

Ann V. B

CE50012

**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

January 3, 2011

U. S. Department of Labor, DEEOIC  
Division of Energy Employees Compensation  
Final Adjudication Branch  
P.O. Box 77918  
Washington, DC 20013-7918

Attention: David F. Howell FAB Hearing Representative

File Number: xxx-xx-0317  
Employee: Anna K. Vander Boegh

Dear Mr. Howell,

As "Authorized Representative" (AR) for Anna K. Vander Boegh, I submit the following "Request for Reconsideration" (RR) of the "Final Decision issued by the Department of Labor (DOL) dated December 6, 2011. The RR is based on the following:

**Findings of Fact**

- On July 12, 2009, AR Gary Vander Boegh provided a timely request for "Request for Reconsideration" Exhibit 1 (reference pages 4 thru 7).
- On July 15, 2011, the Jacksonville district office issued a recommended decision under Part E of the Act, concluding that you had 21 % impairment of the whole person based on your chronic bronchitis. The district office recommended that you be awarded \$52,500.00 (\$2500 for each of the (21) twenty-one impairment percentage points).
- The district office also recommended that your claim for CBD Linder Parts B and E of the Act and hearing loss under Part E of the Act be denied although the DOL District Office was in possession proof of toxic substances exposures, that included but was not limited to "radiation from process gas" that resulted in symptoms of acute radiation syndrome (ARS) (headaches, loss of appetite, weight

loss, appendicitis, pneumonia, bronchitis, proteinuria, etc) prior to DOL issuing claims denials (Reference Exhibit 1).

- On March 23, 2010, Mrs. Vander Boegh filed a claim for hearing loss under Part E of the Act and on September 7, 2010, she filed a claim for benefits based on CBD (Chronic Beryllium Disease) under Parts Band E of the Act.
- Mrs. Vander Boegh has requested all supplemental records compiled after the original DOL documents were sent to her by overnight mail in an effort to determine the completeness of her DOL record files. Upon receipt, Mrs. Vander Boegh may supplement the information found in her files at the District Office.

### **Disputed Findings of Fact 12/06/11 & Response**

- The DOL issued a Notice of Final Decision on June 11, 2009 - File Number: 306200317; Docket Number: 10029607-2006 concluding, "You worked for Union Carbide, a covered DOE contractor at the Oak Ridge Gaseous Diffusion Plant (K-25) and at the Paducah Gaseous Diffusion Plant, a covered DOE facility, from January 10, 1952 to March 20, 1953."

**Anna K. Vander Boegh's Response:** Mrs. Vander Boegh provides a certified copy of the social security earnings that confirm (Exhibit No. 2) she worked at Oak Ridge GDP during 1944, in addition to the period stated by the FAB hearing official.

- "3) A search of the SEM and the totality of the evidence is insufficient to establish that toxic substance exposure at a covered DOE facility was "at least as likely as not" a significant factor in causing, contributing to or aggravating your hearing loss."

**Anna K. Vander Boegh's Response:** Although Mrs. Vander Boegh has clearly established her statutory "burden of proof" for exposures to toxic chemicals listed in both the Oak Ridge and PGDP "Site Exposure Matrices" (SEM) that includes UF6, Heavy Metals (antimony, arsenic, barium, beryllium, cadmium, manganese, mercury, lead, nickel, silver, vanadium, zinc, and PCBs., TCE, Uranium isotopes 234, 235 & 238, transuranic isotopic "contaminants (cobalt 60, plutonium 238, 239, & 240, neptunium, cesium 134 & 137, tritium, strontium-90, etc.) from processed "spent nuclear fuels." The SEM's for both nuclear sites that employed Mrs. Vander Boegh clearly lists causal links for the chemicals produced at each GDP to Mrs. Vander Boegh's diagnosed illnesses. Therefore, Mrs. Vander Boegh is not required by the statutes to solicit a separate medical opinion since she has already established a causal link to her diagnosed illnesses per her past and current medical records and reports, contrary to what the FAB hearing official and CE have concluded. (Reference Exhibits 3, 4, & 5 )

- “4) The medical evidence of record is insufficient to establish that the employee was diagnosed with CBD.”

**Anna K. Vander Boegh's Response:** Mrs. Vander Boegh again presents the statutory evidence she provided to the attention of DOL Secretary Hilda Solis and District Director James Bibeault, and Cassandra Watts on 10/20/10. In Exhibit 3, claims examiner Cassandra Watts acknowledges in her letter dated 10/26/10 her receipt of Mr. Vander Boegh's medical information. stating, “On October 20, 2010, The District Office received your faxed information that was submitted in response to our request for medical evidence to support CBD. The information included a medical note from Dr. Kanchan Koirala, dated October 5, 2010. Dr. Koirala noted the employee probably has beryllium sensitivity.

The FAB hearing official has overlooked previous medical information provided by the claimant that supports 3 of 5 CBD Pre-1993 criteria as DOL (Reference DOL letter dated. Mrs. Vander Boegh reserves the right to supplement the medical information by providing medical diagnosis for CBD and CHF. (Reference Exhibit No. 7).

## **Conclusion**

The claimant Anna K. Vander Boegh respectfully requests that based on the evidence presented during the FAB hearing, affidavits, hearing transcripts, and supplemental medical evidence that confirms compliance with pre-1993 CBD criteria and chronic heart failure, that the DOL EEOICPA Director reverse and approve the Anna K. Vander Boegh's claim for Chronic Beryllium Disease for Part B in the amounts of \$150,000 and a Part E claim for CHF for an amount to be determined by performing an impairment evaluation using a physician of Mrs. Vander Boegh's choosing. Unless the DOL Director (and those assigned to this claim) have any further administrative proceedings available for Mrs. Vander Boegh, Mrs. Vander Boegh will consider the aforementioned claims to be administratively complete upon issuance of an unfavorable or favorable “Request for Reconsideration.”

Should the DOL EEOICPA Director reject/ deny Mrs. Vander Boegh's “Request for Reconsideration”, Mrs. Vander Boegh, with all administrative proceedings terminated/closed to her, may move within 60 days of claim denial of Reconsideration to file an appeal of the Director's adverse decision in the U.S. Western District federal court. At such time, Mrs. Vander Boegh may proceed to litigation having exhausted all administrative remedies and without fear of the DOL EEOICPA Director withdrawing said claim “back to the EEOICPA administrative process” after Mrs. Vander Boegh has filed in federal court.

Please feel free to contact me at 270-559-1752 or 270-450-0850.

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

Former Director OWCP Shelby Hallmark  
Current Acting Director OWCP Gary P. Steinberg  
EEOICPA Director Rachel Leiton  
FAB Final Adjudication Branch Chief LuAnn Kressley

## **Exhibit No.1**

Date: July 12, 2009

U. S. Department of Labor  
DEEOIC, FAB  
P.O. Box 77918  
Washington, DC 20013-7918.

### **Attention: Amended Reconsideration Request For Part E Claims for Compensation**

Employee: Anna K. Vander Boegh  
File Number: [REDACTED]

### **RE: REQUEST FOR RECONSIDERATION OF FINAL DECISION ISSUED TO ANNA K. VANDER BOEGH BASED ON DEPARTMENT OF LABOR "PRETEXT"**

To: HILDA SOLIS Secretary of Labor  
Rachel P. Leiton, EEOICPA Director  
Christy Long, Deputy Director  
Michael A. Chance, Chief, Policy Branch  
LuAnn Kressley, Chief, Final Adjudication Branch  
Eugene Schwartz, M.D., Medical Director

I hereby request a **"Reconsideration"** of the Part E "Final Decisions" issued by the Department of Labor (DOL) Final Adjudication Branch (FAB) on June 11, 2009 based on "pretext", supported by the evidence as follows:

1/ On September 9, 2008, CES,LLC made an official request to FAB hearing officer Jeffrey Reeds to provide Mrs. Anna K. Vander Boegh's record DOL file or CES would request a postponement of Mrs. Vander Boegh's FAB hearing scheduled to begin September 15, 2008. Mr. Reeds refused to delay Mrs. Vander Boegh's FAB hearing even though he was fully aware of the CES request for records. After talking with Mr. Reeds, I was surprised by his question to me, "why do you need them, we have already sent everything to you."

2/ The DOL was fully aware of Mrs. Vander Boegh's exposures to toxic chemicals while working as a sampler at the K-25 enrichment facility on the atomic bombs dropped on Japan [reference her hand written statement pgs 760 and 761 stamped by the Paducah Resource Center (PRC)]. The DOL concealed her employment records that contained employment confirmation at both the K-25 and PGDP Gaseous Diffusion Plants (GDPs). The employment records finally obtained from Mr. Reeds (5 days prior to the FAB hearing in 2008) clearly confirmed Mrs. Vander Boegh's accounts of being exposed to U-235 and radioactive and toxic "process gases (considered to be toxic chemicals), at the Atomic Energy Commission (AEC) Oak Ridge K-25 facility. DOL FAB officials simply ignored these exposures in order to conceal their reasons for Part E denials that involved her disclosures of "U tube" and "process systems" failures. These K-25 exposures were well documented in her files (reference medical records pgs 207 thru 237) known by DOE and

DOL but not provided to Mrs. Vander Boegh even though she struggled to reconstruction her 50 year old work records. While Mrs. Vander Boegh fought to address the bombardment of questions, the record indicates that DOL claims examiners were already in possession of the answers to their questions, in effect, running Mrs. Vander Boegh around in circles for something they already knew and were in possession (reference DOE clearance). In addition, even though the DOL has compensated nuclear workers for their vascular and cardiopulmonary damages, DOL simply ignores these adverse health effects, likely due to the political down playing of PGDP's role in the enrichment process that began with the installation of contaminated process equipment shipped to the Paducah Site as early as 1951 (reference former worker testimonies including and CES Web Site video soon to be posted). Mrs. Vander Boegh delivered her first baby (Linda Kathleen) "full term" only to have her die of heart problems (not associated with family history) within 23 hours of her birth. During this time, Mrs. Vander Boegh had experienced loss of appetite, fatigue, fever, nausea, vomiting, and "excessive weight loss." Her medical conditions were confirmed in K-25 medical reports discovered in her DOL file in September 2008 that clearly confirmed her exposure incident of October 27, 1945 on pg. 218, that "she had lost so much weight" (reference pg.232).

