

Miller, Diane M.

From:

Sent: Wednesday, December 05, 2001 11:44 AM

To: Workers Advocacy DOE

Cc: NIOCINDOCKET@CDC.GOV

Subject: ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000

12/6/2001

December 5, 2001

Office of Workers Advocacy (EH-8)
Office of Environment, Safety & Health
U.S. Department of Energy
1000 Independence Avenue S.W.
Washington, D.C. 20585
(1-877-447-9756)

RE: *Energy Employees Occupational Illness Compensation Program Act of 2000* (EEOICPA)

Dear Sirs:

As the spouse of my deceased husband, _____; I would like to request that the Columbia University/Nevis Cyclotron for the period 1956-1960 be included as an atomic weapons employer (AWE) facility.

My husband, _____, was employed at Columbia University/Nevis Cyclotron in sponsorship with the U.S. Navy. This was a nuclear research facility and _____ was required to wear a radiation badge, which was charged and read, at regular intervals by individuals other than himself. He was never informed of the level of his readings. He was employed at this facility for approximately four to five years (1956 - 1960/61) and became ill because of on-the-job exposure to nuclear components of the Navy research program. His diagnosis was metastatic cancer of the urinary tract.

I would appreciate your assistance in this very important matter. At the time of his death, he was the father of six (6) children under the age of fourteen. This compensation award would go along way to alleviate some of the heartache and hardship my children and I have suffered. The U. S. Government formerly denied that radioactivity was a cause of urinary cancer as well as other cancers. With this recent legislation, that is no longer the case.

As you will see by the enclosed letter, Mr. Mark Umerley of the DOL is denying my application unless I can prove my husband was involved with weaponry. Since he worked under the auspices of the U.S. Navy, I firmly believe that the Navy's atomic research involved atomic weaponry. But now they say I must prove it. Would the U.S. Navy be sponsoring such research for domestic purposes?

Since this act covers workers who were seriously ill or died from exposure to beryllium, silica or radiation while working for the government, its contractors or subcontractors in the nuclear industry; I firmly believe the intent of this act was to cover individuals such as my husband.

December 6, 2001

In January of the year 2000, the then Secretary of Energy, Bill Richardson, said in a CNN interview, "Our policy used to be, 'There is no link,'" He went on to say, "If you got sick, it was because of something else." Workers, Richardson said, "... weren't actively lied to, but they were not informed of potential exposures, so it's not a direct lie, but it could be they were not leveled with." The secretary went on to say that the government's first priority must be compensation for the victims and Congress responded by passing the *Energy Employees Occupational Illness Compensation Program Act*.

A dispatch from the Associated Press, filed on July 27, 2001, stated, "for certain workers at sites that kept poor records, the government will presume particular cancers linked to radiation were work-related." Mr. Shelby Hallmark, director of the office of workers' compensation programs at the Labor Department, was quoted in the New York Times on August 8 as saying, "One prevalent disease among such workers is cancer."

In Mr. Umerleys' letter (attached) he said I must provide evidence that "Columbia was engaged in DOE atomic weapons work during the period he was employed." Since atomic submarines and warships are normally considered weapons, it is hard to imagine the military sponsoring atomic research that did not fall under the category of atomic weapons.

I beg you to please consider our request both for my 6 children as well as myself.

Sincerely,

Attachment: DOL letter dated August 29, 2001

U. S. DEPARTMENT OF LABOR
Energy Employees Occupational Illness
Compensation Program Act (EEOICPA)
1001 Lakeside Ave., Suite 350
Cleveland, OH 44114
(216) 802-1300
Fax (216) 802-1308

October 25, 2001

Our office received the Form EE-3 and medical information you submitted. Your husband's claimed site of employment, Columbia University, New York, NY, however, is listed as a DOE facility and Atomic Weapons Employer for the period 1939 through the 1940's only. As you indicated that your husband worked there during the period 04/1956-03/1960, he was not, consequently, there employed during a covered period. Unless you provide evidence that he was employed at Columbia during the covered period, or that Columbia was engaged in DOE atomic weapons work during the period he was employed, he cannot be considered an eligible employee.

As the claimant, it is your responsibility to submit the evidence needed to establish a claim under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). Please provide us with the requested information within 30 days of the date of this letter. We encourage you to respond as soon as possible in order that a prompt decision regarding your claim might be made.

If you have any questions or concerns, please contact me directly at (216) 802-1325.

Sincerely,

Mark A. Umerley
Claims Examiner