

ORIGINAL

ELB *6/5/09*
CES, LLC *JA*

Gary Vander Boegh Vice President
Commonwealth Environmental Services, LLC
Paducah, Kentucky 42001
Telephone: (270) 450-0850
Facsimile: (270) 450-0849

Date June 5, 2009

U. S. Department of Labor
Charles E. Bennett Federal Building
400 West Bay Street, St. 722
Jacksonville, Florida 32202

Employee: Joe R. Halteman
File No.: [REDACTED] 674

Re: Confirmation of Special Exposure Cohort (SEC) Status for Joe R. Halteman

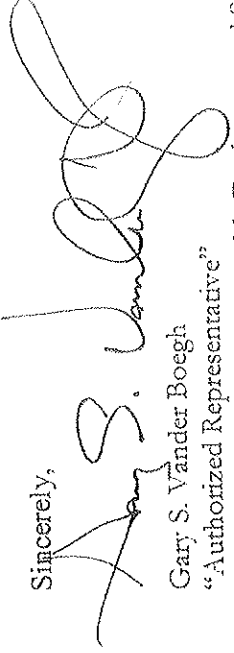
Dear Mr. Bibeault,

Enclosed please find for your review and consideration the attached new employment verification information and further request a reopening of Mr. Halteman's previous EEOICPA Part B claim denial for compensation and benefits. Commonwealth Environmental Services (CES) has provided new evidence that confirms that the federal labor rate per hour for laborers during Mr. Halteman's period of employment was \$0.75/hr. Since Mr. Halteman's total compensation from July 1952 thru the 1st quarter of 1953 equaled \$2,163, his actual hours and days on the job would equal 2884 hours (>2000 required for SEC) and 360 days (>250 days required for SEC status) respectively. Therefore, through the submittal of new employment information, Mr. Halteman is entitled to compensation and benefits as a member of the Paducah "Special Exposure Cohort."

Please forward to the appropriate Department of Labor Jacksonville District Office claims examiner. The updated information will also be posted on the Commonwealth Environmental Services (CES) web site at www.commonwealthenvironmentalservices.com for your further review and consideration.

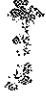
Please call me if you have any further questions!

Sincerely,



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

- Attachments:
- 1/ DOL ltr dated 12/23/03
 - 2/ DOL ltr dated 10/09/03
 - 3/ EEOICPA Decision 55619-2004--20041019
 - 4/ Joe Hakeman Social Security Earnings for 1952- 1953
 - 5/ DOL Claims Examiner Work Calendar for 1952 & 1953



Attach #1

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
DIVISION OF ENERGY EMPLOYEES' COMPENSATION
214 N HOGAN ST. SUITE 910
JACKSONVILLE FL 32202
PHONE: (877) 356-4272 or (904) 357-4765
FAX: (904) 357-4764



DATE: December 23, 2003

MEMORANDUM FOR: Joe R. Halteman

FROM: Jennifer Jacobs
Claims Examiner

SUBJECT: Calculation of 250 work days for SEC eligibility

Social Security Records have found that the above employee worked for FH McGraw from the 4th quarter of 1951 through March of 1953.

An EE-4 from a work associates, Clarence Yarbrough and William Mayberry, show employment with FH McGraw at the Paducah Gaseous Diffusion Plant from September of 1951 to March of 1953.

The DOE reports they hold a number of subcontracts and drawings done by FH McGraw during the time that Mr. Halteman alleges he worked at the PGDP site.

The claimant checked no for use of dosimetry badge. The effective date of exposure will begin July 1, 1952 through March 31, 1953 or for 194 work days. Based on the number of days worked, the claimant does not qualify as a Special Exposure Cohort (SEC) cancer. File will be referred to NIOSH for Dose Reconstruction.

