

Radiation Exposure Compensation Program

U.S. Department of Justice

Presented to:

Veterans' Advisory Board
on Dose Reconstruction

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Hampton, Virginia

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Nikita Khrushchev and John F. Kennedy, 1962

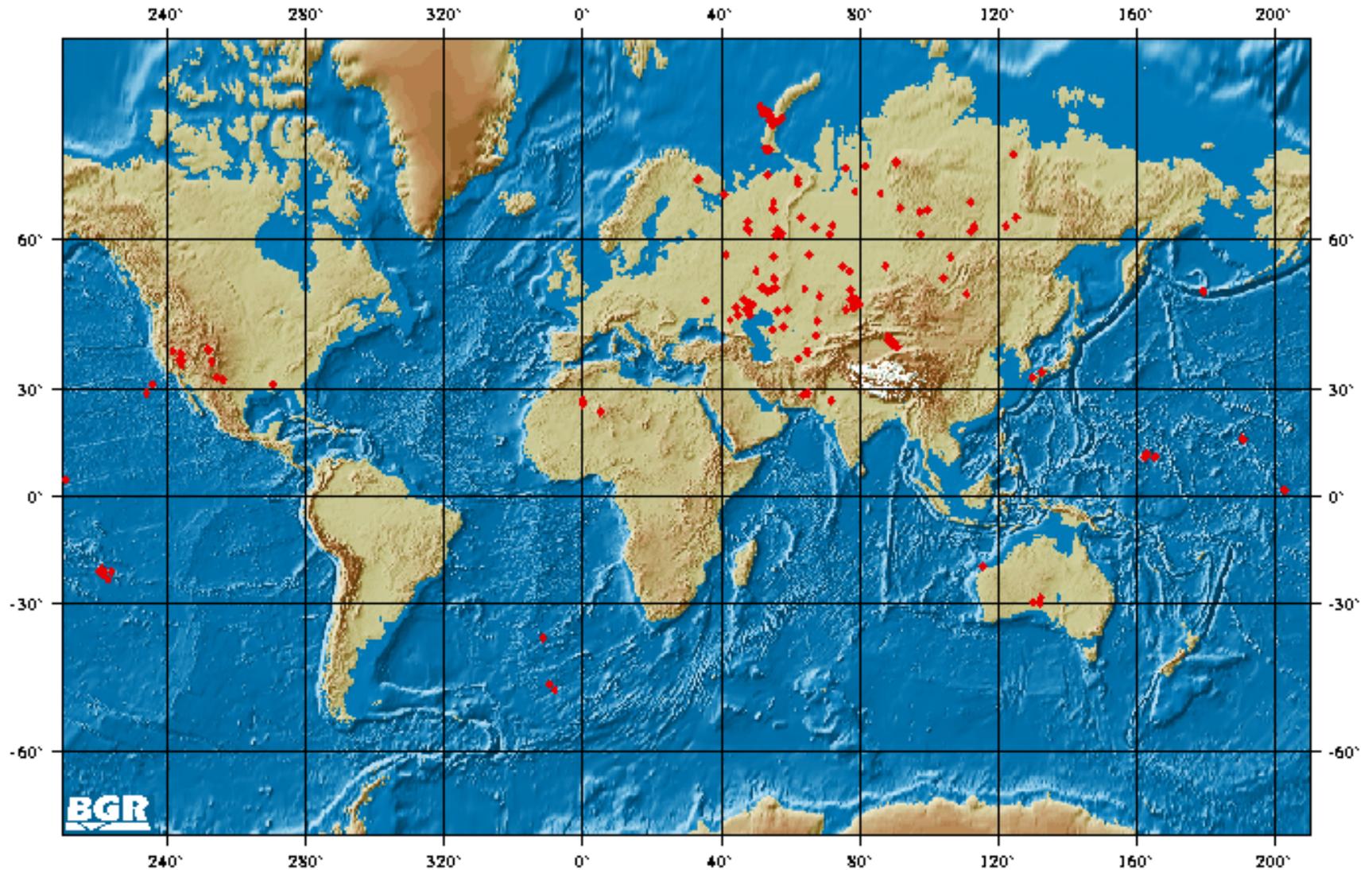
Berlin Wall at Brandenburg Tor, Early 1960s



Nuclear Tests Worldwide

	United States	Worldwide (Including U.S.)
Atmospheric	215	528
Underground	815	1518
Total	1030	2046

