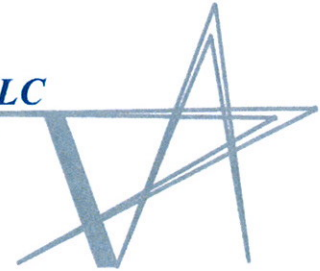


COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

"A Native American - Woman Owned Company"



Fax Cover Sheet

To: U.S. Dept of Labor
Jim Bibeault
Attn: Katina Johnson

From: Gary S. Vander Boegh

Fax: (904) 357-4704

Date: 10/25/10

Phone: (270) 450- 0850

Pages: ____ Pages including the Cover Sheet

Re: Ralph Viets
File: xxx-xx-4790

CC:

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

Comments:

COMMONWEALTH ENVIRONMENTAL SERVICES, LLC

"A Native American - Woman Owned Company"



Fax Cover Sheet

To: U.S. Dept of Labor
John Vance

From: Gary S. Vander Boegh

Fax: (202) 693-1465

Date: 10/25/10

Phone: (270) 450- 0850

Pages: ____ Pages including the Cover Sheet

Re: Ralph Viets
File: xxx-xx-4790

CC:

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

Comments:



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 ATTENTION TO THIS MATTER IS APPRECIATED BEFORE MRS VIETS PASSES AWAY!

GARY S. VANDER BOEGH

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

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 322-1	
REQUEST			
TO: <i>Pulmonary</i>	FROM: <i>Plashe Sup</i>	DATE OF REQUEST: <i>5.29.85</i>	
REASON FOR REQUEST (Complaints and Findings)			
<i>COPD, asthma on med. you have has on pt - past please reevaluate and if possible concerning allergies.</i>			
PROVISIONAL DIAGNOSIS			
DOCTOR'S SIGNATURE <i>Makhlouf</i>	APPROVED	PLACE OF CONSULTATION <input type="checkbox"/> BEDSIDE <input type="checkbox"/> ON CALL	<input type="checkbox"/> ROUTINE <input type="checkbox"/> TODAY <input type="checkbox"/> 12 HOURS <input type="checkbox"/> EMERGENCY
CONSULTATION REPORT			

*② Pw, orthopnea, pedal edema. No chronic cough, no Hx. to suggest allergic
rhinitis, dust or pollen allergy. No occupational exposures, no family Hx.
of atopy. MEDS Theolair, Beclomethasone, Primatone pro
CXR. CWO COPD
Exam CHEST - VBS throughout, early inspiratory crackles bibasilar, scattered
faint wheezes.
CAR. RRR. S+S but no rales. T1 = 1*

3/ On September 4, 1985, Dr. B. Sweren states, Examination of the chest PA & lateral views reveals emphysematous changes with prominent central pulmonary arteries. “

4/ On September 5, 1985, as indicated on the “consultation” sheet for Mr. Viets “lateral CXR-SEEN”. “Chest: VBS with exp wheezes/ bunel chest/ rhonchi.”

5/ On September 15, 1985, the VA diagnosed Mr. Viets with “Severe Chronic Obstructive Pulmonary Disease” (COPD)

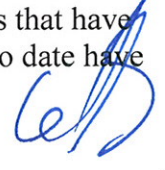
6/ On November 2, 1989, Dr. R.J. Wilt diagnosed Mr. Viets with, “1/ End Stage chronic obstructive pulmonary disease. 2/ Coronary artery disease with angina pectoris. 3/ Congestive heart failure **SECONDARY TO #1 AND 2.**” (EMPAHASIS ADDED)

WJ

Per the statutory "plain language" of the law, the DOL EEOICPs continues evaluate the medical evidence in the file and attempts to disqualify Mrs. Viets claim for compensation based on the "flawed" conception that COPD is not a "lung abnormality" or that beryllium can cause, contribute, or aggravate the claimant's COPD. The DOL district office has failed to recognize prior case law that establishes the fact that COPD, among other respiratory illnesses are, in fact, "lung abnormalities", as stated in U.S.C Title 42 § 7384L(13)(B) , Criteria I. DOL's attempts to deny that COPD is linked to exposures to beryllium at the Paducah Gaseous Diffusion Plant is not supported by the case law, Paducah Site Exposure Matrices, among other medical documentation of record.