ATTACH # 2

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
DIVISION OF ENERGY EMPLOYERS' COMPENSATION
214 N HOGAN ST SUITE 910
JACKSONVILLE FL 32202
PHONE: (877) 336-4772 or (904) 357-4765
FAX: (904) 357-4704



October 9, 2003

File #: [REDACTED] 674
Employee: Joe R. Haltman
Claimant: Joe R. Haltman

Gloria A. Butterbaugh for
Joe R. Haltman
P.O. Box [REDACTED] KY [REDACTED]

Dear Mr. Haltman:

This letter is in reference to your EE-1, Claim for Benefits Under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). Your claim was received on October 1, 2003. You have claimed that you developed bladder and prostate cancer as a result of your employment at FH McGraw at Paducah Gaseous Diffusion Plant.

The District Office has reviewed all the evidence presented with your claim. You marked on your claim that you were diagnosed with bladder and prostate cancer on May 1, 1997 and February 1, 1992. We received your check stub showing you were paid by FH McGraw for period ending January 4, 1953, you have presented sufficient medical evidence to document both claimed conditions. However, additional specific employment information is needed in order for the evidence to be sufficient for the District Office to make a decision in your case.

The Department of Energy has had difficulty in confirming the employment of people who worked at FH McGraw. Please make an effort to locate any contemporaneous records that prove your employment. These might include, but are not limited to the following:

- Records created by any government agency, or by any regular business activity
- Time and attendance forms

ATT & CEB #3

employment 42 U.S.C. § 7384(9) and 20 C.F.R. § 30.210. The EEOICPA at § 7384(14)(A) defines the term "member of the Special Exposure Cohort" as a Department of Energy employee, Department of Energy contractor employee, or atomic weapons employee who was employed for a number of work days aggregating at least 250 work days before February 1, 1992, at a gaseous diffusion plant located in Paducah, Kentucky, Portsmouth, Ohio, or Oak Ridge, Tennessee, and, during such employment---

- i) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of employee's body to radiation; or
- ii) worked in a job that had exposures comparable to a job that is or was monitored through the use of dosimetry badges.

The attempts by the district office and the FAB to clarify your employment history with you were unsuccessful because you could not remember the details. The evidence of record establishes that you received earnings from M. W. Kellogg Co. and Keime, Donovan and Foley Joint Ventures in the amount of \$2650.75 while employed at the Paducah GDP for one quarter in 1953 and 3 quarters in 1954. The minimum wage during that period of employment was \$0.75 an hour[3] which is equivalent to 3534 hours. The evidence of record establishes that you worked an aggregate of 250 days prior to February 1, 1992 pursuant to the convention table contained in EEOICPA Bulletin No. 02-09 (issued May 7, 2002). It is presumed that you were monitored through the use of a dosimetry badge for exposure. The basis for this presumption is the results of the Department of Energy's Paducah GDP exposure assessment project report that states:

From 1952 through 1960 approximately 200 to 500 workers were monitored for external radiation exposure. In 1961, the program was broadened and all workers (approximately 1700) were monitored. Dosimetry results obtained after the program expansion show that previously unmonitored groups of workers might have received "missed doses" during the early years of plant operations.[4]

You were diagnosed with colon cancer which is a specified disease as defined by § 7384(17)(A) of the EEOICPA and § 30.5(dd)(iii)(M) of the EEOICPA regulations. 42 U.S.C. § 7384(17)(A), 20 C.F.R. § 30.5dd(iii)(M). You are a member of the Special Exposure Cohort as defined in § 7384(14)(A) of the EEOICPA and §§ 30.210(a)(1) and 30.214(a)(1) of the implementing regulations. 42 U.S.C. § 7384(14)(A), 20 C.F.R. §§ 30.210(a)(1), 30.214(a)(1). I find that the September 9, 2004 recommended decision, of the Jacksonville district office, is in accordance with the facts and the law in this case, and that you are entitled to compensation benefits in the amount of \$150,000.00 and medical benefits commencing March 18, 2004 for the treatment of colon cancer.