Nuclear Explosions, 1945 - 1998





November 1951, Nevada Test Site



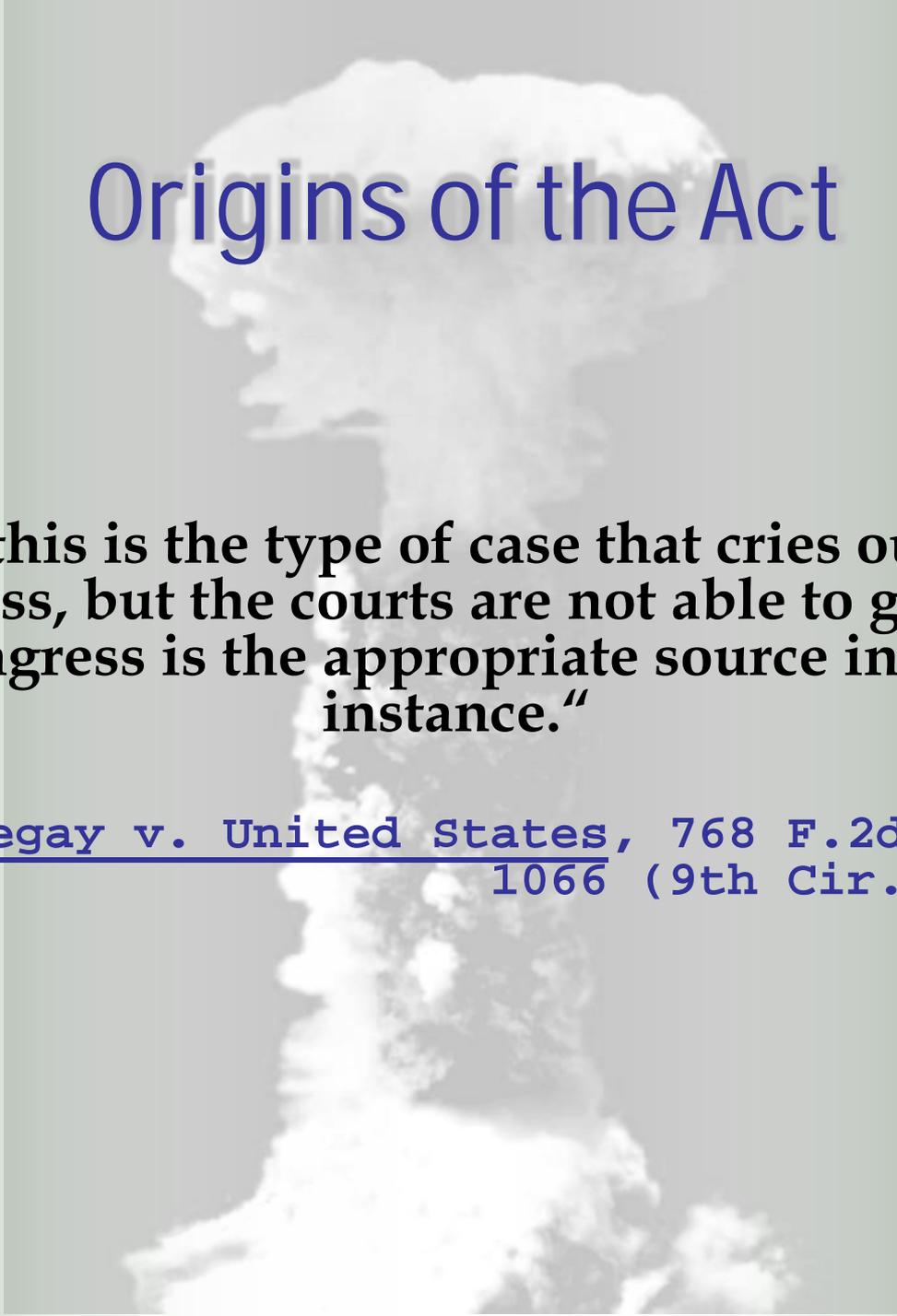
Shot Mohawk, Enewetak, July 3, 1956

Mohawk



Shot Seminole, Enewetok, June 6, 1956

Origins of the Act

A large, white, mushroom-shaped cloud from a nuclear explosion, centered in the background of the slide. The cloud has a thick, billowing base that tapers into a large, rounded, and slightly irregular top. The background is a gradient of green, darker at the top and lighter at the bottom.

"... this is the type of case that cries out for redress, but the courts are not able to give it; Congress is the appropriate source in this instance."