3/ The DOL FAB Officer Jeffrey Reeds was made aware that DOL does, in fact, compensate "sick nuclear workers" for illnesses such as those Mrs. Vander Boegh has experienced. However, Mr. Reeds (DOL) continues promote that Mrs. Vander Boegh's diagnosed illness do not qualify for compensation. This absolutely absurd determination confirms that the DOL has "targeted" Mrs. Vander Boegh's Part E claim for denial, even though other PGDP claimants have been compensated for the same diagnosed illnesses.

4/ The DOL continued to discount the fact that Mrs. Vander Boegh's worked at the Paducah Gaseous Diffusion Plant (PGDP). However, upon receipt of her employment record files on September 10, 2008, her F.H. McGraw security badge was located among the 850 pages of DOL files provided 5 days before her September 15, 2008 FAB hearing, indicating a concerted effort by Mr. Reeds to conceal key exposure information that supported her Part E claims for compensation for her diagnosed conditions that included kidney stones, kidney problems, renal failure, proteinuria, pyelonephritis, chronic bronchitis, cataracts, chronic cough, and basal cell carcinoma, all of which have kept Mrs. Vander Boegh from obtaining gainful employment after leaving PGDP in 1954.

5/ The DOL continues to assert that Mrs. Vander Boegh must provide evidence of her lost wages and earnings after her employment ended at the PGDP in 1954. The evidence provided by Mrs. Vander Boegh clearly indicates that she was unable to work after leaving the PGDP. Mr. Vander Boegh's doctor also stated that her kidneys were producing "sand and gravel." In addition, her autoimmune system illnesses were directly linked to radiation exposures from toxic chemicals/transuranics while employed at both K-25 and PGDP AEC Gaseous Diffusion Plants. Yet again, DOL inappropriately and erroneously indicates that no such chemicals will cause her diagnosed illnesses and therefore her loss of wages are irrelevant to her claims for Part E. We certainly object to these unsupported assumptions on Mr. Reeds part and assert that Mrs. Vander Boegh's Part E illnesses are certainly compensable to the maximum degree.

6/ The DOL continues to deny Mrs. Vander Boegh's Part E claim for compensation while approving similar situated claimants such as "J. H." (Reference CES WEB site [www.commonwealthenvironmentalservices.com](http://www.commonwealthenvironmentalservices.com)) who has prevailed in his Part E claim for compensation for work place exposures similar to those Mrs. Vander Boegh's was exposed during documented incidents at the K-25 U-235 "weapons grade" enrichment facility in Oak Ridge, Tennessee. For "J.H." to have qualified for Part E compensation, after allegedly "NOT" qualifying as a member of the Paducah SEC, is an astonishing revelation by the DOL claims examiners. However, even though evidence has been provided by CES that clearly reflects that "J.H." is in fact a member of the Paducah SEC, he continues to be denied his Part B compensation his multiple EEOICOA qualified cancers. Again, indicating DOL is waiting for "J.H." to pass away so they can begin the process over again and again. DOL's action alone in this case as it compares to Mrs. Vander Boegh's documented "radiation exposure incidents" clearly outweigh the exposures of "J.H." and further proves that Mrs. Vander Boegh has, in fact, been singled out for dismissal as other CES claimants have been. The lack of compensation consistency for these separate claims is certainly evidence alone that DOL is again "targeting" CES claimants as a result of disclosing inconsistencies and violations of the EEOICPA, as indicated by evidence to be provided on the CES web site.

7/ The DOL can certainly not explain away their basis for denying Mrs. Vander Boegh's husband's (Don C. Vander Boegh) claim for Part E compensation for illnesses caused by his exposure to toxic chemicals associated with the enrichment process at the PGDP. For instance, the DOL continues to compensate PGDP employees that have developed peripheral neuropathy, but has indicated that Mr. Don C. Vander Boegh's peripheral neuropathy is not linked to the PGDP. The DOL has selectively chosen certain individuals and compensated them for "peripheral neuropath" while denying Mr. Don C. Vander Boegh's claim for compensation for the same illness. Mr. Vander Boegh (an 85 year old decorated World War II veteran has provided testimony and employment affidavits for former F.H. McGraw guards, at numerous DOL FAB hearings and has stated that "he was a former FBI clearance investigator at the start of his employment at PGDP." He moved to the "Security Chief" of the McGraw workforce, where he established the security and access procedures for approximately 300 security guards at the PGDP, many of which are used today. The DOL FAB must explain how payments for "peripheral neuropathy" can be made even while DOL FAB officials assert that the F.H. McGraw "Security Chief" Don C. Vander Boegh's "peripheral neuropathy" is not connected to his exposures to carbon tetrachloride, among other chemicals he encountered in the performance of his job duties and responsibilities at the PGDP. Mr. Vander Boegh's claim remains in DOL "limbo" to date, with no communications or DOL record files being provided to date.

8/ The DOL clearly did not provide Mrs. Vander Boegh with an expedited processing of her claim, but did issue an inappropriate denial that has now dragged on for several months culminating in this request for "Reconsideration." While Mrs. Vander Boegh was experiencing recent "renal failure" as a result of another kidney stone attack in February 2009, the DOL claims examiner Mr. Reeds hurriedly issued a Part E claim denial. Mr. Reeds actions are clear examples of DOL's "blatant" reprisals against a former sick nuclear worker who is currently 86 years old and who helped build the "first" and "second" atomic bombs built in Oak Ridge, Tennessee in early to mid 1945.

In conclusion, it is further requested that Ms. Hilda Solis name a "special investigator" to review the obviously inappropriate and inconsistent decisions regarding Mrs. Vander Boegh's Part E claim for compensation, especially since these actions by FAB officials, such as Mr. Jeffrey Reeds, certainly cannot qualify as "Claimant Favorable" (as most recently reported by Ms. Rachel Leiton) by any means or fashion. I respectfully make this request, in addition to providing the initial (first) of several "Supplemental DOL Record Files" that support Mrs. Vander Boegh's claim for Part E compensation. I also reserve her right to again provide supplemental evidence should the DOL FAB deny Mrs. Vander Boegh's "Request for Reconsideration."

Please contact me at (270) 450-0850, if you have any further questions regarding Mrs. Vander Boegh's reconsideration request.

Sincerely,

(Signature On File)

Gary S. Vander Boegh  
"Authorized Representative"  
Vice President- Commonwealth Environmental Services, LLC.

**VIA FACSIMILE (W/Attachments- 202-693-6111**

**The Honorable Hilda Solis**

Secretary of Labor

U.S. Department of Labor

200 Constitution Avenue, NW

Room S-2018

Washington, DC 20210

**Senator Richard Durbin via facsimile (202) 228-0400**

**Senator Mitch McConnell via facsimile and email (202) 224-2499**

**Senator Jim Bunning via facsimile (202) 228-1373**

Senator Harry Reid via facsimile (202) 224-7327

Senator Ted Kennedy via facsimile (202) 224-2417

Congresswoman Sheila Jackson Lee via facsimile (202) 225-3317

Congressman Ed Whitfield via facsimile (202) 225-3547

Congressman Bart Stupak via facsimile (202) 225-4744



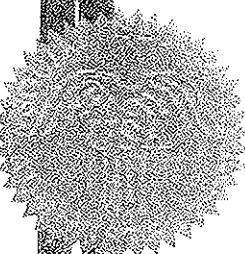
## Exhibit No. 2

### CERTIFICATION OF EXTRACT FROM RECORDS

Pursuant to the provisions of Title 42, United States Code, Section 904, and the authority vested in me by 42 United States Code 902, I hereby certify that I have legal custody of certain records, documents, and other information established and maintained by the Social Security Administration, pursuant to Title 42, United States Code, Section 405, and that the annexed is a true extract from such records in my custody as aforesaid.