It can be therefore concluded that DOL program directors Mr. Hallmark and Ms. Leiton have established procedures that attempt to circumvent the intent of Congress, while providing disparate/ unequal treatment to sick nuclear workers represented by Commonwealth Environmental Services, LLC (CES). With all due respect, CES hereby requests that Mrs. Fannie Viets' claim either be denied by Ms. Rachel Leiton, Mr. John Vance, Mr. James Bibeault, Mr. Miller, or CE Katina Johnson. Mr. Bibeault has inappropriately assigned Ms. Johnson to process Mrs. Viets' claim and was again unavailable on Friday October 22, 2010 to assist in processing Mrs. Viets "terminal" claim. With the exception of Ms. Katina Johnson, these DOL EEOICP officials have continued to arbitrarily and capriciously delay the processing of Mrs. Viets' claim for Part B compensation for Chronic Beryllium Disease (CBD) in the amount of \$150,000 and her Part E compensation in the amount of \$125, 000, thus by delaying the processing of her claim, can avoid the "survivorship" entitlements." Per the statutory "plain language" of the law, the DOL EEOICP actions cannot be justified and is totally unacceptable to the "alleged" claimant favorable process established by members of Congress who enacted this legislation that benefits CES claimants.

On July 23, 2010, you and President Barack Obama received notice that DOL officials (who remain "entrenched" from the prior administration) were violating the "EEOICPA" and the "Administrative Procedures Act" by not following the laws as required of them. Instead of providing an independent review of my allegations, you allowed EEOICP Director Rachel Leiton to provide her standard response letter that, of course, simply denied the allegations. Since Ms. Leiton is not an attorney, and you are, could you at least have your legal department review Ms. Leiton's findings? Pending legislation should correct the current lack of DOL oversight that exists within the DOL OWCP & EEOICP. Hopefully, you will soon have enough evidence of Mr. Hallmark's lobbying tactics that should have already caused you to make the long overdue "upgrades to his office." In the meantime, CES will continue to fight attempts by the current DOL OWCP/ EEOICP directors to damage CES by withholding claimant's statutory entitlements and medical benefits. I again respectfully request that instead of you ONLY listening to those OWCP/ EEOICP officials that are in clear violation of the law and are causing harm to the Paducah Gaseous Diffusion Plant claimants by refusing to compensate them (or provide them medical benefits) for their statutory compliance with the EEOICPA (as they have done during the prior administration), you at least consider meeting with nuclear advocates as Richard Condit requested of you several months ago. The record speaks for itself and I am certain you do not wish to be recognized for continuing the pattern of sick nuclear worker abuse of process. I will be providing a detailed list (in double digits) of the CES claimants that have clearly met/ established their compliance with the CBD statutory requirements, but to date have

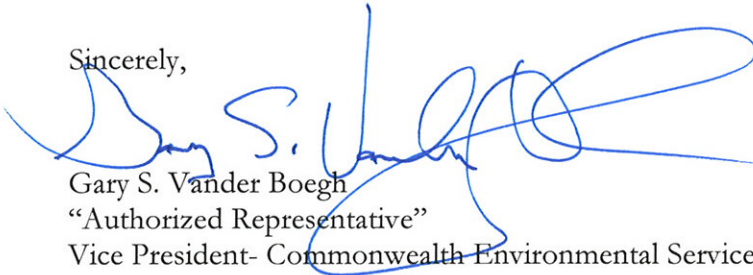


received nothing! Their names and social security numbers will be redacted and placed on the CES web site for your convenience (www.commonwealthenvironmentalservices.com).

I have also copy President Obama and will copy members of Congress on this CES distribution list, since he and members of Congress should also be made aware of how the former administration officials who answer to you are still in charge, as the President well knows, per his email I received today. The President Obama noted in his email sent to me today; ... "I know your frustrated..", ... "Making changes is hard...", ... "(special interests) have stood in the way of change at every turn, ..." "If we are serious about change, we need to fight as hard as we ever have...."

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.

President Barack Obama/ with attachments

1600 Pennsylvania Avenue NW

Washington DC, 20500

FAX (202) 456-2461