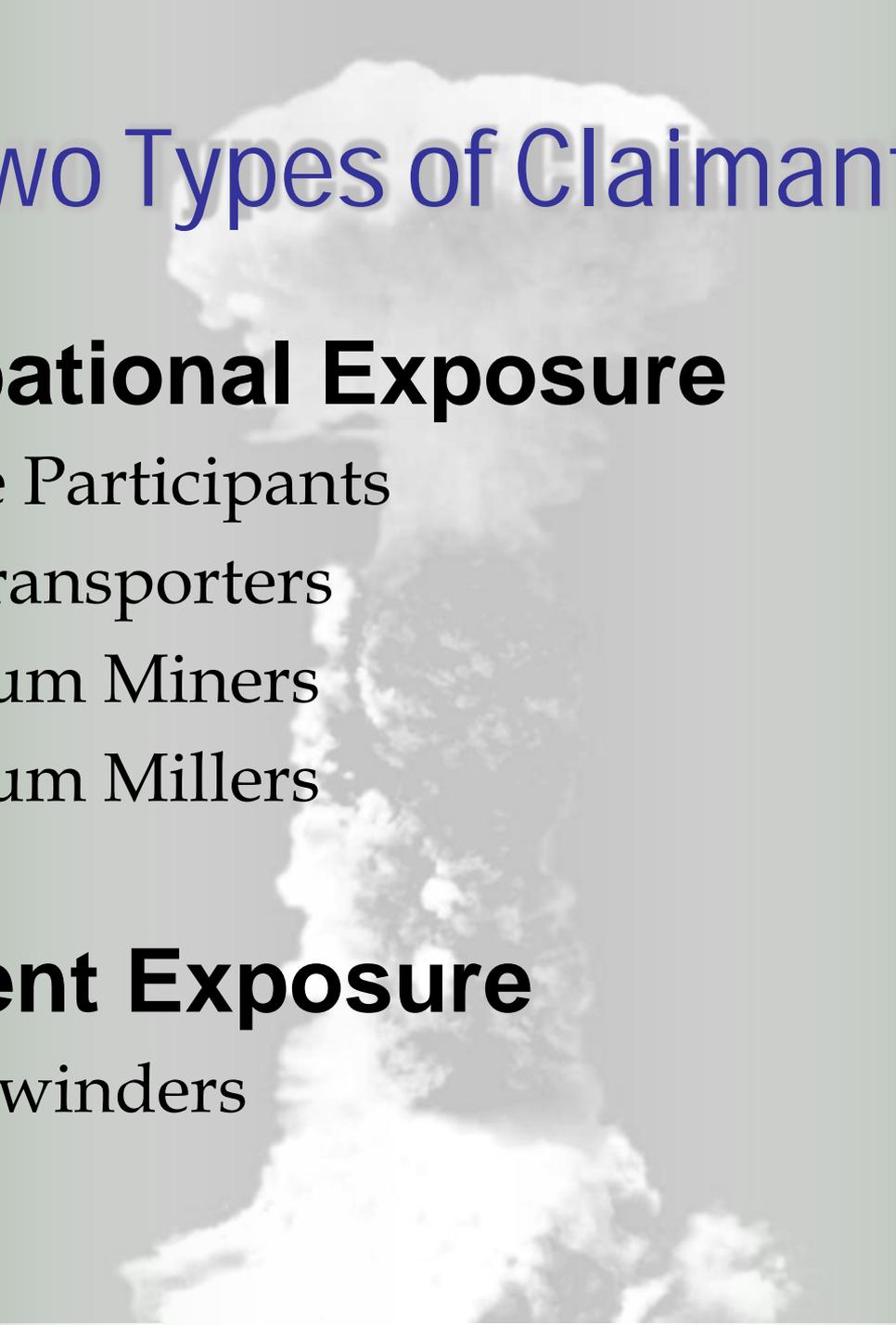
Begay v. United States, 768 F.2d 1059,
1066 (9th Cir. 1985)

Purpose of the Act

- “It is the purpose of this Act to establish a procedure to make partial restitution to the individuals...for the burdens they have borne for the Nation as a whole.”
- “The Congress apologizes on behalf of the Nation to the individuals...and their families for the hardships they have endured.”

Radiation Exposure Compensation Act
§§ 2(b) and (c)

Two Types of Claimants

A large, white, billowing mushroom cloud from a nuclear explosion, centered in the background of the slide. The cloud has a dense, rounded top and a thick, vertical column rising from the bottom, with wispy, trailing edges. The background is a gradient of green, darker on the sides and lighter in the center.