I further certify that all signatures of Social Security Administration annexed document(s) are genuine and made to the signers' official capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Social Security Administration to be affixed this *3rd* day of *October*, 2008

  
*Kathryn E. Fox*  
Kathryn E. Fox  
Division Director  
Division of Earnings Record Operations  
Office of Central Operations

Form SSA-473 (3-96)  
Destroy Prior Edition

1826  
SION 1984.002 \* \* \* ITEMIZED STATEMENT OF EARNINGS  
FOR SSN [REDACTED] \* \* \*

RECORD  
COPY

FROM: SOCIAL SECURITY ADMINISTRATION  
OFFICE OF CENTRAL OPERATIONS  
300 N. GREENE STREET  
BALTIMORE, MARYLAND 21290-0300

ANN VANDER BOEGH  
[REDACTED]

NUMBER HOLDER NAME:  
ANNA K VANDER BOEGH

PERIOD REQUESTED JANUARY 1943 THRU DECEMBER 1983

YEAR	JAN - MARCH	APRIL - JUNE	JULY - SEPT	OCT - DEC	TOTAL
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EMPLOYER NUMBER: 38-1188324  
N A WOODWORTH CO  
1300 E NINE MILE RD  
DETROIT MI 48220-2018

1943	555.17	573.74		\$	1,128.91
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EMPLOYER NUMBER: 38-0549190  
FORD MOTOR COMPANY  
% CRAIG SIGWORTH  
ONE AMERICAN RD WHQ ROOM 715  
DEARBORN MI 48126-2701

1943			183.15	717.24 \$	900.39
1944	858.39	493.64	807.15	\$	2,159.18

EMPLOYER NUMBER: 38-0863865  
JEEP EAGLE CORPORATION  
PO BOX 1919  
HIGHLAND PARK MI 48231-1919

1943			21.84	\$	21.84
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PAGE 001

3 = 6

*James J. [Signature]*  
 CES, LLC

JA-1826  
 VERSION 1984.002 \* \* \* ITEMIZED STATEMENT OF EARNINGS  
 FOR SSN [REDACTED] \* \* \*

RECORD  
 JOEY

YEAR JAN - MARCH APRIL - JUNE JULY - SEPT OCT - DEC TOTAL

EMPLOYER NUMBER: 13-0549950  
 CARBIDE AND CARBON CHEMICAL CORP  
 30 EAST 42ND STREET  
 NEW YORK NY 00000-0000

1944		245.55		207.17 \$	452.72
1945			497.59	203.14 \$	700.73
1946	395.22	96.45		\$	491.67

EMPLOYER NUMBER: 36-1498863  
 MONTGOMERY WARD & CO.  
 619 W. CHICAGO AVENUE  
 CHICAGO IL 00000-0000

1946				114.46 \$	114.46
1947	4.00			\$	4.00

EMPLOYER NUMBER: 38-1258803  
 KAISER & FRAZER PARTS  
 CORPORATION  
 WILLOW RUN MI 00000-0000

1947	286.49	242.94		\$	529.43
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EMPLOYER NUMBER: 43-0226260  
 CONSOLIDATED RETAIL STORES INC  
 701 CHEMICAL BLDG  
 ST LOUIS MO 00000-0000

1948	4.00			\$	4.00
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EMPLOYER NUMBER: 38-1259202  
 KAISER FRAZER SALES CORPORATION  
 WILLOW RUN MI 00000-0000

1948				142.83 \$	142.83
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PAGE 002

4056

Exhibit No. 3

JONES, Anne Kathleen  
Sampler

PMH-1131 22 F

Process

7-4-45

8:20

P.M.

Foreman: Zangre

Patient states that she was working in bldg. 305-4 last Wednesday, and a recording line broke while workmen were repairing it, the material gas escaped into the station and she was exposed while sitting at her desk. Then she was exposed again on 7-8-45. Since that time she has been bothered with headaches, a sore throat and cough.

8-9-45

R Shift 9-4  
7-14-45

material gas exposure  
throat

Return to work

INVESTIGATION  
NECESSARY

July 4 - 1945

DESCRIPTION OF ACCIDENT One July 4 the above employee was sitting at West side of the station in Bldg. 305-4. There were some instruments were working on one of the installed and as they sat on the L.P. A road of the P. O. Pinner got down in the engine. The employee noted she in the south of the fence. (The employee was sitting about 12 ft. from the installed - the station was not involved -

AGENCY

Material etc.

UNSAFE CONDITION

UNSAFE ACT

None -

REMARKS

The Last Time -  
This case happen on July 4 - But the discrepancy report did not come in until July 12 - and was checked the report on July 13.6

DATE

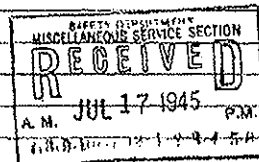
July 14 - 1945

R. L. Hollis  
Safety Engineer  
2646 308  
CES # 0012

EMPLOYEE'S NAME JONES, ANNE KATHLEEN ID NUMBER PRH-1161 AGE 22 SEX F RACE   
OCCUPATION Sampler DEPARTMENT Line Recorder AREA Process  
DATE OF ACCIDENT 7-4-45 TIME 8:30 A.M. P.M. PLACE 805-4

DESCRIPTION OF ACCIDENT

While Sampler was waiting to draw the next sample,  
a line containing process gas broke and was exposed  
to the Sampler. The Sampler immediately escaped away  
from the Process Gas and was sent to the Dispensary.



CAUSE OF ACCIDENT Process gas line was heated by maintenance repairman.

WHAT HAS BEEN DONE TO PREVENT A RECURRENCE?

This problem is in the hands of the Instrument Department.

TYPE OF INJURY Material gas exposure

PART OF BODY AFFECTED Throat

DID EMPLOYEE RETURN TO WORK ON NEXT REGULAR SHIFT? Yes.

Date 7-16-45

W.B. Fleishman  
Foreman

This Report to be submitted for all Accidents regardless of extent of Injury and for all Occupational Diseases.

WCX-103-1

THIS COPY FOR SAFETY DEPARTMENT

# ACCIDENT REPORT

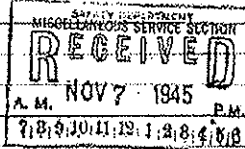
CAUSE CLASS

VI

EMPLOYEE'S NAME Jones, Anna Kathleen BADGE NUMBER PKE-1161 AGE 22 SEX FF RACE N  
OCCUPATION Sampler DEPARTMENT Line Recorder Section AREA Process

DATE OF ACCIDENT 10-27-45 TIME 12:00 P.M. PLACE 311-1 Cell Floor

DESCRIPTION OF ACCIDENT This operator was taking a special sample of product from a mobile surge and waste unit under conditions with which she was not familiar—namely, liquid waste material under high pressure. Upon removing sample tube, some product remaining in the line blew out causing the injury listed below.



CAUSE OF ACCIDENT Taking samples under unfamiliar conditions.

WHAT HAS BEEN DONE TO PREVENT A RECURRENCE? Instruction of operators to acquaint them with these conditions and enforcing the use of gas masks proscribed for these operations.

TYPE OF INJURY Alleged material exposure

PART OF BODY AFFECTED Chest

DID EMPLOYEE RETURN TO WORK ON NEXT REGULAR SHIFT? Yes

Date November 6, 1945

21

2-4

H. T. Naurich  
Foreman

This Report to be submitted for all accidents regardless of extent of injury and for all Occupational Diseases

WCX-103

THIS COPY FOR SAFETY DEPARTMENT

217

20533012 BAS

Mr. C. O. Summa, Supervisor  
Insurance and Compensation Dept.  
Industrial Relations Building

January 26, 1946

Lana A. Jones PKH-1151  
Medical No. 23272  
Injury 10-27-45  
SF2 Report 11-5-45  
Interval Report

Dear Sir:

The above individual was last seen here, with regard to the  
injury of 10-27-45, on 11-2-45.

Jones will be recalled and a further report submitted to  
your office.

Very truly yours,



Mr. G. G. Burns, Supervisor  
Insurance and Compensation Dept.  
Industrial Relations Building

February 5, 1946

Anna K. Jones  
Medical No. 23277  
Badge No. PAK-1131  
Injury 10-27-45  
SV2 Report 11-3-45  
Interval Report 1-24-46  
Final Report

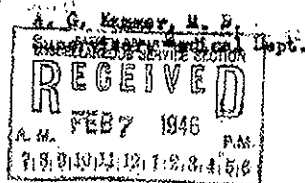
Dear Sir:

Anna K. Jones was examined today with regard to the injury of October 27, 1945.

The examination revealed that the chest was clear. There was no conjunctivitis, rhinitis, or pharyngitis. There was no residual disability due to the alleged material exposure.

Jones was returned to regular work on the date of the exposure. There was no loss of time.

Very truly yours,



AGK/bh

Enclosure 5

## Exhibit No. 4

12

U.S. Department of Labor

Office Of Workers Compensation Programs  
Division of Energy Employees Compensation  
400 West Bay Street, Suite 722  
Jacksonville, FL 32202  
Phone: (877) 336-4272 or (904) 357-4705  
Fax: (904) 357-4704



October 26, 2010

File: XXXXX0317  
Re: Anna K. Vander Boegh

Gary Vander Boegh  
Commonwealth Environmental Services, LLC  
4645 Village Square Drive, St. F  
Paducah, KY 42001

RECEIVED  
10/26/2010  
Cassandra Watts

Dear Mr. Vander Boegh:

This letter is in reference Anna K. Vander Boegh's claim for Benefits under Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

On September 8, 2010, the District Office sent a letter to you and the employee requesting medical evidence to support the claimed condition of Chronic Beryllium Disease under Part B of the Act and requested the evidence be submitted by October 8, 2010.

On September 14, 2010, the District Office sent a revised letter to you and the employee requesting additional medical evidence to support the claimed condition of Chronic Beryllium Disease (CBD) under Part E of the Act and requested the evidence be submitted by October 14, 2010.

