

## Energy Employees Occupational Illness Compensation Program



### Program Status Report

May 2004

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### Claim Process

1. Claim package filed
2. District Office review
  - medical and employment development
3. Dose Reconstruction at NIOSH of non-SEC cancer claims
4. Recommended decision
5. Final decision
6. Payment of compensation or denial of claim

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### Cancer Claim Process

1. Cancer claim filed
2. Required medical documents and employment established
3. Health and Human Services (HHS), the National Institute for Occupational Safety and Health (NIOSH) for dose reconstruction
4. After dose reconstruction, District Office applies the Probability of Causation formula to determine "at least as likely as not" (50% or greater)

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**Cancer Medical Requirements**

- Medical narrative
  - qualified physician
  - cancer diagnosis
  - initial date of diagnosis
- All cancers potentially covered

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**Recommended Decision**

- Explains basis for proposed decision
- Allows claimant the opportunity to pursue:
  - Hearing
  - Review written record
  - Waiver of additional review
- Referred to Final Adjudication Branch

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**Final Decision**

- Issued by Final Adjudication Branch
- Claimant Rights
  - Reconsideration
  - Reopening (if new evidence)
  - Federal District Court

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**Program Statistics**

(as of April 29, 2004)

- Recommended Decisions
  - > Claims approved = 12,776
  - > Claims denied = 19,520
- Final Decisions
  - > Claims approved = 12,046
  - > Claims denied = 16,347
- Cases Sent to NIOSH (Dose Reconstruction) = 16,205
- Payments Issued = 10,771
- Amount of Compensation Paid = \$807,862,195
- Amount of Medical Benefits Paid = \$32,181,049

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**Number and Types of Claims Received**

(as of April 29, 2004)

Total Number of Claims Received = 53,862

- Cancer = 37,744
- Beryllium Sensitivity = 2,373
- Chronic Beryllium Disease = 3,209
- Silicosis = 1,077
- RECA = 5,913
- Other (non-covered conditions) = 26,562

\*The total number of medical conditions will exceed the total number of claims received as more than one medical condition is often claimed.

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**Bethlehem Steel Statistics**

(as of May 3, 2004)

- Number of cases filed = 1,045
- Recommended Decisions
  - > Cases approved = 193
  - > Cases denied = 718
- Final Decisions
  - > Cases approved = 186
  - > Cases denied = 633
  - > Cases Sent to NIOSH (Dose Reconstruction) = 526
- Payments Issued = 183
- Amount of Compensation Paid = \$27,225,000

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**Status of Bethlehem Steel**

**NIOSH Referrals**

(as of May 3, 2004)

- Cases returned from NIOSH = 475
  - Completed dose reconstruction = 465
  - Dose reconstruction not required = 10
- Cases with Recommended Decisions
  - Accepted = 189
  - Denied = 286
- Cases with Final Decisions
  - Accepted = 182
  - Denied = 229

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**Bethlehem Steel Statistics-Denials**

(as of December 31, 2003)

- Number of denied cases = 542
  - Cancer not covered/POC < 50% = 165
  - Condition not covered = 177
  - Employee not covered = 150
  - Insufficient medical evidence = 38
  - Survivor not eligible = 12

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**Bethlehem Steel Cases Remanded**

(as of April 27, 2004)

- Total remands = 31
- Recommended decision to approve followed by Remand = 1
  - Eventual outcome
    - ❖ Final approval = 1
- Recommended decision to deny followed by Remand = 30
  - Eventual outcome
    - ❖ Final approval = 3
    - ❖ Final denial = 12
    - ❖ Pending final decision = 10
    - ❖ Cases closed or withdrawn = 5

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**Denied Bethlehem Steel Cancer Claims**

(as of December 31, 2003)

<u>Cancer Type</u>	<u>POC Range</u>
Esophagus	8.3 – 8.9
Stomach	2.0 – 7.9
Colon/Rectal	1.0 – 48.0
Pancreas	0.3 – 3.2
Lung	5.6 – 37.0

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**Denied Bethlehem Steel  
Cancer Claims (cont)**

(as of December 31, 2003)

<u>Cancer Type</u>	<u>POC Range</u>
Brain	1.0 – 2.9
Kidney	36.3 – 48.0
Lymphomas (non-Hodgkin's)	1.7 – 16.1
Myeloma	1.6 – 10.6

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**Denied Bethlehem Steel  
Cancer Claims (cont)**

(as of December 31, 2003)

<u>Cancer Type</u>	<u>POC Range</u>
Leukemia	6.6 – 36.3
Prostate	0.1 – 11.7
Liver	3.3 – 6.5
Breast	15.4 – 28.6
Bladder	0.2 – 8.0

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**Approved Bethlehem Steel Cancer Claims**

(as of December 31, 2003)

<b><u>Cancer Type</u></b>	<b><u>POC Range</u></b>
Colon/Rectal	57.8 – 65.2
Liver	50.2 – 55.8
Pancreatic	55.4
Lung	51.0 – 93.2
Bladder	65.8 – 69.8

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**Approved Bethlehem Steel  
Cancer Claims (cont)**

(as of December 31, 2003)

<b><u>Cancer Type</u></b>	<b><u>POC Range</u></b>
Skin	57.3 – 67.7
Prostate	59.0 – 71.8
Bone	59.8 – 61.8
Lymphomas (non-Hodgkin's)	51.7 – 90.9
Leukemia	64.9 – 67.1

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