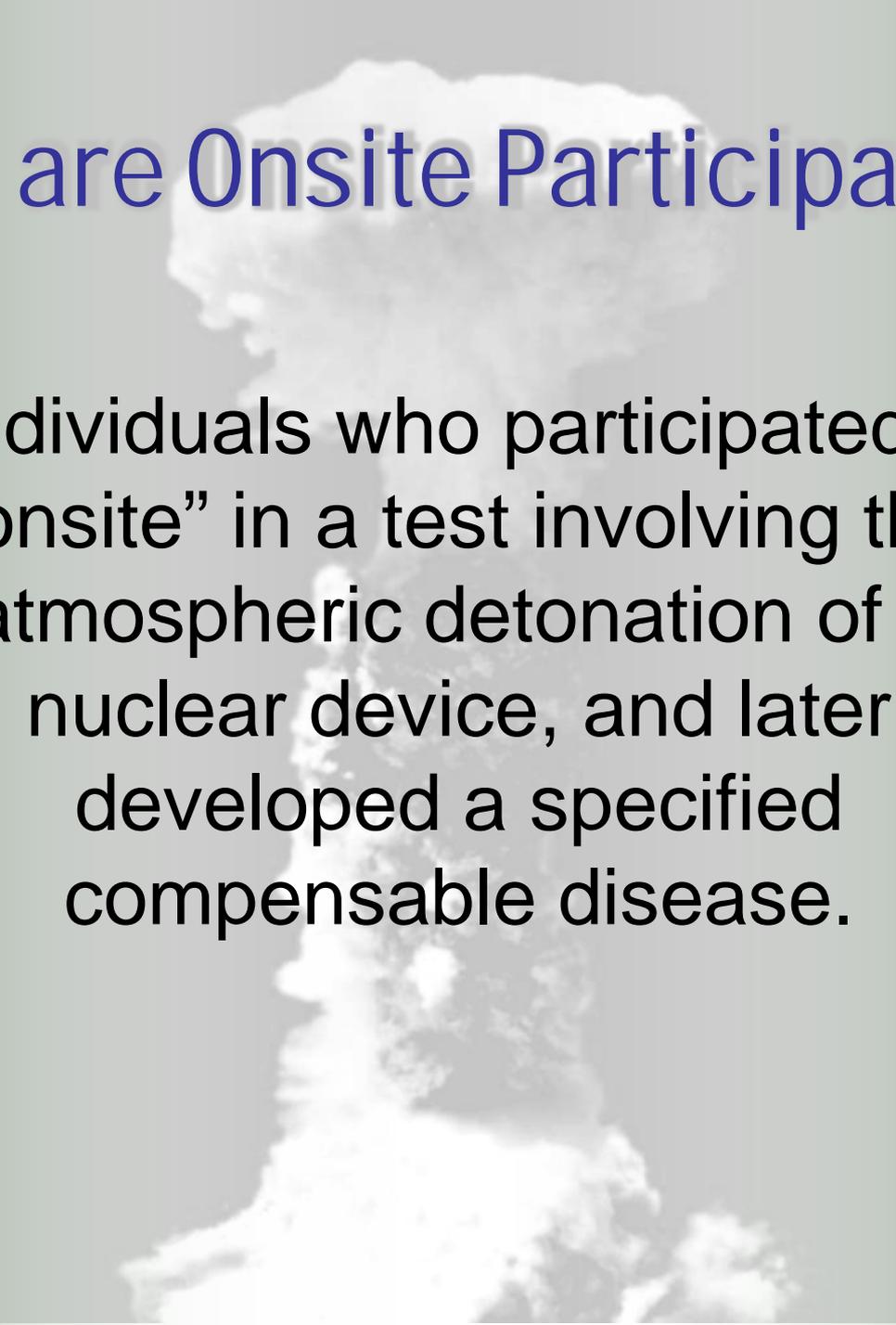
- **Occupational Exposure**

- Onsite Participants
- Ore Transporters
- Uranium Miners
- Uranium Millers

- **Innocent Exposure**

- Downwinders

Who are Onsite Participants?

A large, white, billowing mushroom cloud from a nuclear explosion, centered in the background of the slide. The cloud has a thick, dark stem rising from the bottom, which transitions into a large, white, billowing head that spreads out horizontally. The background of the slide is a gradient of green, darker on the sides and lighter in the center.

Individuals who participated “onsite” in a test involving the atmospheric detonation of a nuclear device, and later developed a specified compensable disease.

ONSITE PARTICIPANTS

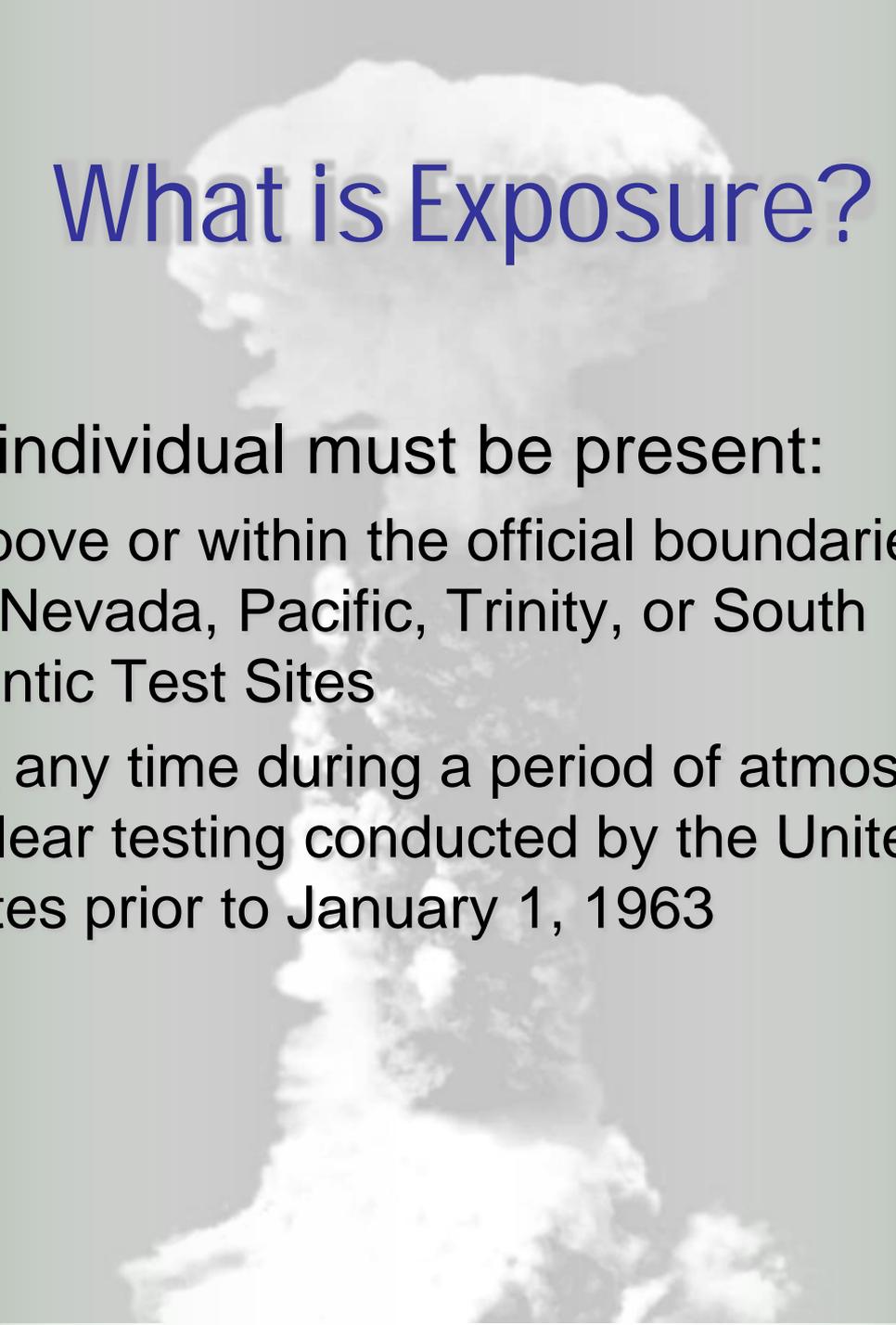
Nevada Test Site, 5/5/1955
Operation Teapot



