

ORIGINAL

~~★~~ *Aut 3/4/09*
~~★~~ CES, LLC ~~★~~

Gary Vander Boegh, Vice President
Commonwealth Environmental Services, LLC
7660 Old Hinkleville Rd.
W. Paducah, Kentucky 42086

Date: May 3, 2009

U. S. Department of Labor, DEEOIC
Division of Energy Employees Compensation
Final Adjudication Branch
400 West Bay Street, Suite 722
Jacksonville, Florida 32202

ATTENTION: Towanda Billingsley

RE: File Number: [REDACTED] 6558
Employee: William [REDACTED]

Ms. Billingsley,

Enclosed please find the following information regarding Mr. William [REDACTED] claim for Department of Labor (DOL) "Energy Employee Occupational Illness Compensation Act" (EEOICPA) Part B and E compensation and benefits for his established condition of "Chronic Beryllium Disease" (CBD).

Since Mr. [REDACTED] claim for CBD for Part B compensation was made after January 1, 1993, he is required by the EEOICPA to submit at least (1) or more of the "established criteria" (as stated in your letter dated March 11, 2009 – Exhibit A). Mr. [REDACTED] hereby provides the following additional information in response to the "established criteria", as outlined in your letter, that establishes his claim for compensation and benefits for his condition of CBD.

CBD Established Criteria (per March 11, 2009 DOL letter)

To establish CBD under Part B, Mr. [REDACTED] must submit one (1) or more of the following:

1/ **"A lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease."**

Mr. [REDACTED] Response- As stated by the DOL claims examiner in "Exhibit A", Mr. [REDACTED] has met the established criteria by submitting "two abnormal beryllium lymphocyte proliferation tests."

RECEIVED
Paducah Resource Center

MAY 04 2009

Transmitted to DOL-DO

Copy to

2/ "A computerized axial tomography (CAT) scan showing changes consistent with chronic beryllium disease.

Mr. [REDACTED] Response – A computerized axial tomography (CAT) scan was performed by Gershom Lundberg, M.D. on 08-03-07. Per the CAT scan report, "Mr. [REDACTED] presents for a follow-up for bilateral lower lobe scarring from beryllium exposure" (Exhibit B). Dr. Gershom further states in his diagnostic consultation report, "A helical study was performed without intravenous contrast. Comparison is made with an exam dated 06-26-06. There is persistent mild lob scarring, showing some progression from last year. I see no pulmonary mass or pleural fluid and no adenopathy. There are benign right hilar calcifications and mediastinal calcifications.".....

3/ A pulmonary function study or exercise tolerance test showing pulmonary deficits consistent with chronic beryllium disease.

Mr. [REDACTED] Response – On September 15, 2008, Keith E. Kelly, M.D. reported the following (Exhibit C):

..... "Chest CT, high resolution technique shows some diffusely increased interstitial markings without honeycombing. This may be due to chronic beryllium disease."

....."Based on the criteria for after January 1, 1993 he does have a history of abnormal beryllium lymphocyte proliferation test and a computerized V-scan showing changes consistent with chronic beryllium disease. While this is not diagnostic such as a biopsy would be, I think his syndrome fulfills the above criteria per the U.S. Department of Labor Form EE-7 dated April 2005.".....

In the DOL correspondence dated January 3, 2008 (Exhibit D), regarding Mr. [REDACTED] claim for Part E "permanent impairment rating", the DOL claims examiner Jean Lafontant, indicated, ..."I would first like to make you aware that our District Medical Consultant (DMC) has indicated that based on the medical evidence you submitted, it support that you (Mr. Wilson) have chronic beryllium disease (CBD).".....

On January 14, 2008, the "Respiratory Disease Clinic" indicated that "Mr. [REDACTED] pulmonary condition is unlikely to improve with or without medical treatment." The Paducah Resource Center submitted this information to the DOL District Office in Jacksonville, Florida on June 9, 2008 (Reference Exhibit E).

On September 22, 2008, the Paducah Resource center case worker Ms. Carolyn Hudson provided Mr. [REDACTED] September 15, 2008 medical report prepared by Keith Kelly M.D. to the DOL Jacksonville District Office

In conclusion, Department of Labor, Jacksonville District Office recently indicated, "throughout the course of operations, the potential for beryllium exposure existed at the

Paducah Gaseous Diffusion Plant, due to beryllium use, residual contamination and decontamination activities.” The evidence Mr. [REDACTED] has provided above clearly meets the established criteria for proving CBD and therefore qualifies him for Part B and E compensation and benefits. If the DOL Jacksonville District Office has any questions regarding the above, please don't hesitate to contact me at (270) 450-0850.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary S. Vander Boegh". The signature is stylized with a large, sweeping initial "G" and "V".

Gary S. Vander Boegh
"Authorized Representative"

Cc: Jim Bibeault DEEOIC by facsimile w/ Exhibits A thru F (904) 357- 4785