On October 20, 2010, The District Office received your faxed information that was submitted in response to our request for medical evidence to support CBD. The information included a medical note from Dr. Kanchan Koirala, dated October 5, 2010. Dr. Koirala noted the employee probably has beryllium sensitivity. She also stated she did not have the beryllium testing results and there was no evidence of CBD. Dr. Koirala went on to say, the employee has evidence of old granulomatous disease and the employee's pulmonary function testing was normal. In addition to the medical note, a Patient Information Leaflet on Dufura and a copy of A Memorandum from Dr. Sylvie I. Cohen was included. Thank you for your submission. The recently submitted evidence along with the evidence in the file will be reviewed. If additional evidence is needed we will notify you and the employee.

Should you or the employee have any questions, please call our office toll free at (877) 336-4272.

Sincerely,

for  
Cassandra Watts  
Claims Examiner

CC: Anna K. Vander Boegh

U.S. Department of Labor

Office Of Workers Compensation Programs  
Division of Energy Employees Compensation  
400 West Bay Street, Suite 722  
Jacksonville, FL 32202  
Phone: (877) 336-4272 or (904) 357-4705  
Fax: (904) 357-4704



October 26, 2010

File: XXXXX0317  
Employee: Anna K. Vander Boegh

Anna K. Vander Boegh

Dear Ms. Vander Boegh,

A copy of the attached correspondence has been sent to your designated Authorized Representative, Gary Vander Boegh.

If you have any questions or concerns please contact me at our toll free number 1-877-336-4272.

Sincerely,

for  
Cassandra Watts  
Claims Examiner

cc: Gary Vander Boegh

## Exhibit No. 5

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC  
"Serving the Community with Integrity and Excellence"

Guy Vander Borch, Vice President  
Commonwealth Environmental Services, LLC  
4845 Village Square Drive, S.E.  
Paducah, Kentucky 42001  
Telephone: (270) 410-6819  
Facsimile: (270) 410-6838

October 20, 2010

U.S. Department of Labor,  
Laura D'Amico Building, 200 Constitution Ave., NW  
Room 5-2018  
Washington, DC 20036  
Attention: Cassandra Wynn

Employee: Anna K. Vander Borch  
File Number: XXX-XX-2917

Dear Ms. Wynn,

As "Authorized Representative" (AR) for employee Anna K. Vander Borch, I hereby submit the following additional information you requested per your letter dated September 8, 2010. In your letter, you indicated that Mrs. Vander Borch had submitted evidence supportive of a "clinical toxicology concern with chronic respiratory disease disorder under the pre-1993 criteria." To satisfy the remaining two criteria in support of Anna K. Vander Borch's pre-1993 criteria claim for compensation for Chronic Beryllium Disease (CBD) based on existing requirements 42 USC § 7384 (1)(3)(D), Commonwealth Environmental Services, LLC submits the following evidence that documents compliance with the remaining statutory requirements:

- (B) For diagnosis before January 1, 1993, the presence of—  
(i) respiratory or pulmonary disease, or epidemiologic evidence of respiratory exposure; and  
(ii) one three of the following criteria:  
(B) Characteristic chest radiographic for confirmed respiratory (CTD) abnormality;  
(C) Respiratory or chest radiographic evidence of diffuse lung capacity defect;  
(D) Lung pathology consistent with chronic beryllium

2

- disease  
(B) Chest X-ray consistent with a chronic respiratory disorder;  
(C) Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

### Evidence of Anna K. Vander Borch Chronic Bronchitis (Lung Abnormality) Diagnosed in 1986 Before January 1, 1993 Qualifies Per Turley Memorandum Dated 8/24/05

1/ Anna K. Vander Borch has provided Claimant Attachment (CA) - 001 that consists of her statement for chronic bronchitis prior to January 1, 1993. On February 23, 1986, Dr. Stephen Turley diagnosed Anna K. Vander Borch "she is an asthmatic appearing white female with paroxysmal (intermittent) coughing, and acute bronchitis." "Chronic" is clear with slight expiratory wheezing present with some hemoptysis." "Diagnosis upon discharge: "acute bronchitis."

Conclusion: Compliance pursuant with § 7384(1)(3)(D), Criteria's I (Reference CA-004)

2/ CA-002, pages 1-4, Pulmonary Reports from Karanah Kolaile, MD regarding: "Exposures to heavy metals, radioactive instruments, ... She has breathlessness.", "Indicates emphysema: "Paroxysmal history of 'Chronic Bronchitis', "developed chronic following exposure to the gas" (reference to 1984 process gas). "The 1985 medical report referring to Oak Ridge is: "production of 10-25% enriched uranium confined anemia." "Respiratory: The patient complains of breathlessness. She also has predominantly nocturnal cough. She has what she describes as attacks of bronchitis. She does not use the inhaler she takes up in the middle of the night with sensation of smothering." Laboratory and Diagnostic Data: "...evidence of old granulomatous disease." "Lung volumes obtained via plethysmography show a mild reduction in her vital capacity. Her total lung capacity is 69% predicted and her vital capacity is 18% predicted. Likewise, her diffusion capacity is mildly reduced. It is 66% predicted." "Chronic Bronchitis. The patient is a nonsmoker. This chronic bronchitis is as likely as not to have been related to her occupational exposures (emphysema added)." "Mild reduction in diffusion capacity..." "The patient does have impaired diffusion capacity, which could be as likely as not from her underlying chronic occupational exposures and chronic bronchitis."

Conclusion: Compliance pursuant with § 7384(1)(3)(D), Criteria's I, II & IV.

3/ CA-003, page 1 of 1, prescribed "Dobutamine"

Conclusion: Compliance pursuant with § 7384(1)(3)(D), Criteria's I, II & IV.

4/ CA-004, 4/ CA-004, "Memorandum from DEHQP Director Peter Turner", dated 8/21/05 regarding established "causal" relationship between respiratory disorders and CBD  
Conclusion: Compliance pursuant with § 7384(1)(3)(D), Criteria's I & II

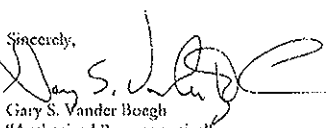
3

Request for Approval of Part E Compensation and Medical Benefits for  
Chronic Beryllium Disease

Based on the above statutory compliance (Criteria's I, II, & IV) and medical evidence, Anna K. Vander Boegh has met her "statutory" burden of proof for Part E compensation based on the maximum whole body impairment of 100% of \$250,000, per USC § 7384i (13) (B) and Chapter 2-700.4 (September 2004) of the Federal (EEO/CPA) Procedure Manual as established by Congress for all sick nuclear workers per the Act. More importantly, Mrs. Anna K. Vander Boegh is entitled to medical benefits for her diagnosed illness of Chronic Beryllium Disease, that includes all consequential illnesses that are related to her CBD.

Please feel free to contact me at 270-559-1752 or 270-450-0850, if you have any further questions regarding the above statutory evidence provided.

Sincerely,

  
Gary S. Vander Boegh  
"Authorized Representative"  
Vice President- Commonwealth Environmental Services, I.C.

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

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

18/10/2010 04:45 773073622 NORTH HAVEN, CT 06455 FAX: 02/55

Kenneth Koza, M.D.  
Board Certified in Pulmonary and Critical Care Medicine  
Physician Specialist of Murray  
Murray Callaway County Hospital  
300 South 8<sup>th</sup> Street, Suite 280 West  
Murray, Kentucky 42071  
(270) 782-1529

PATIENT: VANDERBOEGH, ANN  
DATE OF VISIT: 10/03/2010  
DATE OF BIRTH: 03/22/1923  
PRIMARY PHYSICIAN: Patrick Finney, M.D.

CHIEF COMPLAINT:  
This is an 87-year-old female with chronic bronchitis

HISTORY OF PRESENT ILLNESS:

The patient is a present 87-year-old lady who has suffered from a chronic cough for most of her adult life. She has a history of being exposed to radiation, namely processed gas, in 1945. I do not have exact details of the composition of the gas, but to my knowledge, it included heavy metals like arsenic, cadmium, and also radioactive uranium isotopes. I do have a copy of that report. The exposure was on July 8, 1945. At that time, she has been bothered with headaches, a sore throat, and a cough. Since that time she has always had episodes of coughing off and on for all these years. She had a second exposure to this gas as well. The patient had serial x-rays done from May 1946 to the last one being April 1946. The x-ray reports were all read as being normal except for the one on August 31, 1945, which shows localized bilateral pneumonia on the left side with suggestion of cavitation at the level of the fourth anterior rib. The last x-ray report from 04/05/04 shows thickened pleura of the left lower lung field. On further questioning, the patient denies any hemoptysis. She does have some breathlessness on exertion. She admits having episodes of inspiration distress that awaken her during the night. She admits orthopnea.

PAST MEDICAL HISTORY:

1. Back problems.
2. Chronic bronchitis.
3. Kidney problems.
4. Atrial fibrillation. This also appears to be chronic and the patient tells me that she has been on chronic anticoagulation for as long as she can remember.
5. Hypokalemia.
6. Hypertension.

Her primary care physician is Dr. Patrick Finney in Paducah. She is newly established with him.