Nevada Test Site, today, with a
former onsite participant



What is Exposure?

A large, white, billowing mushroom cloud from a nuclear explosion, centered in the background of the slide. The cloud has a thick, rounded top and a long, vertical stem that tapers slightly towards the bottom. The background is a light green gradient.

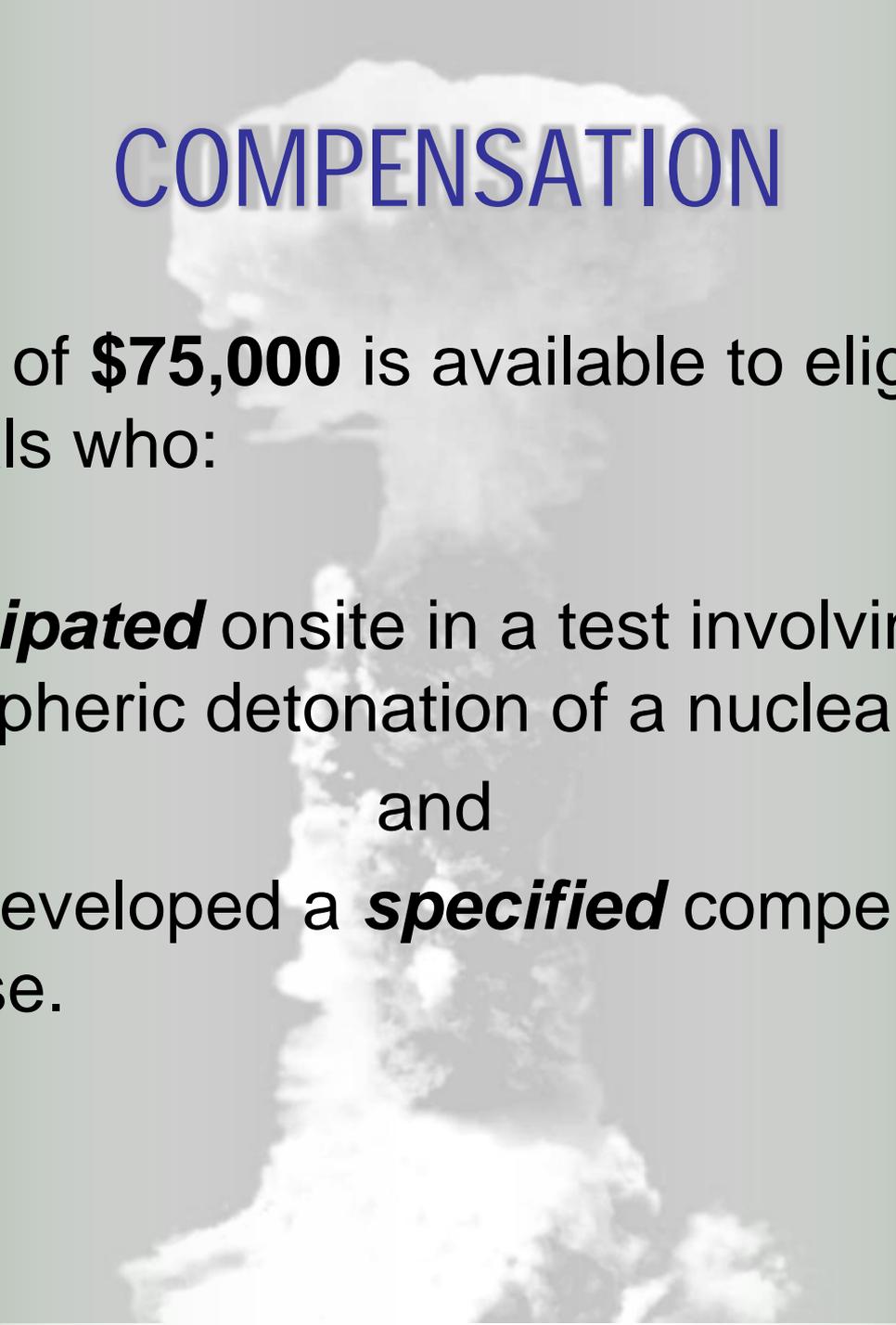
- An individual must be present:
 - above or within the official boundaries of the Nevada, Pacific, Trinity, or South Atlantic Test Sites
 - at any time during a period of atmospheric nuclear testing conducted by the United States prior to January 1, 1963

