommend follow-up with an audiologist for a more complete assessment. If you decide to pursue this, we would like a copy of the results.

We hope that this evaluation has addressed some of your concerns about your health. As a way to protect your overall health, we recommend periodic check-ups with your personal physician. We also recommend a one time pneumococcal vaccination (if you have not had one previously) and a yearly influenza vaccination.

The statute of limitations for filing a workers compensation claim in Kentucky is one year. If you intend to file a claim, we recommend that you contact an attorney immediately. If you need assistance, you may contact the PACE coordinator, Phillip Foley at (502) 851-3187.

CLAIMANT ATTACHMENT 005
PAGE NO. 6 2

p.3, Mr. Featherson

We thank you for your interest and participation in the Worker Health Protection Program. Enclosed is a copy of your results. If you have any further questions or comment about your results, please call us (toll free) at 1-888-241-1199.

Sincerely,

Steven Markowitz, M.D.

enc.

cc: Dr. Charles Winkler

CLAIMANT ATTACHNENT 05
PAGE NO. 2002

X-RAY EXAMINATIONS 4079 BD: Medical No. 1232 Name FEATHERSTON, C. E. Readina 6/1/70 X-rays of the cervical vertebrae - show nothing unusual. RHR.mlp X-ray of the chest - appears normal. 10-10-75 Per. RHR: reb Chest: The heart is normal in size and shape. The lungs are normally expanded and are free of active parenchymal disease. The mediastinal structures are not displaced and both hemidiaphragms are normal. There is no pleural change and the bony thorax is intact. Impression: Normal Chest. PB:ejw 11-1-79 Chest: The heart is normal in size and shape. The lungs are normally expanded and aerated and there is no evidence of active Per parenchymal disease in either lung. Impression: Normal Chest. PB:ejw Chest: PA and Lateral views of the chest show a normal size J 5/14/81 heart. The lungs are normally expanded and aerated and there Per. is no evidence of active parenchymal disease in either lung. Impression: Normal chest. WFC:ejw -3 - 82Chest: Shows a normal size heart. The lungs are mildly hyperaerated suggesting possible pulmonary emphysema but this should be correlated with the clinical and laboratory findings. Acute parenchymal disease is not identified in either lung.

CLAIMANT ATTACHMENT OOG

UCN-448

Page 137 of 1288

PAGE NO._____

airway obstruction. There is no significant purulent rhinorrhea. The mucosa is somewhat hyperemic. The examination of the mouth, oro, naso, and hypopharynx was within normal limits. The larynx was negative. No palapable masses were noted.

Impression: 1. Chemical rhinitis secondary to the inhalation of chemical vapors.

2. Old nasal trauma with subsequent nasal deformity and nasal obstruction which is greater on the left than the right.

Plan: I talked with the patient concerning reconstructive rhinoplasty which is indicated to improve his nasal airway obstruction on the left side. The patient is somewhat reluctant and therefore we will maintain him on frequent saline irrigations to the nose. The patient will return to the office is he changes his mind in regards to the nasal surgery.

Thank you for this referral.

Sincerely,

John E. McCracken, M.D.

JMc:mh

CLAIMANT ATTACHMENT <u>007</u>
PAGE NO.



Sched Date: 07/15/2004 05:2 2:00



Western Baptist Hospital . Physician Access Network . [Print]

Patient:	FEATHERSTON, CHARLES E	Room-Bed:		Station:
Account #:	to participate the first time of the second contract and the second contract to the second	DOB:		Age: 75
History #:	THE STATE OF THE S	Admit Date:	07/14/2004	Sex: M
User:	Crystal Bruer		A STATE OF THE COLUMN ASSESSMENT	The property of the second
	Radiology	Results		
	Order Name: XR CHEST PA OR AP	we office and an employed a strategy to the Europe Strategy of the employed by		
	Admitting Diagnosis: PHYSICAL THERAPY NEC			Order Status: Final
	Sched Date: 07/15/2004 05:2 2:00			Result Status: Final

HISTORY-SOB

Comparison is made with a prior study from 07/09/04. Lungs are hypoaerated. There is central vascular crowding and mild nodularity at the left hilum. He art size is within normal limits. Thoracic aorta is tortuous. There is a right paratracheal mass-like density that is unchanged. No pneumothorax is seen.

IMPRESSION-

Programme Control of the Control of

1. Hypoaeration of the lungs with central vascular crowding. Right paratracheal mass-like density is stable. Correlation with older studies is recommended. However, CT may be required.

Read By JAMES VANHOOSE

Released By JAMES VANHOOSE Radiologist COMPLETE

End of transcription

CLAIMANT ATTACHMENT <u>008</u> PAGE NO.

SCANNED

https://ipan.bhsi.com/v4/t_radres_cmo.cfm?CMDSN=DirectCareMgrWBHP&CMRadText... 8/20/2004

Page 144 of 1288

DISPENSAPY RECORD

"Neuman"	Name C. E. Feathers Sept. No. 5751 Hedical No. /232
Date	
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<u> </u>	1 AMERITI MOST GOOD Alberto, I al.
	the art ali-letter de la consent let
	weeken to be the the
***************************************	alle as less in a m
	wishes to return to work.

