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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

WARREN GUNNELS, MAJORITY STAFF DIRECTOR
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September 12, 2024

VIA ELECTRONIC DELIVERY

The Honorable Julie Su
Acting Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Acting Secretary Su:

The Department of Labor's (DOL) Office of Inspector General (OIG) recently released a troubling report on DOL's poor management of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).¹ These findings show unacceptable decision-making and oversight within the Office of Workers' Compensation Programs (OWCP) that must be immediately addressed.² EEOICPA offers compensation and medical care reimbursement for energy workers exposed to radiation and other toxic substances who suffer chronic illnesses as a result of their service to our country.³ The OIG audited four years of claims data and found a variety of problems with DOL's claims process, including prolonged wait times for claim approval and a lack of oversight to fix errors within the review system.⁴ DOL must make clear what steps you will take to improve this unacceptable situation.

The OIG audited over 27,000 OWCP coverage decisions between FY 2018 and FY 2022.⁵ They found that OWCP took an average of 182 days—roughly six months—to make coverage decisions in FY 2018.⁶ In FY 2022, despite receiving 18 percent **fewer** claims, OWCP took an average of 207 days to make coverage decisions—a 14 percent **increase** in wait time.⁷ In over 1,300 cases, OWCP took more than a year to make an initial decision, with some claimants waiting as long as

¹ Jon Ling et al., *OWCP Could Improve its Existing Guidelines for Processing DEEOIC Claims*, U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL (May 7, 2024), <https://www.oig.dol.gov/public/reports/oa/2024/09-24-001-04-437.pdf>.

² *Id.*

³ 42 U.S.C. § 7384, *et seq.*

⁴ Jon Ling et al., *OWCP Could Improve its Existing Guidelines for Processing DEEOIC Claims*, 1, U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL (May 7, 2024), <https://www.oig.dol.gov/public/reports/oa/2024/09-24-001-04-437.pdf>.

⁵ *Id.* at 6.

⁶ *Id.*

⁷ *Id.*

seven years.⁸ OWCP compounds this problem for terminally ill claimants by failing to have an expedited process for these especially time-sensitive claims.⁹

The OIG also found that OWCP misleadingly alters its publicly-reported wait times, leaving claimants without reliable estimates for when their claims will be reviewed.¹⁰ This “lack of transparency surrounding the claims process” underscores the work DOL must put into this program designed to benefit our energy workers.¹¹

The OIG also found that OWCP lacks sufficient oversight over this process. OWCP routinely overlooked or missed errors in benefits claims, including incomplete employment verification, insufficient evidence to link the claimant’s illness to their employment, or failure to follow the documented procedures for making a claim for benefits.¹²

OWCP lacks any centralized system or mechanism for tracking what mistakes its reviewers make and how they correct those errors. Instead, supervisors maintain their own records and have no guidance in what information to collect and document.¹³ These failures to properly identify and document the variety of errors in the review process not only lead to inaccurate benefit decisions, but also prohibit OWCP supervisors from correcting ongoing mistakes in the future.

DOL’s failure to provide timely, accurate coverage decisions to benefit the livelihood and health of our nation’s energy workers is unacceptable and must be rectified. DOL needs to address these failures to ensure EEOICPA serves the American people. Please provide answers to the follow questions, on a question-by-question basis, by September 26, 2024:

1. Detail OWCP’s plans to reduce the time energy workers wait to receive a coverage decision on their claims for compensation and benefits under EEOICPA. Please produce the following information in your response:
 - a. OWCP’s former target timeline for processing initial EEOICPA claims before the OIG’s May 7 report;
 - b. OWCP’s new, reduced target timeline for processing initial EEOICPA claims; and
 - c. What new policies, plans, and/or goals DOL has or will implement to reach this new target timeline.

⁸ *Id.*

⁹ By comparison, the Social Security Administration (SSA) allows expedited case processing for terminal claimants, and prioritizes pending cases that are 180 days or older. Social Security Administration, *Agency Priority Goal, Improve Initial Disability Claims*, https://assets.performance.gov/APG/files/2024/january/FY2024_January_SSA_Progress_Improve_Initial_Disability_Claims_.pdf.

¹⁰ Jon Ling et al., *OWCP Could Improve its Existing Guidelines for Processing DEEOIC Claims*, 6-10, U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL, <https://www.oig.dol.gov/public/reports/oa/2024/09-24-001-04-437.pdf>.

¹¹ *Id.* at 12.

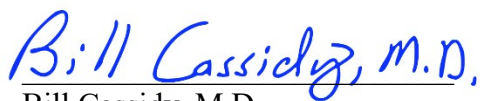
¹² *Id.* at 13-17.

¹³ *Id.* at 14.

2. Does DOL plan to implement a new policy to prioritize terminally ill claimants and their survivors through an expedited review process?
 - a. If so, please detail the policy DOL plans to implement and when.
 - b. If not, why does DOL not feel it is necessary to provide an expedited review process for terminally ill claimants?
3. Does OWCP currently have any standard operating procedures in place that dictate how claim analysts are to accurately and timely review EEOICPA claims?
 - a. If so, please produce a copy of those standard operating procedures.
 - b. How does OWCP ensure that those standard operating procedures are or will be followed to produce shorter waiting periods for claimants?
 - c. If not, why not?
4. Has OWCP implemented or does it have plans to implement a central database that tracks which EEOICPA cases have been reviewed, including their dispositions and types of errors identified?
 - a. Will OWCP train managers and employees on how to use any central data base it implements?
 - b. If not already implemented, when does OWCP plan to implement such a database?

Thank you for your prompt attention to this important matter.

Respectfully,



Bill Cassidy, M.D.

Ranking Member

U.S. Senate Committee on Health,
Education, Labor, and Pensions