Onsite Participant Diseases

- Leukemia, other than chronic lymphocytic leukemia
- Multiple myeloma
- Lymphomas, other than Hodgkin's Disease
- Primary cancer of the following:

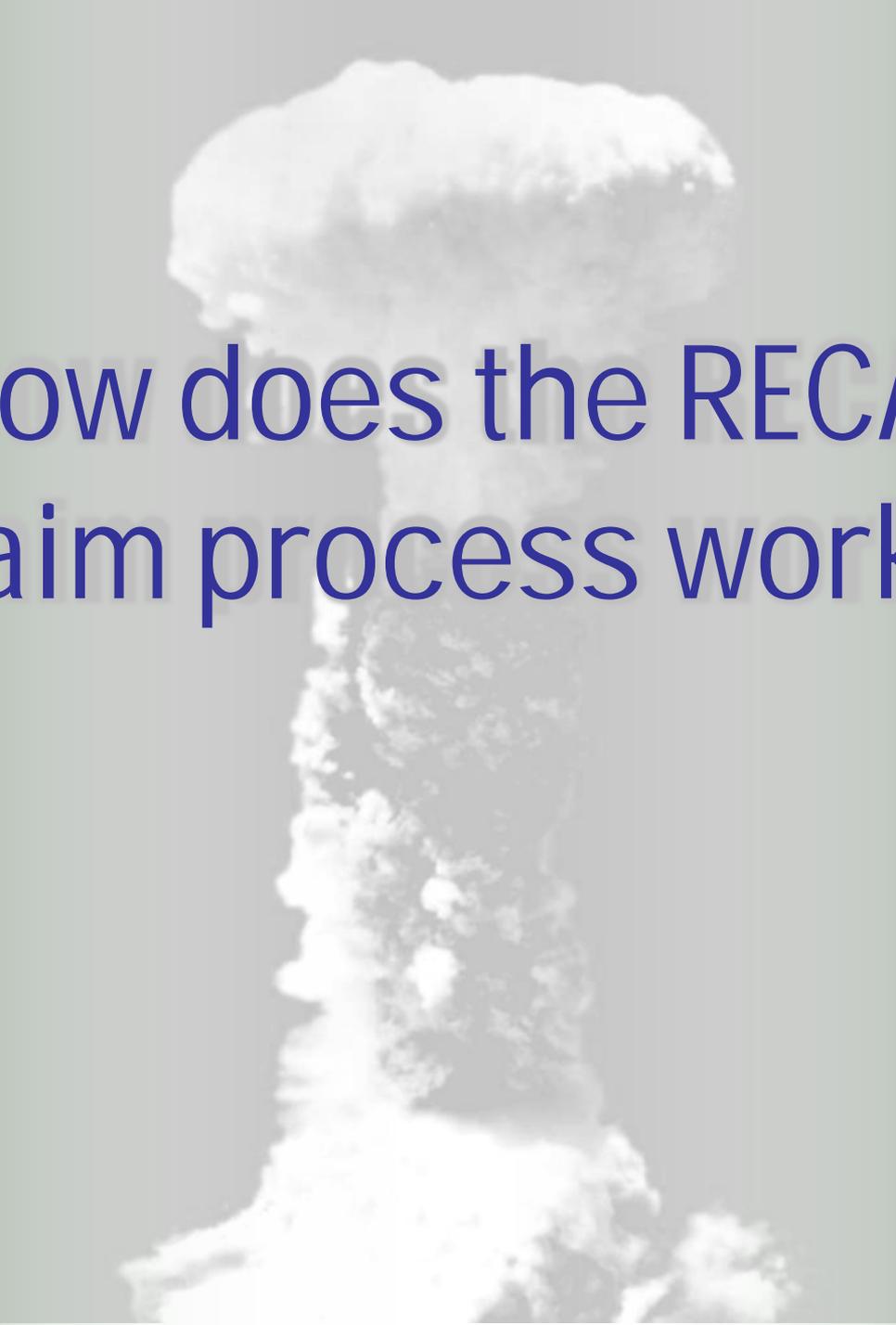
Pharynx	Thyroid	Female breast
Small intestine	Pancreas	Ovary
Salivary gland	Lung	Esophagus
Male breast	Stomach	Brain
Urinary bladder	Bile ducts	Liver
Colon		Gall bladder

COMPENSATION

A large, white, billowing mushroom cloud from a nuclear explosion, centered in the background of the slide. The cloud has a thick, dark stem rising from the bottom, which widens into a large, white, billowing cap at the top. The background is a gradient of green, darker at the top and lighter at the bottom.

