

**ANWAG**

Alliance of Nuclear Worker Advocacy Groups

February 1, 2011

Lewis Wade V., PhD  
Senior Science Advisor  
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Dear Dr. Wade:

I am writing on behalf of the Alliance of Nuclear Worker Advocacy Groups (ANWAG). ANWAG speaks on behalf of a national coalition of volunteer advocacy groups representing thousands of nuclear workers and their surviving family members. ANWAG has monitored the implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) since its inception.

ANWAG respectfully requests that your office begin a comprehensive EEOICPA Part B claimant survey to measure the degree to which Part B claimants that have received dose reconstruction reports have understood and found these reports useful during the claims process. We believe such a survey would augment the National Institute for Occupational Safety and Health's (NIOSH) Ten-Year EEOICPA Review.

ANWAG, along with the Energy Employees Claimant Assistance Project (EECAP), recently devised and released survey questions to 135 individual ANWAG members. The survey was designed to measure the degree to which claimants have understood the information contained within their individual dose reconstruction reports. Specifically, we wanted to get a preliminary understanding of how useful claimants have found these dose reconstruction reports when appealing a denied Part B claim.

The survey questions and concomitant results are attached for your review. ANWAG is fully aware of the limitations and inherent biases contained within the survey results. We understand that these survey results not only present selection bias issues, but also present responder bias issues.

Despite these concerns we feel the results illuminate two endemic problems that have plagued the individual dose reconstruction program since the beginning of EEOICPA. First, respondents overwhelmingly declared their functional inability to understand their dose reconstruction reports. Second, respondents overwhelmingly found the combined information provided within their dose reconstruction report and accompanying Department of Labor (DOL) denial letter functionally useless when navigating the administrative appeals process.

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We believe these results reveal a deep-seated problem regarding how the individual dose reconstruction program has been administered by both NIOSH and DOL. The basic inability to understand why one's claim has been denied and whether claimants can effectively appeal that denied claim goes to the heart of basic due process within a remedial compensation program. NIOSH and DOL have not administered the Part B individual dose reconstruction program in a claimant friendly manner. Absent such basic due process a claim cannot be evaluated in a fair and equitable manner. This fundamental inequity becomes patently clear when claimants are systematically denied their basic right to appeal a denied claim, as prescribed within EEOICPA. The very fact that NIOSH continues to provide claimants with inscrutable documents designed to be understood solely by health physicists undermines the spirit and intent of EEOICPA; and contravenes the Congressional imperative that gave rise to this landmark compensation program.

Since the Ten Year Review is nearing completion, ANWAG believes NIOSH must answer a basic question: Can a claimant effectively appeal a denied Part B individual dose reconstruction claim using the documents and information provided by NIOSH? We believe the answer to this question is a resounding - no.

Accordingly, since NIOSH has already taken significant steps to evaluate its implementation of EEOICPA, ANWAG believes that a claimant wide survey should be sent to all Part B claimants that have received dose reconstruction reports without delay. We believe the resulting information will be invaluable to NIOSH in its final evaluation stages for the Ten Year Review. The survey results will also provide NIOSH with vital insight into ways NIOSH can improve the Part B individual dose reconstruction program going forward.

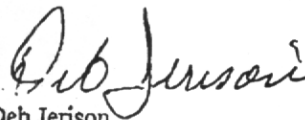
ANWAG would be more than happy to work with NIOSH to help facilitate the survey process in any way possible. We look forward to hearing from your office soon.

Thank you for your time and consideration.

Respectfully submitted,



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For ANWAG members

- Enclosure

# Dose Reconstruction Survey

Updated January 28, 2011

## 1. I understand my dose reconstruction report.

#	Answer	Response	%
1	Strongly Disagree	32	57%
2	Disagree	17	30%
3	Neutral	5	9%
4	Agree	1	2%
5	Strongly Agree	1	2%
	Total	56	100%

## 2. I understand why my Part B claim was denied from reading my dose reconstruction report.

#	Answer	Response	%
1	Strongly Disagree	30	54%
2	Disagree	14	25%
3	Neutral	7	13%
4	Agree	2	4%
5	Strongly Agree	3	5%
	Total	56	100%

## 3. I understand why my Part B claim was denied from reading my letter from the Department of Labor.

#	Answer	Response	%
1	Strongly Disagree	25	45%
2	Disagree	15	27%
3	Neutral	8	14%
4	Agree	5	9%
5	Strongly Agree	3	5%
	Total	56	100%

## 4. Did you appeal your denied Part B claim with the Department of Labor?

#	Answer	Response	%
1	Yes	38	68%
2	No	18	32%
	Total	56	100%

**5. When I appealed my denied Part B claim I found my dose reconstruction report useful when preparing my appeal.**

#	Answer	Response	%
1	Strongly Disagree	26	68%
2	Disagree	6	16%
3	Neutral	5	13%
4	Agree	1	3%
5	Strongly Agree	0	0%
	Total	38	100%

**6. When I appealed my denied Part B claim I found the Department of Labor's denial letter useful when preparing my appeal.**

#	Answer	Response	%
1	Strongly Disagree	26	68%
2	Disagree	4	11%
3	Neutral	4	11%
4	Agree	3	8%
5	Strongly Agree	1	3%
	Total	38	100%

**7. Did the Department of Labor approve your claim after you appealed?**

#	Answer	Response	%
1	Yes	2	5%
2	No	36	95%
	Total	38	100%

**8. Have you thought about appealing your denial in federal court?**

#	Answer	Response	%
1	Yes	25	71%
2	No	10	29%
	Total	35	100%