Washington, DC

Thomasyne L. Hill
 Hearing Representative
 Final Adjudication Branch

[1] *Donovan, Keime, Foley Joint Ventures*. E-mail to FAB Branch Chief LuAnn Kressley from Policy and Procedures Program Analyst Regina Cano. January 16, 2004 letter from IBEW, Business Manager (on union letterhead), Paducah, KY, confirms that Donovan, Keime, Foley was a subcontractor at the Atomic Energy Commission site during the period of 1953

ATTACH # A

SSA-1826
VERSION 1984.002 * * * * * ITEMIZED STATEMENT OF EARNINGS * * * * *
FOR SSM [REDACTED] 674

JOB: 8015

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

U.S. DEPARTMENT OF LABOR- EEOICP NUMBER HOLDER NAME:
214 N HOGAN ST JOE R HALTEMAN

SUITE 910 FL 32202-0000
JACKSONVILLE

PERIOD REQUESTED JANUARY 1949 THRU DECEMBER 1955

YEAR JAN - MARCH APRIL - JUNE JULY - SEPT OCT - DEC TOTAL
EMPLOYER NUMBER: 06-0446990
F H MCGRAW AND CO INC SUITE 1900
2 PENN CENTER PLAZA
PHILADELPHIA PA 19102-0000

1951					784.36 \$	784.36
1952	1,042.54	1,086.57	899.98	571.91 \$	3,600.00	
1953	693.00				693.00	

SELF EMPLOYMENT:						
1955	-	-	-	\$	1,198.52-	
1958	-	-	-	\$	1,658.52	
1955	-	-	-	\$	1,658.52	

THERE ARE NO OTHER EARNINGS RECORDED UNDER THIS SOCIAL SECURITY NUMBER FOR THE PERIOD(S) REQUESTED.

EARNINGS FOR THE YEARS AFTER 2001 MAY NOT BE SHOWN, OR ONLY PARTIALLY SHOWN, BECAUSE THEY MAY NOT YET BE ON OUR RECORDS.

PAGE 001 END

time and date.com

Current location: Home page > Date menu > Calendar

Other locations: Time zone menu | World Clock | Countdown

14 Dated
arked

Calendar Creator 8
Find the Best Prices on Software Compare
Products & Stores to Save
www.pricerabber.com

Calendar Creator 9 for \$5
The latest version for a low price Ready made
layouts and themes
www.5DollarSoftware.com

Calendar for year 1952 (USA)

January 1952

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
4	12	20	28			

February 1952

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	
2	10	18	26			

March 1952

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
3	11	19	27			

April 1952

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
2	10	17	24			

May 1952

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
2	9	16	23	30		

June 1952

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
8	14	22	30			

July 1952

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
7	14	21	28			

August 1952

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
5	12	20	28			

September 1952

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
4	11	19	26			

October 1952

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 1952

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 1952

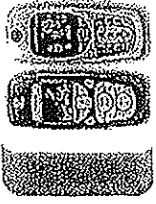
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

time and date.com

Current location: [Home page](#) > [Date menu](#) > [Calendar](#)

Other locations: [Time zone menu](#) | [World Clock](#) | [Countdown](#)

Search:



**GET A
FREE PHONE
EVERY YEAR**
LEARN MORE

& SAVE

SAVE NOW



Calendar for year 1953 (USA)

January 1953

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
8:00 15:00 22:00 29:00						

February 1953

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
7:00 14:00 20:00 28:00						

March 1953

Su	Mo	Tu	We	Th	Fr	Sa	
1	2	3	4	5	6	7	
8	9	10	11	12	13	14	
15	16	17	18	19	20	21	
22	23	24	25	26	27	28	
29	30	31					8
8:00 15:00 22:00 30:00							

April 1953

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
7:00 13:00 21:00 29:00						

May 1953

Su	Mo	Tu	We	Th	Fr	Sa
			1	2		
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
6:00 13:00 20:00 28:00						

June 1953

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
4:00 11:00 19:00 27:00						

July 1953

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
3:00 11:00 19:00 28:00						

August 1953

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
2:00 9:00 17:00 24:00 31:00						

September 1953

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
8:00 16:00 23:00 29:00						

October 1953

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24

December 1953

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26