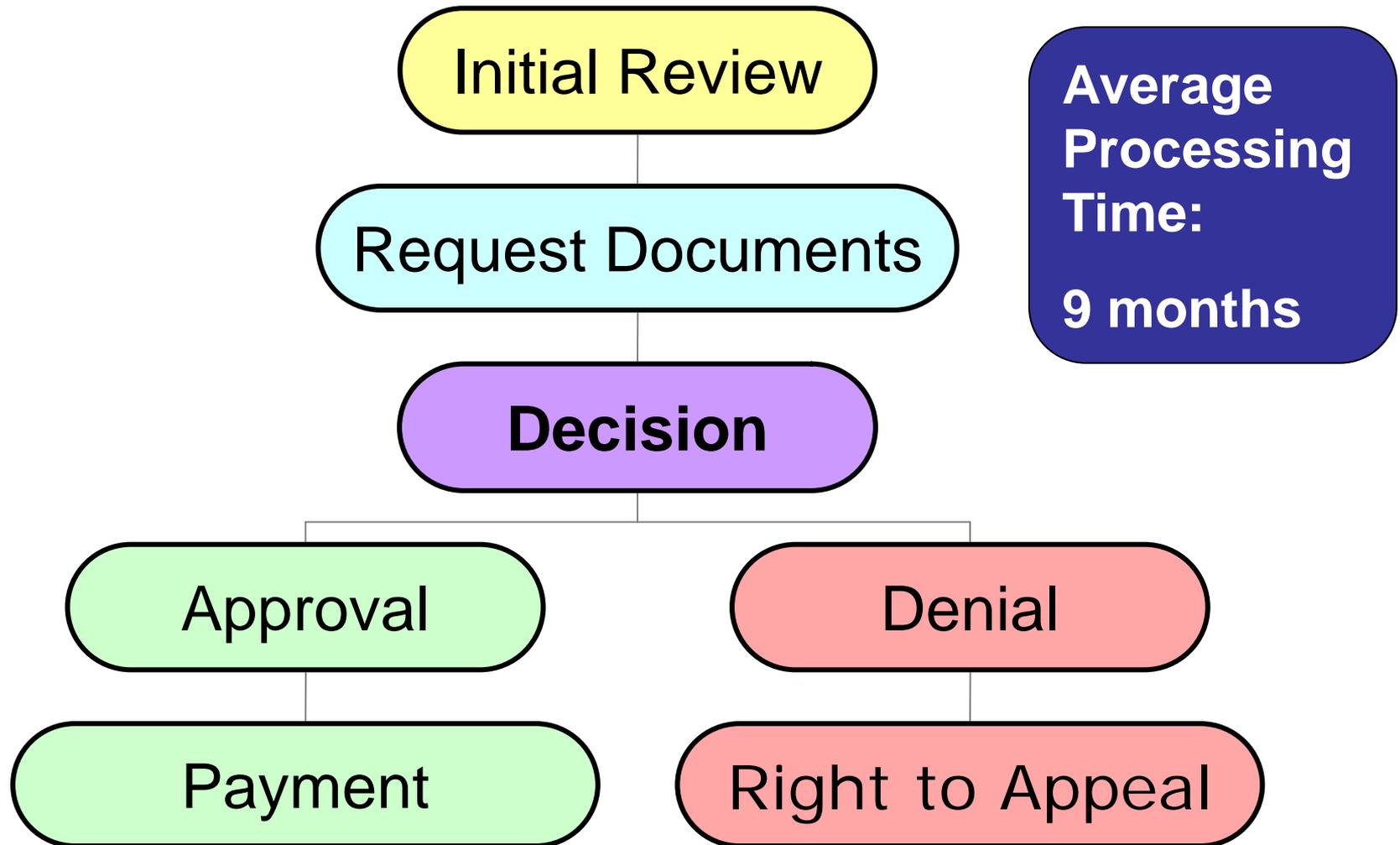
A payment of **\$75,000** is available to eligible individuals who:

- ***participated*** onsite in a test involving the atmospheric detonation of a nuclear device
and
- later developed a ***specified*** compensable disease.

A large, white, mushroom-shaped cloud from a nuclear explosion, centered in the background. The cloud has a thick, billowing base that tapers into a long, vertical column of smoke and debris, which then expands into a large, flat, cloud-like top. The background is a solid green color.

How does the RECA
claim process work?

Claim Process



How does the RECA Program help Claimants?

Proof of Participation:

- Program staff obtain information for claimants associated with the Atomic Energy Commission or Dept. of Energy.
- Staff also contact the DTRA to obtain service information for veterans, DOD civilians and contractors.