13/55	Ind Recall - P.W.
•	
16/55	Throat Slightly some. 7.986°
7	Ry: Thantel - 2
	Throat Slightly sore. 7:986. P4: Thouted-Ruelfard R.M.
12/55	Complains & Crawberg in Stowack- 110
- <i>3</i> 4	Complains & Cramping in Stowach-16 some frain in lest chest. Hashord a pare throat since last Tuesday. Tioo, addiesed to go home and check with his some m. D.
	some fain in les chest. Hashor a
	sore throat since last Tuesday.
	T: 100, advised to go home out check
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	go. D. Mass/ Rico.
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7/33/50	1-98
	Last work day 8/8/55 Missed 9 octas/ work days
	Sent hack to work by Dr. Runsion-
	Mak Trumania
- 	Aprima of laws ph. of Clamach.
	OK & feller to Work -
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26/57	Consultation fully to the
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	much by the Kenyon - Oliver, Jann.
	2em
	A) AHAAHT ATTAMHAEAT AA B
- 1	Page 48 of 1288 CLAIMANT ATTACHMENT OC9

PAGE NO. 1 0 5 3

CES0053

MEDIC. REPORT
NAME (FOR DEPT. NO. BADGE NO. SERVICE CODE 5 185-H 1332 05 AGE SEX OCCUPATION LENGTH OF EMPLOYMENT FOREMAN BUILDING NO. C. 337
HISTORY (Where was patient at time? What was he doing? What happened? Was the involved part over previously affected by injury or disease? What safety equipment was worn?)
Clooping Thogos Since about 8:30 C.M.
his layer has and hock from formes
hard hat, covoralla And Sheety Shees. gloves,
FINDINGS First dagrae Chamical burns of bridge of nose. And Nork - Eyes are irritated and burning.
MIND HOLF CHES WIE ITTITUDE WITH DITHING
X-RAY
DIAGNOSIS () QQ Tinding
Reather Clashsing Shower And Coverall Changed Solution As Compresses to irritated Arahs Neo Decadron att instilled in enesstatet 2:45 F.M. Byfferin toblets dispensed
Reg. Work Mod . Work Home Hospital CLAIMANT ATTACHMENT 009
WILL INJURY OR ILLNESS RESULT IN PERMANENT DEFECT?
☐ Yes
H. Z. HOUSMAN, R.N.

DISPENSARY RECORD

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			Page	e 54 of 1288			

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	*** FAX TX REPORT ***	

	TRANSMISSION OK	
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DEPT. ID	151	
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DESTINATION	ID	
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USAGE T	03' 50	
PGS.	16	

OK

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

"A Native American - Woman Owned Company"

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RESULT

	10:	U.S. Department of Labor ATTN: Hon. Secretary of Labor	From: Gary S. Vander Boegh
		Hilda Solis	
	Fax:	(202) 693-6111	Date: 8/09/10
	Phone:	(270) 450- 0850	Pages:16Pages including the Cover Sheet
	Re:	Charles Featherston	CC:
	Jrgent nments		□ Please Reply □ Please Recycle
		etary Solis,	
Atta	iched p	lease find the following reopening	request for Charles Featherston.
Tha	nks,		
Gar	y		

*** TX REPORT ***

JOB NO. DEPT. ID 3168 151

ST. TIME

08/09 09:58

PGS.

16

SEND DOCUMENT NAME

TX IMCOMPLETE

TRANSACTION OK

912026936111

ERROR

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

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	Urgent	☐ For Review ☐ Please Commer	nt 🏻 Pl	ease Reply Please Recycle
Co	mments	s:		
Dea	ar Secr	etary Solis,		
Att	ached p	please find the following reopening	reques	t for Charles Featherston.
Γh	anks,			
Gai	rv			

******	*****				
*** FAX TX F	REPORT ***				

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PGS.	18				

OK

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

"A Native American - Woman Owned Company"

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То:		From: Gary S. Vander Boegh
	ATTN: Hon. Secretary of Labo Hilda Solis	or .
Fax		Date: 8/09/10
Pho	one: (270) 450- 0850	Pages:16Pages including the Cover Sheet
Re:	Charles Featherston	cc: Rachel Leiton
□ Urge	ent □ For Review □ Please C	omment □ Please Reply □ Please Recycle
Comm	ents:	
Dear S	ecretary Solis,	
Attache	ed please find the following reo	pening request for Charles Featherston.
Γhanks	š•,	
Garv		

*** TX REPORT *** ***** JOB NO. 3169 DEPT. ID 151 08/09 10:04 ST. TIME PGS. 18 SEND DOCUMENT NAME TX IMCOMPLETE 912026931465 TRANSACTION OK ERROR

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

"A Native American - Woman Owned Company"

Fax Cover Sheet

То:	U.S. Department of Labor	From:	Gary S. Vander Boegh
	ATTN: Hon. Secretary of Labor		
	Hilda Solis		
Fax:	(202) 693-6111	Date:	8/09/10
Phone:	(270) 450- 0850	Pages:	16Pages including the Cover Sheet
Re:	Charles Featherston	cc: R	achel leiton
□ Urgent	☐ For Review ☐ Please Comm	nent 🗆 Plo	ease Reply Please Recycle
Comment	s:		
Dear Secr	etary Solis,		
Attached	please find the following reopeni	ing request	for Charles Featherston.
Thanks,			
Gary			