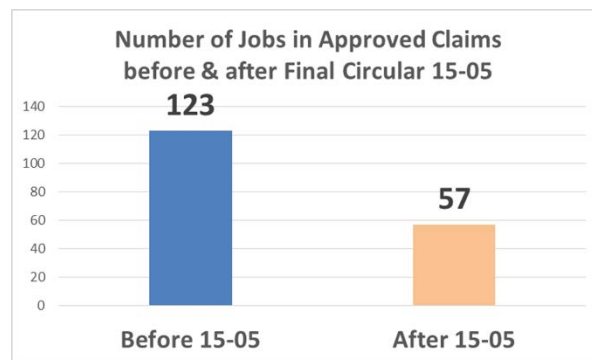
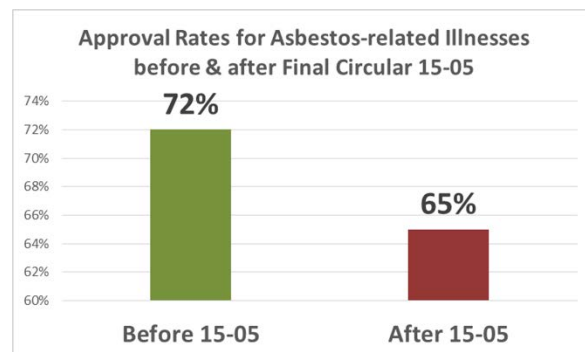
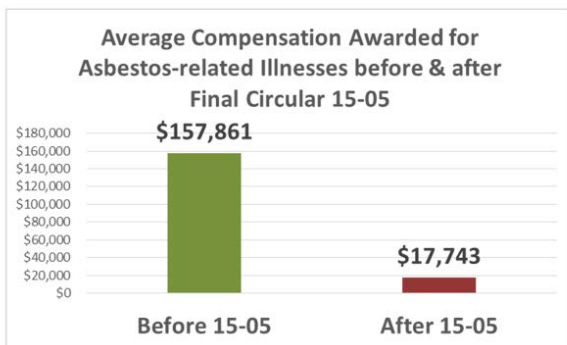




## Final Circular 15-05: How It affects Asbestos-related Illnesses Approval Rates

- **\$157,861**—average compensation paid per worker before Final Circular 15-05
- **\$17,743**—average compensation paid per worker after Final Circular 15-05
- **72%** of cases were approved before Final Circular 15-05
- **65%** of cases were approved after Final Circular 15-05
- **57** jobs are covered in Final Circular 15-05
- **123** jobs with approved claims before Final Circular 15-05
  - a. Jobs before Final Circular 15-05 were self-reported when claim was filed





## **Final Circular 15-05: How It affects Asbestos-related Illnesses Approval Rates**

DOL issued *Final Circular 15-05, Occupational Exposure Guidance Relating to Asbestos*, on December 17, 2014. Advocates have had grave concerns about this circular, as well as its cousin, 15-06, since their release.

This circular greatly increases claimants' burden of proof as they now need to prove that DOE was behaving in a way that contradicted their asbestos safety policies for each individual claim with work dates after 1986 for an asbestos-related illness claim to be approved. EEOICPA was established, partly, because exposure records did not exist, had been falsified, or destroyed. This circular puts claimants in a Catch-22 situation of providing documentation that may not exist.

EEOICPA was also implemented because DOE lied to the workers about their safety and did not follow their published safety guidelines. Why did DOL decide DOE suddenly began telling the truth in 1986?

Does this document actually represent a policy change rather than just providing guidance to Claims Examiners as is the role of circulars?

I analyzed historical claim payment data for asbestos-related illnesses from the beginning of EEOICPA through July 23, 2015 and found some interesting facts.

Final Circular 15-05 lists only 57 covered jobs. If you don't have one of these jobs and cannot prove exposure your claim will be denied. Historically, claims have been approved on workers holding one or more of 123 jobs. This means that 15-05 will only approve 46% of jobs that have been approved in the past. This makes it much harder, if not impossible, for workers without one of the 57 jobs listed in 15-05 to get their claim approved.

- Prior to 15-05's start date of December 17, 2014
  - 3289 cases were filed which contained a claimed condition of some type of asbestos related illness
    - 2362 of these cases were approved
      - 72% approval rate
      - Average compensation per worker of \$157,861
    - The 5 most often compensated job titles (in order) before December 17<sup>th</sup> were:
      - Pipefitter—10%
      - Electrician—9%

- Laborer—8%
- Carpenter—4%
- Sheet Metal Worker—3%
  
- After 15-05's start date of December 17, 2014
- 57 cases were filed which contained a claimed condition of some type of asbestos related illness
  - 37 of these cases were approved
    - 65% approval rate
    - Average compensation per worker of \$17,743, which is about 11% of the pre-15-05 rate
- The 5 most often compensated job titles (in order) after December 17<sup>th</sup> were:
  - Laborer—9%
  - Sheet Metal Worker—7%
  - Machinist—5%
  - Janitor—5%
  - Pipefitter—5%

Sheet metal worker, one of the top five jobs approved before December 17, 2014 is not even listed in Final Bulletin 15-05.