PAST SURGICAL HISTORY:

1. Appendectomy.
2. Tonsillectomy.

CURRENT ATTACHMENT 202  
PAGE NO. 184

10/10/2010 04:45 FAX: 02/55

PATIENT: VANDERBOEGH, ANN  
 DATE OF VISIT: 10/05/2010  
 DATE OF BIRTH: 03/22/1923  
 Page 2 of 4

## CURRENT MEDICATIONS:

1. Aspirin 80 mg.
2. Anisuphiline 25 mg.
3. Warfarin 4 mg.
4. Anisodipine 5 mg.
5. Furosemide 20 mg.
6. Potassium 10 mEq.
7. Omeprazole 20 mg.
8. Lorazepam as needed.

ALLERGIES:  
 No known drug allergies.

FAMILY HISTORY:  
 Both parents are deceased. Father from cardiac arrest. Mother breast cancer.

## SOCIAL HISTORY:

The patient was born in Kentucky. She has lived most of her adult life in western Kentucky. She worked at the Oak Ridge facility in Tennessee in 1945 to 1948 where she was exposed to various uranium isotopes, as well as various heavy metals. (I do not have the details of the exposures at this point, but she tells me that she does have an extensive log documenting the exposures.) She later moved to the wherry plant in Paducah where she was exposed to beryllium. She has had some beryllium testing and from what I can make out, she probably has beryllium sensitivity, but no evidence of chronic beryllium lung disease.

## EXPOSURE HISTORY:

The patient's son tells me that his mother had developed anemia following the exposure to the gas. Again, the details are not known. Apparently it was a reversible cause and may have been from radiation sickness or exposure to one of the heavy metals. The 1948 medical reports confirmed the anemia.

## IMMUNIZATION STATUS:

The patient received the flu vaccination in 2009. She has not received the pneumonia or shingles vaccinations.

## REVIEW OF SYSTEMS:

CONSTITUTIONAL: Denies any fever or chills. Denies any recent change in weight. Denies night sweats.  
 INTEGUMENT: Denies rash, ulcers or lesions.  
 HEENT: Denies dry eyes. Denies double vision. The patient complains of dizziness and tinnitus.  
 RESPIRATORY: The patient complains of breathlessness. She also has a progressively nonproductive cough. She has what she describes as attacks of bronchitis. She does smoke and indicates that she works up in the middle of the night with sensation of smothering. She denies coughing up blood.

CLINICAL ATTACHMENT 002

10/13/2010 10:53 2707675677

PATIENT: VANDERBOEGH, ANN  
 DATE OF VISIT: 10/05/2010  
 DATE OF BIRTH: 03/22/1923  
 Page 3 of 4

LYMPHATICS: Denies lymph node enlargement.  
 HEMATOLOGY: Denies bruising or bleeding.  
 CARDIOVASCULAR: Denies chest pain or palpitations. Denies heart attack.  
 GASTROINTESTINAL: Denies nausea or vomiting.  
 MUSCULOSKELETAL: The patient has back pains and also swelling of the ankles.  
 GENITOURINARY: The patient complains of intermittent episodes of dysuria. Denies hematuria. Denies genital discharge.  
 NEUROLOGIC: The patient denies difficulty with ambulation. Denies numbness. Denies difficulty with speech.  
 PSYCHIATRIC: Denies feeling anxious or depressed.

## PHYSICAL EXAMINATION:

VITAL SIGNS: Weight 186 pounds. Height 6 feet 9 inches. Blood pressure 160/95. Heart rate 83. Temperature 98°F. Oxygenation 95% resting on room air.

HEENT: Pupils round reacting to light. External ocular structures intact. Oral cavity (Mallampati grade I). Normal tympanic membranes. No external auditory canal. Normal nasal mucosa. The nasal septum is not deviated.

NECK: Supple. No jugular venous distention. No audible carotid bruits.

CHEST: Good air entry bilaterally. No audible crackles. No audible wheezing.

CARDIOVASCULAR: The first and second heart sounds are irregular in timing and intensity. A soft systolic murmur is audible.

ABDOMEN: Soft, nondistended, nontender.

EXTREMITIES: No clubbing, cyanosis or edema.

NEUROLOGIC: The patient is oriented to time, place and person. Gait and coordination preserved. Motor strength preserved.

GENITOURINARY/RECTAL: Deferred.

## LABORATORY AND DIAGNOSTIC DATA:

There is evidence of some old granulomatous disease. Otherwise, the chest x-ray is normal. Pulmonary function tests reveal spirometry to be normal. Lung volumes obtained via plethysmography show a mild reduction in her vital capacity. Her total lung capacity is 66% predicted and her vital capacity is 87% predicted. Likewise, her diffusion capacity is mildly reduced. It is 66% predicted.

CLINICAL ATTACHMENT 002

PAGE NO. 3 of 4



Judy Vander Boegh

From: "Sent by Windows Mail (System)"  
Sent: Wednesday, September 24, 2008 5:52 AM  
Subject: CDD and COPD

Memorandum (CDD, Chronic Pulmonary Diseases)  
EPA/600/R-08/001, EPA/600/R-08/002  
Establishing CDD and COPD as Chronic Pulmonary Diseases

## Memorandum

Date: 9/23/2008  
To: Peter Turner, Director of OEEHC, Department of Labor  
From: Shazil Cohen, MD, MPH  
Re: Chronic Pulmonary Diseases

This memorandum addresses the relationship between the proposed medical condition under part B of the program for Chronic Obstructive Pulmonary Disease (COPD) and its contribution to a progression of other chronic pulmonary diseases. COPD is considered to be a disease that involves the destruction of viable pulmonary tissue that results in an individual's inability to get enough oxygenated blood to the rest of the body.

There are other chronic pulmonary diseases that are related with lung tissue destruction or replacement that for the purpose of this memorandum shall be "Other Chronic Pulmonary Diseases." Diseases that should be considered as members of this list are: emphysema, Chronic Obstructive Pulmonary Disease (COPD), emphysema, and pulmonary fibrosis.

Since both COPD and Other Chronic Pulmonary Diseases share in the destruction and replacement of viable lung tissue, it can be considered that the presence of COPD constitutes or aggravates one of the diseases named in the list of Other Chronic Pulmonary Diseases which is an individual's death.

CLIMATE ATTACHMENT 004  
PAGE NO. 191

10/20/2010 10:53 FAX 2901

TRANSMISSION ON	
TO: NO.	4124
TO: ID	131
DESTINATION ADDRESS	9135403111
DESTINATION ID	
ST. TIME	16:30 14:52
ENCL. #	02 1P
CLS	1P
FXSTZ	02

COMMUNICATIONS ENVIRONMENTAL HEALTH

### Fax Cover Sheet

To: Holly Salt & Mr. Drenth From: Gary S. Vander Boegh  
Fax: (909) 557-1704 Date: 10-20-10  
Phone: (909) 603-6111 Pages: 1 Pages including this Cover Sheet  
Re: Anna K. Vander Boegh CC: Alexander Jim Roberts & Christina Warty

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

#### Comments:

Attention: Mr. Warty

Attached is the additional medical and pulmonary information you requested. Please call me at (719) 557-1704 if you have any further questions regarding Mrs. Vander Boegh's Ben F. Klein for compensation.

Gary S. Vander Boegh

10/20/2010 WED 10:59

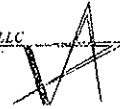
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\*\*\* TX REPORT \*\*\*  
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TRANSACTION OK 919043574704  
ERROR

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC  
A Native American Woman Owned Company



## Fax Cover Sheet

To: Hilda Solis & Mr. Bibeault	From: Gary S. Vander Boegh
Fax: (904) 357-4704 (202) 693-6111	Date: 10-20-10
Phone:	Pages: Pages including the Cover Sheet
Re: Anna K. Vander Boegh	CC: Attention Jim Bibeault & Casandra Watts

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

### Comments:

Attention Ms. Watts,

Attached is the additional medical and pulmonary information you requested! Please call me at (270) 559-1752, if you have any further questions regarding Mrs. Vander Boegh's Part E claim for compensation.

Gary S. Vander Boegh



## **Exhibit No. 6**

### STATEMENT OF ACCEPTED FACTS

#### **1) Employee Information-**

- a) Name: Anna K. Vander Boegh
- b) Case File Number: [REDACTED]
- c) Date of Birth: 03/22/1923
- d) Date of Death: N/A

#### **2) Employment Information-**

- a) Timeframes claimed: from 1942 to 1946; from 1952 to no end date.
- b) Timeframes verified: 05/16/1945-04/09/1946 and 01/10/1952-03/30/1953.
- c) Job titles and descriptions – claimed: Chemical system operator and Cylinder sampler.
- d) Job titles and descriptions – verified: Process sampler.
- e) Facilities, buildings, and areas – claimed: K-25 GDP/main buildings and Paducah GDP/engineering department.
- f) Facilities, buildings, and areas – verified: buildings 305-4 and Cell Floor of building 311-2 at the K-25 GDP and Paducah GDP.
- g) Work processes – claimed: from Occupational History Interview: worked as chemical system operator from 1944 to about 1945 or 1946 at K-25 GDP. Employee also claimed that she drew samples through a "U" tube by connecting the U tube to the overhead closed lines and then opening the valves on the lines. She described this process by stating that when the U tube was filled, she closed the valves on the lines, and then disconnected the U tube which she placed in a container of a cold gas which cooled the U tube. The U tube would be picked up later by a lab technician. Claimed: worked in engineering department pulling and refilling blueprints at the Paducah GDP from 1953 to 1954. The employee stated she worked "on the hill" at Paducah handling out construction plans. She moved from the hill to the engineering office. She received engineering records from contractors and refilled the records.
- h) Work processes – verified: from DAR records; employee worked as a process sampler at K-25 GDP where the employee took samples from process gas lines. No information was found for the work processes at Paducah GDP.

h) Work processes – verified: from DAR records; employee worked as a process sampler at K-25 GDP where the employee took samples from process gas lines. No information was found for the work processes at Paducah GDP.

i) Periods of wage loss – claimed as work related: N/A.

j) Periods of wage loss - verified as work related: N/A.

