Miller, Diane M. (CDC/NIOSH/EID)

From: antbonsignore@gmail.com
Sent: Thursday, October 14, 2010 10:15 AM
To: NIOSH Docket Office (CDC)
Cc: Chen, Jihong (Jane) (CDC/NIOSH/EID) (CTR)
Subject: 194 - Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program Comments

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Comments

October 14, 2010

NIOSH Docket Office

Re: Docket Number NIOSH-194

To Whom It May Concern:

It is NIOSHâ€™s unofficial policy to impose significant delays for any re-works or re-dosing of previously denied claims that have been appealed either administratively or through federal court litigation. Regarding the ongoing SEC evaluations of the Linde SEC petitions, NIOSH and the HHS Office of Legal Counsel have indicated that the Technical Basis Document for Linde may be revised by the end of the year, at which point the dose reconstruction should be re-visited for previously denied claims.

This inexcusable delay and uncertainty penalizes individual dose reconstruction claimants and violates the claimantâ€™s right to have their denied claims evaluated in a timely manner. The goal of timely compensation is abandoned simply because SEC petition evaluations often uncover significant deficiencies in Technical Basis Documents. This policy is antithetical to the evaluation of all individual dose reconstruction claims pursuant to a claimant friendly paradigm. When such extreme uncertainty prevents DCAS from revisiting previously denied claims because the Technical Basis Document needs re-evaluation, DCAS should be required to recommend the approval of an SEC petition under section 83.14.
A recommendation for the approval of an SEC petition under section 83.14 should be predicated on the very fact that a dose reconstruction rework cannot be completed under any semblance of a reasonable time frame.

Generally, this NIOSH delay tactic stands in direct contradiction to Dr. Howardâ€™s recent directive to DCAS staff to complete old dose reconstructions by July 1, 2010. DCAS cannot be permitted to create endless uncertainty as to when and if they will revisit and re-evaluate previously denied claims. Specifically, regarding the Linde Ceramics site, DCASâ€™s policy of favoring the individual dose reconstruction program over SEC approval is unfairly penalizing individual claimants that deserve to have their claims re-evaluated independently of the SEC evaluation process. Again, this directly contradicts Dr. Howardâ€™s directive as it relates to revisiting previously denied Linde claims.

These claimants should not suffer inexcusable delay simply because DCAS is on a mission to recommend the denial of SEC petitions at any cost.

I respectfully request that NIOSH re-evaluate how and when previously denied claims will be revisited when an ongoing SEC evaluation process delays when and if DCAS will eventually revise a Technical Basis Document.
Moreover, I urge NIOSH to recommend the approval of an SEC petition under section 83.14. The Linde workers have waited far too long to have their claims evaluated in a fair and timely manner.

Sincerely,
Antoinette Bonsignore
Linde Ceramics SEC Action Group
ANWAG representative