



DOL to NIOSH and back to DOL

Detailed Steps in the Dose Reconstruction Process under the Act

Energy Employees
Occupational Illness
Compensation Program Act



DEPARTMENT OF LABOR (DOL)

Claims are with DOL for Steps 1 and 2

Step 1: DOL receives a claim filed under the Energy Employees Occupational Illness Compensation Program Act (the Act) from either an energy worker or a survivor of an energy worker. DOL then processes and reviews the claim to determine if it qualifies for further evaluation.

NOTE: If the claim does not qualify for further evaluation, then DOL will inform the energy worker or the survivor.

Step 2a: If the claim does qualify for further evaluation AND the energy worker was a) possibly exposed to radiation and b) has been diagnosed with cancer, then DOL sends the claim to NIOSH for dose reconstruction.

Step 2b: If the claim does qualify for further evaluation, but the energy worker has not been diagnosed with cancer or have possible workplace exposure to radiation, then DOL is responsible for completing the claim.

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Claims are with NIOSH for Steps
3 thru 14

Step 3: NIOSH receives the claim from DOL, enters the energy worker's information into a tracking database, and assigns the claim a NIOSH tracking number. At this point, communication between NIOSH and the claimant (person who filed the claim—energy worker or survivor) begins.

Step 4: The claimant receives a packet of information from NIOSH explaining that NIOSH has received his/her claim from DOL for dose reconstruction. This packet includes information about the dose reconstruction process.

Step 5: NIOSH begins gathering the information needed to complete the dose reconstruction.

NOTE: Step 5 begins at the same time as step 4 and continues as steps 6-9 occur in the dose reconstruction process.

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Step 6: The claimant receives a letter from Oak Ridge Associated Universities (ORAU—a NIOSH contractor) requesting a voluntary telephone interview. This letter includes a list of questions that will be discussed during the interview, if the claimant chooses to participate.

Step 7: Voluntary Phone Interview—
The claimant will have an opportunity to provide NIOSH with any information that may be relevant to the claim. The information provided in this interview could be useful to NIOSH when completing the dose reconstruction.

Step 8: If the claimant participates in the voluntary telephone interview, then he/she receives a summary report of the interview from ORAU. After receiving this report, the claimant has the opportunity to revise the information and provide NIOSH with any additional documents or information that he/she feels may help in the dose reconstruction.

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Step 9: The claimant receives a “Conflict of Interest” letter. This letter explains that the claim will not be assigned to either a health physicist who has worked at the same facility as the energy worker or a health physicist whom the claimant feels may be conflicted in completing the dose reconstruction.

Step 10: The claim is assigned to a health physicist for dose reconstruction. Before completing the dose reconstruction, the health physicist reviews the full case file, including employment and cancer information, personal radiation exposure data, worksite information, and anything available from the telephone interview. The health physicist completes the claimant’s dose reconstruction.

Step 11: The claimant receives the following information from NIOSH after the dose reconstruction is complete:

(Step 11 is continued on the next column)

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Step 11 (continued from previous column):

A: Draft Dose Reconstruction Report-

A detailed account of how the dose reconstruction was completed. This report includes the amount of radiation the energy worker likely received while working at a DOE or AWE facility during a period of covered employment.

B. OCAS-1 Form- A form that the claimant must sign and return to NIOSH confirming that there is no additional information to share with NIOSH that might be relevant to the energy worker's dose reconstruction.

Step 12: Closing Interview-

The claimant has an opportunity to discuss the draft dose reconstruction report with a health physicist. It is also an opportunity for the claimant to provide NIOSH with additional information that may be relevant to the dose reconstruction.

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3 thru 14

Step 13: The claimant signs and returns the OCAS-1 Form to NIOSH.

Signing and returning the OCAS-1 Form only means that the claimant does not have any more information to share with NIOSH that might be relevant to the dose reconstruction. It does not mean that the claimant agrees or disagrees with the results of the dose reconstruction.

If the claimant does not sign and return the OCAS-1 Form to NIOSH, then the final dose reconstruction report cannot be mailed to DOL for a compensation decision.

NOTE: If changes occur to the dose reconstruction, then the claimant will receive a revised dose reconstruction report and new OCAS-1 Form to sign.

Step 14: NIOSH sends the final dose reconstruction report to DOL and the claimant once NIOSH receives the signed OCAS-1 Form.

(See reverse side for Steps 15 & 16)

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Claims are back with DOL for Steps 15 and 16

Step 15: DOL receives the final dose reconstruction report from NIOSH and uses the results of the dose reconstruction to determine if the energy worker's cancer was "at least as likely as not" caused by workplace exposure to radiation. DOL then provides the claimant with a recommended decision for whether the claim should be compensated.

In other words, DOL recommends that the claimant receive compensation if there is at least a 50% possibility that the energy worker's cancer was caused by workplace exposure to radiation.

Step 16: DOL offers the claimant an opportunity to request an "administrative review." Once this review is complete, DOL issues the claimant a final compensation decision.

For more information about the dose reconstruction process under the Act, contact NIOSH.

Web site: www.cdc.gov/niosh/ocas
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