### 3) Exposure Information-

a) SEM search results: There were no toxins listed for arthritis, chronic cough, pyelonephritis, kidney stones, or kidney problems. The following toxins were found at the Paducah GDP for bronchitis/COPD: ammonia, asbestos, and nitrogen dioxide for labor category of instrument mechanic. Toxins listed at K-25 GDP for bronchitis/COPD and labor category of laboratory worker are: ammonia, asbestos, cadmium, cadmium oxide, cement, phosgene, silicon dioxide, crystalline, and vanadium pent oxide. Carbon monoxide and chlorodiphenyl were found at K-25 for labor category of material expeditor; and hydrofluoric acid, uranium hexafluoride, and uranyl fluoride were found at K-25 for labor category of laboratory aide.

b) Other relevant information regarding potential exposure from DAR responses, OHQ, FWP, medical and other employment records.

i. DAR medical records indicated that the employee was exposed to a chemical substance referred to as "material gas" on 7/4/1945 where a gas line broke and the employee was exposed to this substance. On 10/ 27/ 1945, while taking a sample, gas came out of the line the employee was taking a sample from. The employee indicated she noticed a sweet taste in her mouth, however, no cough. She stated she got some of the process gas on her left middle finger. She stated she was not wearing a mask or gloves.

ii. Occupational History Interview: Employee stated she did not wear protective clothing; nothing was furnished, but wore her own clothes which she laundered at home. Employee stated she did not know if she was exposed to any metals, high explosives, or radiological material while employed at K-25. She indicated she was not involved in any non-radiological accidents at K-25. Employee stated there was talk of asbestos at the K-25 site and the pipes were wrapped in asbestos which she could have been exposed to during this employment. The employee stated she was not provided protective clothing for her work at Paducah. She did not know of any exposure to metals, high explosives, or radiological material. She stated she was not involved in any radiological incidents while employed at this site. She stated she received the blue print files back from the contractors with dirt on the files, but did not know if there was any potential for exposure from the files.

### 4) Medical- a.

- ii. A bone density radiology report dated 11/15/2002 documented osteopenia-low bone mass.
- iii. A medical discharge report dated 11/22/1999 documented pyelonephritis, kidney stones passed, and organic heart disease.
- iv. A discharge summary dated 9/18/93 documented pyelonephritis; questionable pancreatic mass formation. A consultation report dated 9/22/93 documented cholecystitis with left abdominal mass, hypertension, chronic atrial fibrillation, renal calculi, bronchitis, and labyrinthitis.

b) Smoking History (if pertinent to the issue): from Occupational History Interview, employee stated she began smoking cigarettes in high school, less than half a pack per day, and continued until age 36.

c) Cause of Death on Death Certificate: N/A

#### 5) Case History-

- a) Basic outline of case. (File date(s), covered conditions, employment verified, SEM checked, DMC/IH referrals, etc.)

File dates – EE-1 filed on 7/16/2002 claiming skin cancer; EE-1 filed 8/22/2006 claiming basal cell carcinoma of the skin; EE-1 filed on 9/19/2006 claiming arthritis, chronic cough, and kidney problems; and EE-1 filed on 7/23/2007 claiming chronic bronchitis, pyelonephritis-chronic, and kidney stone.

Basal cell carcinoma for skin cancer sent to NIOSH on 9/26/2006.

Covered conditions: none


Employment verified –

SEM; checked 8/28/2007 and 12/20/2007.

- b) Adjudication -all accepted conditions if any (including impairments): none.

c) All claimed conditions: skin cancer, arthritis, chronic cough, kidney problems, chronic bronchitis, pyelonephritis-chronic, and kidney stone. The claim for skin cancer is at NIOSH for dose reconstruction.

Prepared  
By:

  
Sharon Richardson CE

Reviewed  
by:

  
Betty A. Gambill, SrCE

Date:

2/14/08  
DEC 21 2007

## **Exhibit No. 7**

James R. Roush, MD – CV & Diagnostic Medical Assessment/ Evaluation  
& Misc. Submittals (faxed separately)

### **CURRICULUM VITAE**

#### **PERSONAL DATA**

NAME: JAMES RICHARD ROUSH, MD (SSN# 316-44-4214)

BORN: MAY 17, 1944 MARTINSVILLE, INDIANA

MARITAL STATUS: DIVORCED

CHILDREN: THEODORE JAMES VINCENT ROUSH, BORN JULY 1, 1992

#### **EDUCATION**

MORGANTOWN HIGH SCHOOL, MORGANTOWN, INDIANA GRADUATED  
MAY, 1962

INDIANA UNIVERSITY, BLOOMINGTON, INDIANA B.A. IN ZOOLOGY 1966

INDIANA UNIVERSITY MEDICAL CENTER, INDIANAPOLIS, INDIANA, M.D. 1970

ROTATING INTERNSHIP ST. ELIZABETH HOSPITAL, COVINGTON, KY. 1971

PATHOLOGY RESIDENCY, UNIVERSITY OF CINCINNATI, CINCINNATI, OHIO 1974-78

BOARD CERTIFIED IN ANATOMIC AND CLINICAL PATHOLOGY 1979

#### **WORK EXPERIENCE**

EMERGENCY ROOM CLINICIAN, 1971-74, ST. ELIZABETH HOSPITAL,  
COVINGTON, KY

STAFF PATHOLOGIST, DIRECTOR OF LABORATORIES, LOURDES HOSPITAL,  
PADUCAH, KY 1978-2004

MEDICAL DIRECTOR, BLOOD BANK, AMERICAN RED CROSS, PADUCAH, KY 1979-  
2004

ADJUNCT PROFESSOR OF ANATOMY AND PHYSIOLOGY, WEST KENTUCKY  
COMMUNITY AND TECHNICAL COLLEGE, PADUCAH, KY. 2009-PRESENT

U.S. Department of Labor  
Employment Standards Administration  
Office of Workers' Compensation Programs  
Division of Energy Employees' Compensation  
400 West Bay Street, Room 722  
Jacksonville, FL 32202

Date April 23, 2008

ORIGINAL

File: [REDACTED] 0317  
Employee: Anna K. Vander Boegh  
Date of Filing: July 16, 2002

Re: REPLY TO NOTICE OF RECOMMENDED DECISION

To Whom It May Concern,

On February 26, 2008, the District Office issued a Notice of Recommended Decision regarding Ms. Anna K. Vander Boegh's claim for compensation under the Energy Employees Occupational Illness Compensation Act (EEOICPA). The District Office recommended a partial acceptance of Ms. Vander Boegh's claim for benefits. The Recommended Decision was forwarded to the Final Adjudication Branch (FAB) for their review and issuance of the Final Decision.

The Energy Employees Occupational Illness Compensation Act (also known as "the Act") provides the claimant Ms. Vander Boegh with a sixty (60) day time period to raise objections to any finding of fact or conclusion of law contained in a recommended decision or in this case. The District Office Final Adjudicative Branch (FAB) on April 1, 2008 issued a "Final Decision" relating to skin cancer and bronchitis.

On April 8, 2008, Ms. Vander Boegh submitted an EN-20 form to the District Office, thereby requesting that the FAB expedite the issuance of a final award for benefits and compensation based on skin cancer and chronic bronchitis. Ms. Vander Boegh also retains her rights to object to the denial of other benefits.

It should be noted that during Ms. Vander Boegh's interview with the NIOSH dose reconstruction representative, it was determined by all parties that key K-25 job/employment detail had apparently not been provided to the NIOSH representative during dose reconstruction. However, since the "probability of causation" (POB) was determined to be 63.46%, based on K-25 X-ray exposures only, no further dose reconstruction was required. The NIOSH representative assured Ms. Vander Boegh and others present that this would be noted in the NIOSH record should the need arise to address those illnesses that have resulted from exposures to various radionuclides and toxic chemicals at the K-25 Gaseous Diffusion Plant in Oak Ridge, Tennessee.

**DOCUMENTED CASE OF RADIATION-INDUCED CATARACTS IN HUMAN**

**Attestation of the Employer**

To date, Ms. Vander Boegh has provided to the District Office Employment History Affidavits (EE-4 forms) dated 10/11/97 and 4/14/06 that affirm employment at the Paducah Gaseous Diffusion Plant from 1953 through 1964. In addition, Ms. Vander Boegh provided to the District Office a "Declaration of Occupational Security" (DDOC) form to assist her in establishing a record of earnings at both the Paducah Gaseous Diffusion Plant and the K-25 Oak Ridge Plant.

**FINDINGS OF FACT  
IN SUPPORT OF FAVORABLE  
FINAL ADJUDICATION BRANCH DECISION**

- 1/ It has been determined that the employee skin cancer was "at least as likely as not" (a 50% greater probability) caused by radiation doses received while employed at the K-25 GDF.
- 2/ Ms. Anna K. Vander Boegh has been approved by the Department of Labor by EEOICPA Form 100 for medical benefits for treatment of skin cancer and bronchitis (EEOICPA Code: 173 and 466). Her entitlement is retroactive to July 16, 2002 for skin cancer, and July 26, 2007 for bronchitis.
- 3/ Ms. Anna K. Vander Boegh has been approved for \$150,000.00 and medical benefits for skin cancer and bronchitis, and has provided to the U.S. Department of Labor a DDOC (a signed and signed original acceptance of payment form (EEOICPA Form 100)).

