

**REGARDING A PETITION FOR
CONGRESS TO END THE NEGLIGENT DELAY OF THE PROMISED
COMPENSATION AWARDS AND
MEDICAL BENEFITS TO THE NUCLEAR FACILITY WORKERS WHO
WERE
MADE ILL FROM THEIR SERVICE TO THEIR COUNTRY.**

**THE U.S. PRESIDENT AND CONGRESS DEEMED THE ESTIMATED
600,000 NUCLEAR FACILITY WORKFORCE, "COURAGEOUS COLD
WAR VETERANS".**

The implementation of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended, (EEOICPA) has been fraught with mismanagement, violations of due process, misrepresentation, and misplacement of workers' medical and dosimetry records. The responsible federal agencies -- U.S. Department of Energy (DOE), National Institute of Occupational Safety and Health (NIOSH) and the Department of Labor (DOL) -- have, for seven years, followed policies that have resulted in delaying compensation for thousands of workers who served in The Cold War at the U.S. Nuclear Weapons Complex.

Dose reconstruction is a failure. NIOSH and their contractors failed to fully research documents needed for the site profiles; and when presented with other evidence, ignored it. Their first attempts at developing scientific methods to reconstruct dose were rejected by the Advisory Board on Radiation and Worker's Health (ABRWH) and the Board's auditing contractor. NIOSH will now potentially need to rework thousands of denied claims, thereby ensuring the government workforce job security. This is a waste of taxpayer dollars and an emotional / financial hardship for the claimants.

Serious civil and/or criminal issues regarding conflicts of interest exist within the federal agencies and the contractors they've hired to implement EEOICPA. One major conflict of interest - and one likely reason EEOICPA is mired in complications - is the double role of ABRWH's auditing contractor, Sanford, Cohen and Associates (SC&A). This particular consulting firm has received multiple contracts from DOE among other federal agencies. How can SC&A not have a bias? How could no one in the government have caught this? THIS SHOWS A BLATANT AND INTENTIONAL COLLUSION BETWEEN THE U.S. GOVERNMENT AND ITS CONTRACTORS TO PROLONG THE COMPENSATION PROCESS. More complications mean more MONEY for both the agencies and the contractors. More money has been paid to the federal agencies and their contractors than to the workers.

Additionally, it has also been clearly documented that there still remains the problem with the "Burden of Proof" under Part E of the compensation program. Thousands of workers at these nuclear facilities were unknowingly exposed to toxic substances that caused their relevant disease(s). If all of the unique nuclear facility workforce were sickened by their nuclear facility work place exposures to radiation and chemical toxins, then, "Special Exposure Cohort" (SEC) status should be eliminated. All cancers should be qualified. Under the Final Rules (FR) released in December 29, 2006, it is stated that the worker must prove a causal relationship between their claimed illness(es) and the date, time and place that their exposure(s) took place. These workers simply CANNOT prove when or where their exposures took place, and their attending physicians CANNOT and WILL NOT be able to prove these exposures either. These physicians simply DO NOT have access to information or documents regarding the conditions and toxins at these facilities. This, too, has further blocked due compensation. DOL had violated thousands of claimants' due process rights by adjudicating claims prior to the Site Exposure Matrices (SEM) were made available to the claims examiners. The SEM's are known to be incomplete and unreliable. The claims examiners own DOL supervisors are aware that their subordinates are not capable of evaluating the SEM's technical aspects. The claims' examiners fail to prove that they are qualified adjudicators with legal authority to determine conclusions of law edicts. The claims' examiners merely act on at the

direction of their conflicting supervisor.

Therefore, we the undersigned, declare the government is in default of the dose reconstruction, wage loss, and impairment clauses of the contract made between the U.S. government and the workers as outlined within the EEOICPA.

Without further delay or application, we, the undersigned, demand that each worker that has been defined under the EEOICPA be compensated \$400,000.00, and awarded continuing and complete medical benefits as owed by the government under the contract.

**IN MEMORIAM OF THE DECEASED
NUCLEAR FACILITY WORKERS FROM
THE 1940S TO PRESENT DAY.**

Drafted this 5th day of December, 2007,

By:

National Nuclear Workers for Justice

(NNWJ)

&

**Portsmouth/Piketon Residents for
Environmental Safety and Security**

(P.R.E.S.S.)

P.O. Box 136 Portsmouth, Ohio 45662

***With input by Workers from Rocky Flats, Hanford, Idaho, Paducah,
Portsmouth and the Pinellas Plant**

Contact: Vina Colley at vcolley@earthlink.net or Terri Ann Smith at (304) 429-2053

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