Is it fair to people who applied for EEOICPA coverage after the release of Final Circular 15-05 to be held to a different standard than workers who applied before December 17, 2014? The program is 16 years old. It seems a little late to make such substantial changes in claims adjudication.

For more in depth analysis on this issue please see the April 14, 2016 Radioactive Daughter Blog ([http://www.eecap.org/EECAP\\_blog.htm](http://www.eecap.org/EECAP_blog.htm)).



## **Final Circular 15-05: Jobs Historically Paid for Asbestos-related Illnesses before December 17, 2014**

1. area mechanic maintenance
2. asbestos worker
3. assembler
4. barrier operator
5. boiler operator
6. boilermaker
7. brick mason
8. bricklayer
9. bus driver
10. carpenter
11. cement mason supervisor
12. chemical engineer
13. chemical hot cell technic
14. chemical operator
15. chemical operator supervisor
16. chemical processing
17. chemical technician
18. clerk
19. clerk packer
20. construction
21. construction foreman
22. construction laborer
23. consultant engineer
24. d&d worker
25. draftsman
26. driver
27. electrical engineer
28. electrical worker

29. electrician
30. electrician supervision
31. electronic tech
32. engineer
33. engineering assistant
34. engineering technologist
35. escort
36. experimental operator
37. extra heavy duty driver
38. fabrication shop
39. field mechanic
40. fire chief
41. fireman
42. fitter
43. foreman sheet metal
44. foreman, sup -power
45. general maintenance
46. health and safety technician
47. heavy equipment mechanic
48. high voltage electrician
49. hot cell technician
50. inspections
51. insulation apprentice
52. insulation helper
53. insulation installer
54. insulation worker
55. insulator
56. janitor
57. jr engineer technician
58. lab technician
59. laboratory supervisor
60. laborer
61. line1 -truck driver
62. lineman
63. machine operator
64. machinist
65. mailroom clerk
66. maintenance
67. maintenance machinist
68. maintenance mechanic
69. maintenance milling
70. maintenance supervisor

71. maintenance worker
72. manufacturing technician
73. material handler
74. mechanic
75. mechanic maintenance
76. mechanical maintenance foreman
77. mechanical supervisor
78. metallurgist
79. metallurgy researcher
80. millwright
81. operation specialist
82. operations
83. operator
84. operator supervisor
85. painter
86. pipefitter
87. pipefitter welder
88. pipewelder
89. plant engineer
90. plumber
91. pneumatic tool repair
92. power department
93. process operator
94. production boilermaker
95. production operator
96. production process operator
97. production worker
98. program manager
99. radiation control supervisor
100. radiation monitor
101. radiation safety officer
102. radiation supervisor
103. reactor operator
104. research metallurgist
105. science technician
106. security
107. security guard
108. Security inspector
109. sheet metal worker
110. site security worker
111. station operator engineer
112. steam-pipefitter

- 113. steel worker
- 114. supervisor
- 115. tech support
- 116. technician
- 117. tour guide
- 118. transport-laundry tech
- 119. truck driver
- 120. utility mechanic
- 121. vacuum operator
- 122. warehouse
- 123. welder



## **Final Circular 15-05: Jobs Covered for Asbestos-related Illnesses within Circular**

1. Automotive mechanic
2. Boilermaker
3. Brick & tile mason
4. Bricklayer
5. Carpenter
6. Concrete and terrazzo worker
7. Demolition technician
8. Drywaller
9. Electrical mechanic
10. Electrician
11. Electrician
12. Floor covering worker
13. Furnace & saw operator
14. Furnace builder
15. Furnace operator
16. Furnace puller
17. Furnace technician
18. Furnace tender
19. Furnace unloader
20. Glass installer
21. Glazer
22. Glazier
23. Grinder operator
24. Heavy equipment operator
25. Insulation trade worker
26. Insulation worker
27. Insulator
28. Insulator
29. Ironworker
30. Ironworker-rigger
31. Laborer
32. Machinist (machine grinding)



33. Maintenance mechanic
34. Maintenance mechanic (general grinding)
35. Mason
36. Mason (concrete grinding)
37. Millwright
38. Operating Engineer
39. Painter
40. Pipefitter
41. Plasterer
42. Plumber steamfitter
43. Plumber/pipefitter
44. Plumbing & pipefitting mechanic
45. Plumbing technician
46. Roofer
47. Sheet metal fabricator/installer
48. Sheet metal mechanic
49. Steamfitter
50. Tiler
51. Tool grinder
52. Vehicle maintenance mechanic
53. Vehicle mechanic
54. Welder
55. Welder (general grinding)
56. Welder burner
57. Welder mechanic