**FINDINGS OF FACT  
IN SUPPORT OF OBJECTIONS**

- 1/ Ms. Anna K. Vander Boegh was transported to and from work by her husband Mr. Doug C. Vander Boegh who was the "Chief of the Guard Force for F-111 Air Group" (as stated in provided).
- 2/ Ms. Anna K. Vander Boegh was employed by Union Carbide at the K-25 Gaseous Diffusion Plant where she was a chemical operator performing "U-Tube" sampling of enriched uranium U-235, "non primary radioisotope used in producing the Nagasaki Atomic Bomb" as the employees were later identified. "U-Tube" were known as "puff" units" when sampled at both K-25 and FODF.

3/ Mrs. Anna K. Vander Boegh ~~NEVER~~ wore a dosimeter at either the K-25 or Paducah Gaseous Diffusion Plants.

4/ Mrs. Anna K. Vander Boegh was diagnosed with extreme weight loss and anemia by physicians at Billings Hospital located in Chicago, Illinois, shortly after her employment was terminated at the K-25 Gaseous Diffusion Plant on April 9, 1946.

5/ The first born child of Mrs. Anna K. and Don C. Vander Boegh died at birth due to a heart problem in 1947.

6/ Mrs. Anna K. Vander Boegh received the final NIOSH Report of Dose Reconstruction on January 27, 2008 which determined that there was a 63% probability of causation that her cancer was caused by radiation exposure at the K-25 Gaseous Diffusion Plant.

7/ Mrs. Anna K. Vander Boegh has been diagnosed with arthritis, chronic cough, memory loss, kidney/ renal disease, proctitis, pyelonephritis (immunosuppression), cataracts, skin cancer, bronchitis and kidney stones. Additional medical records will be provided upon receipt from the treating physicians.

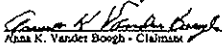
A facsimile has been sent to the EEOICPA District Office on April 23, 2008, with the original mailed to the address included as follows:

U.S. Department of Labor  
Employment Standards Administration  
Office of Workers' Compensation Programs  
Division of Energy Employees' Compensation  
400 West Bay Street, Room 722  
Jacksonville, FL 32202

If there are any questions regarding the above information, please call Mrs. Anna K. Vander Boegh at (270) 744-3654 or (270) 442-1504 respectively.

Sincerely,

  
Gary Vander Boegh

  
Anna K. Vander Boegh - Claimant

Cc. Congressman Ed Whitfield  
Senator Jim Dinning  
Senator Mitch McConnell

U.S. Department of Labor  
Employment Standards Administration  
Office of Workers' Compensation Programs  
Division of Energy Employees' Compensation  
400 West Bay Street, Room 722  
Jacksonville, FL 32202

Date April 23, 2008

ORIGINAL

File: 0117  
Employee: Anna K. Vander Boegh  
Date of Filing: July 16, 2008

Re: REPLY TO NOTICE OF RECOMMENDED DECISION

To Whom It May Concern,

On February 26, 2008, the District Office issued a Notice of Recommended Decision regarding Ms. Anna K. Vander Boegh's claim for compensation under the Energy Employees Occupational Illness Compensation Act (EEOICPA). The District Office recommended a partial acceptance of Ms. Vander Boegh's claim for benefits. The Recommended Decision was forwarded to the Final Adjudication Branch (FAB) for their review and issuance of the Final Decision.

The Energy Employees Occupational Illness Compensation Act (also known as "the Act") provides the claimant Ms. Vander Boegh with a sixty (60) day time period to raise objections to any finding of fact or conclusion of law contained in a recommended decision or in this case, The District Office Final Adjudicative Branch (FAB) on April 1, 2008 issued a "Final Decision" relating to skin cancer and leucodystrophy.

On April 8, 2008, Ms. Vander Boegh submitted an EN-20 form to the District Office, thereby requesting that the FAB exercise the issuance of a final award for benefits and compensation based on this request and through Jacksonville, Mr. Vander Boegh also retains her rights to object to the denial of other benefits.

It should be noted that during Ms. Vander Boegh's interview with the NIOSH dose reconstruction representative, it was determined by all parties that key K-25 job employment detail had apparently not been provided to the NIOSH representative during dose reconstruction. However, since the "probability of causation" (POC) was determined to be 65.66%, based on K-25 X-ray exposures only, no further dose reconstruction was required. The NIOSH representative assured Ms. Vander Boegh and others present that this would be noted in the NIOSH record should the need arise to address those illnesses that have resulted from exposures to various radionuclides and toxic chemicals at the K-25 Gaseous Diffusion Plant in Oak Ridge, Tennessee.

**FILING OF PARTIAL OBJECTION TO DENIAL OF BENEFITS  
AND  
REQUEST FOR HEARING**

Ms. Anna K. Vander Boegh DOES HEREBY FILE AN OBJECTION TO THE RECOMMENDED DENIAL OF OTHER BENEFITS identified in the "partial" Record of Decision dated February 26, 2008, with regard to Part E of the EEOICPA.

**Disputed Condition**

Ms. Anna K. Vander Boegh filed Part E claims for the following illnesses:

**1/ Chronic Bronchitis** - Inflammation or irritation of the airways in the lungs.  
**Status:** Claim Acceptance by District Office EEOICPA 2/26/08

**Claimant Response:** No Objection. Filing claim for impairment and wage loss.

**2/ Proteinuria** - The presence of excess protein indicates either an insufficiency of absorption or impaired filtration.

**Status:** Recommended Decision Claim Denial

**Claimant Response:** Objection/Appeal based on documented causal link to exposure to toxic metals, including radionuclides. Reference: DOE report number ARCC-TR-22-06, DOE Contract Number AC01-76EV03081.

**3/ Cataracts** -

**Status:** Recommended Decision Claim Denial

**Claimant Response:** Objection based on documented cases of radiation exposures causing cataracts. Partial reference as follows:

Injury to living tissue results from the transfer of energy to atoms and molecules in the cellular structure. Ionizing radiation causes atoms and molecules to become ionized or excited. These excitations and ionizations can produce free radicals, break chemical bonds, produce new chemical bonds and cross-linkage between macromolecules. (Damage molecules that regulate vital cell processes (e.g. DNA, RNA, proteins).

Health and Environmental Issues  
Linked to the Nuclear Fuel Chain

**Section B: HEALTH EFFECTS**

By Gordon Edwards, Ph.D.,  
prepared under contract to the  
Canadian Environmental Advisory Council

.... "By 1994, it was learned that exposing the lens of an animal's eyes to ionizing radiation could produce cataracts. BY 1940, THERE WERE OVER 100

**Exhibit No. 7**  
**(Case Precedents)**

**COMMONWEALTH ENVIRONMENTAL SERVICES, LLC**  
A Native American Women 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

September 6, 2010

U. S. Department of Labor,  
Frances Perkins Building, 200 Constitution Ave., NW  
Room S-2018  
Washington, DC 20210  
Facsimile (804) 357-4704

Attention: Jim Bibeault & Madam Secretary Hilda Solis

Employee: [REDACTED] Dennis  
File Number: XXX-XX -0275  
Claimant: [REDACTED]

Dear Mr. Bibeault and Ms. Solis,

As "Authorized Representative" (AR) for claimant [REDACTED] (survivor), I hereby submit the attached DE-2 form for Chronic Beryllium Disease (CBD) based on statutory requirements 42 USC § 7384l (13) (B) as follows:

- (B) For diagnoses before January 1, 1993, the presence of---
- (i) occupational or environmental history, or epidemiologic evidence of beryllium exposure; and
  - (ii) 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).

Per Chapter 2-700.4 (September 2004) of the Federal (EEO/CPA) Procedure Manual, "To determine whether to use the Pre or Post 1993 CBD criteria, the medical evidence must

**Evidence of Billy Joe Dennis's Chronic Bronchitis (Lung Abnormality)**  
**Diagnosed in 1991 Before January 1, 1993**

The Paducah Gaseous Diffusion Plant was a DOE facility from 1952 to July 28, 1998 and July 29, 1998 to present (remediation) where radioactive and beryllium materials were present, according to the Department of Energy Office of Worker Advocacy Facility List (<http://www.hss.energy.gov/HealthSafety/FWSP/Advocacy/faclist/findfacility.cfm>).

[REDACTED] provides Claimant Attachment (CA) - 001 page 12 of 13 that consists of [REDACTED] treatment for chronic bronchitis prior to January 1, 1993. On April 19, 1991, Dr. Charlene Robinson diagnosed [REDACTED] bronchitis and wheezing and stated in her medical record, "still has congestion..." Dr. Robinson prescribed a steroid "Celestone." On April 6, 1993, [REDACTED] was prescribed a "Proventil Inhaler and predisone for his chronic bronchitis. Dr. Kelly also noted on 12/15/05 that [REDACTED] had advanced interstitial lung disease with "honeycombing consistent with UIP (Chronic Lung Fibrosis).

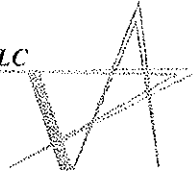
**Request for Approval of Part B and E Compensation for Chronic Beryllium Disease**

Based on the above medical evidence, [REDACTED] Dennis has met [REDACTED] burden of proof for [REDACTED] claim for CBD Part B compensation in the amount of \$150,000 and Part E compensation as a survivor of her deceased husband [REDACTED] Dennis in the amount of \$125,000.



**COMMONWEALTH ENVIRONMENTAL SERVICES, LLC**

A N O E - A n n o u n c i n g - W o m e n O v e r L L C o m p a n y



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

October 25, 2010

U. S. Department of Labor,  
Frances Perkins Building, 200 Constitution Ave., NW  
Room S-2018  
Washington, DC 20210  
Facsimile (904) 357-4704  
Attention: Madam Secretary Hilda Solis

Employee: Ralph Viets (Deceased)  
File Number: XXX-XX- 4790  
Claimant: Fannie Viets

Dear Madam Secretary Solis,

The Director of the "Occupational Workers Compensation Program" Shelby Hallmark and Energy Employee Occupational Illness Program Director (EEOICPA) Rachel Leiton have failed to comply with the EEOICPA U.S.C. statutory provisions, Code of Federal Regulations, DEEOICP case decisions, and DEEOICP "Procedures and Bulletins". It should be noted that Ralph Viets was treated at the Marion, Illinois Veterans Administration (VA).

Facts of the Case

1/ On September 14, 1984, Mr. Viets was prescribed Vansoril and Provental. On September 17, 1984, the VA stated, "The patient will need medical clearance for surgery and the extent of his chronic pulmonary disease will need evaluation, which can be accomplished at Marion VAMC." The VA also included a diagnosis of "chronic bronchitis." Mr. Viets was placed on 30 mgs. of Predisone.

2/ On May 29, 1985, as indicated

MEDICAL RECORD		CONSULTATION SHEET	
TO: <i>Ralph Viets</i>	FROM: <i>Commonwealth Environmental Services, LLC</i>	DATE: <i>10/25/10</i>	TIME: <i>10:00 AM</i>
REASON FOR REQUEST: <i>COPD, asthma on medical leave, have pt. past please see below, possible chronic allergy.</i>			
PERSON CONSULTED: <i>Dr. [Signature]</i>	APPOINTMENT: <i>[Signature]</i>	PLACE OF CONSULTATION: <i>[Signature]</i>	ORGANIZATION: <i>[Signature]</i>
CONSULTATION REPORT			

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Please feel free to contact me at 270-559-1752 or 270-450-0850.

Sincerely,

Gary S. Vander Boegh  
"Authorized Representative"  
Vice President- Commonwealth Environmental Services, I.I.C.

President Barack Obama/ with attachments  
1600 Pennsylvania Avenue NW  
Washington DC, 20500  
FAX (202) 456-2461

Approved exception to SF 502						
PATIENT'S NAME	AGE	SEX	RACE	SOCIAL SECURITY NO.	CLAIM NO.	NAME OF HOSPITAL
ALPH	71	M	W	4790	C-10705661	VAMC STILMO JC DIV
DIAGNOSIS: (List in numerical order: first, the established clinical diagnosis responsible for the major part of patient's stay; then, in order of clinical importance, other established diagnoses for which treatment was given. Place letter "H" before diagnosis (es) responsible for Nursing Care placement. List Problem numbers after diagnosis.)						ICDA CODE
(X) Dupuytren's Contractions						728.6
(X) COPD Severe						496
(X) Ventral incisional hernia						553.20
(X) Status post ruptured aneurysm with post-operative dehiscence and repair - 1981						

PRELIMINARY REPORT - FOR REVIEW ONLY - NOT FOR CLINICAL USE

Pre op R/O for ribs & COPD

Date of examination: 9/4/85 Date of report: 9/6/85

Examination of the chest: PA/lateral view reveals emphysematous changes with prominent central pulmonary arteries. Aorta is atheromatous. No definite rib fractures are seen. A rib series is suggested if clinically indicated.

SUMMARY: EMPHYSEMA  
NOT ACTIVE PULMONARY DISEASES.

BS  
B. SWEREN M.D.  
SIGNATURE (Specify location of signature and date of radiology report)  
DATE (Specify location of signature and date of radiology report)

RADIOGRAPHIC REPORT  
STANDARD FORM 510-A (REV. 6-77)  
Prescribed by CMS-2010  
FINAL 101 11 003.2

4790

MEDICAL RECORD

CONSULTATION SHEET

REQUEST

TO: Pulmonary Dis. FROM: Reshi Singh DATE: 6.12.85

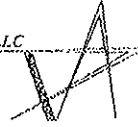
Pt was seen by you while hospital. Please evaluate concerning medication and portable oxygen tank

REMARKS

Asphyxial disease, COPD.

Shahulof

Senior please schedule for pulmonary clinic soon (12/12/85)



## Fax Cover Sheet

To: Sec. of Labor Hilda Solis	From: Gary S. Vander Boegh
Fax: (202) 693-6111	Date: 10-25-10
Phone: (270) 450-0850	Pages: ___ Pages including the Cover Sheet
Re: R. Viets	CC: Attention Hilda Solis

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

### Comments:

ATTENTION MADAM SECRETARY, MRS. VIETS MEDICAL CONDITION HAS BEEN DETERMINED TO BE "TERIMINAL" ON OCTOBER 22, 2010.

PLEASE REFERENCE THE ATTACHED LETTER REGARDING THE MEDICAL INFORMATION PROVIDED THAT CLEARLY REFLECTS MEDICAL DIAGNOSIS OF COPD THAT QUALIFIES AS A LUNG ABNORMALITY CONNECTED TO CHRONIC BERYLLIUM DISEASE PER DEEOIC DIRECTOR PETER TURCIC IN THE MEMORANDUM DATED AUGUST 25, 2005. YOUR

10/25/2010 MON 12:21

FAX

001

*****	
*** FAX TX REPORT ***	
*****	
TRANSMISSION OK	
JOB NO.	4187
DEPT. ID	151
DESTINATION ADDRESS	912026931465
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	10/25 12:14
USAGE T	06' 50
PGS.	19
RESULT	OK

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\*\*\* FAX TX REPORT \*\*\*  
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TRANSMISSION OK

JOB NO.	0277
DEPT. ID	151
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PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	01/03 17:02
USAGE T	34' 49
PGS.	35
RESULT	OK

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

## Fax Cover Sheet

To: U.S. Department of Labor  
Attn: David Howell

From: Gary S. Vander Boegh

Fax: 202-513-6401

Date: 01/03/12

Phone:

Pages: \_\_\_ Pages including the Cover Sheet

Re: Anna K. Vander Boegh

CC:

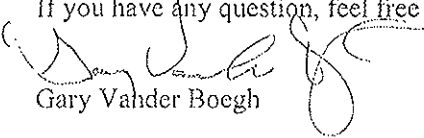
File Number: xxx-xx-0317

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

### Comments:

Please find the attached correspondence.

If you have any question, feel free to contact me at 270-559-1752.

  
Gary Vander Boegh

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
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DEPT. ID 151  
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PGS. 35  
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TX IMCOMPLETE -----  
TRANSACTION OK 912025136401  
ERROR -----

*COMMONWEALTH ENVIRONMENTAL SERVICES, LLC*

*Commonwealth Environmental Services, LLC*

## Fax Cover Sheet

To: U.S. Department of Labor  
Attn: David Howell

From: Gary S. Vander Boegh

Fax: 202-513-6401

Date: 01/03/12

Phone:

Pages: \_\_\_ Pages including the Cover Sheet

Re: Anna K. Vander Boegh  
File Number: xxx-xx-0317

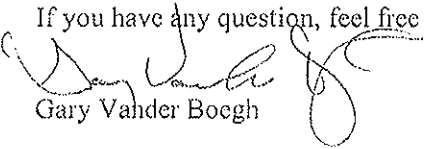
CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

### Comments:

Please find the attached correspondence.

If you have any question, feel free to contact me at 270-559-1752.

  
Gary Vander Boegh

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
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JOB NO. 0303  
DEPT. ID 151  
ST. TIME 01/04 13:09  
PGS. 39  
SEND DOCUMENT NAME  
TX IMCOMPLETE -----  
TRANSACTION OK gvandy@cesllc.net  
gvandy@comcast.net  
rvandy@cesllc.net  
dee@cesllc.net

Gary Vander Boegh  
VanderBoegh  
shanna  
DeAnne

ERROR -----

**COMMONWEALTH ENVIRONMENTAL SERVICES, LLC**

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

January 3, 2011

U. S. Department of Labor, DEEOIC  
Division of Energy Employees Compensation  
Final Adjudication Branch  
P.O. Box 77918  
Washington, DC 20013-7918

Attention: David F. Howell FAB Hearing Representative

File Number: xxx-xx-0317  
Employee: Anna K. Vander Boegh

Dear Mr. Howell,

As "Authorized Representative" (AR) for Anna K. Vander Boegh, I submit the following "Request for Reconsideration" (RR) of the "Final Decision issued by the Department of Labor (DOL) dated December 6, 2011. The RR is based on the following:

Findings of Fact

- On July 12, 2009, AR Gary Vander Boegh provided a timely request for "Request for Reconsideration" Exhibit 1 (reference pages 4 thru 7).
- On July 15, 2011, the Jacksonville district office issued a recommended decision