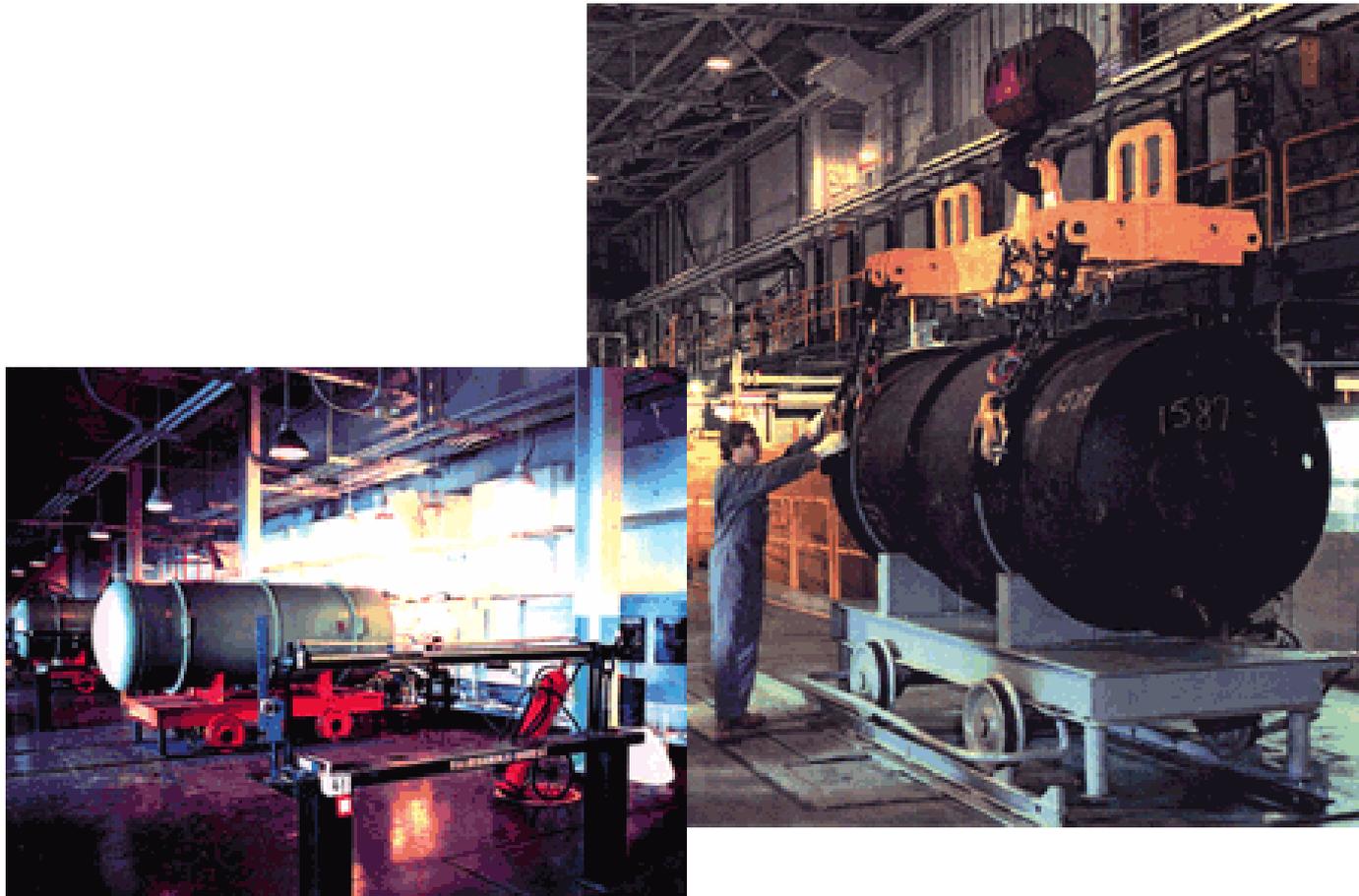
Medical:

- RECA program staff review medical documentation provided by claimants.
- Staff obtain diagnostic information from state tumor registries, as appropriate.

Radiation Exposure Screening and Education Program

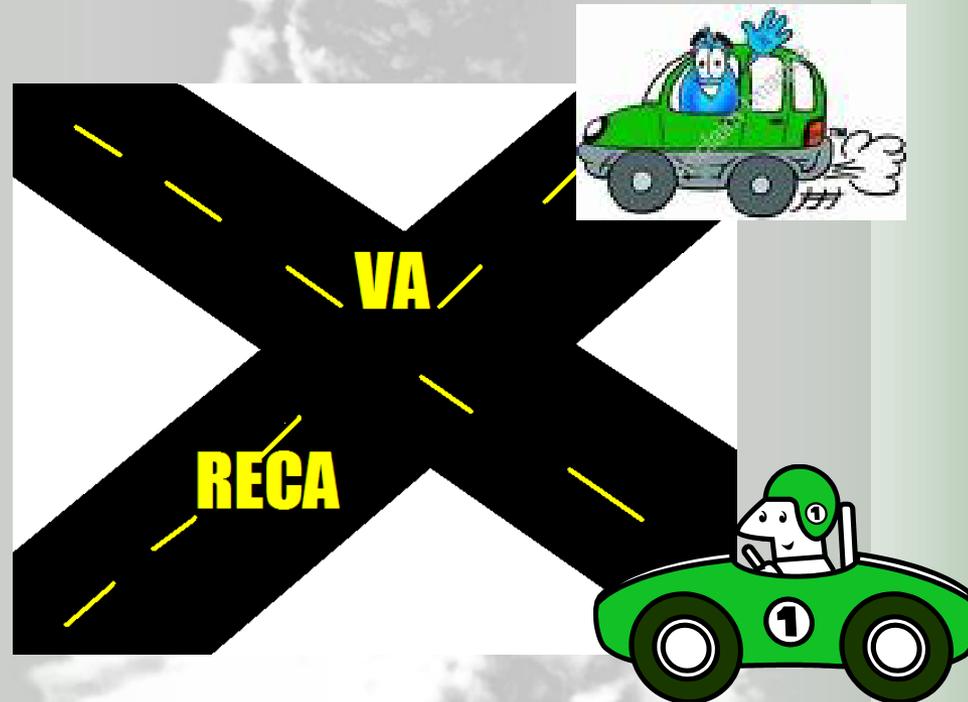


Energy Employees Occupational Illness Compensation Program Act (EEOICPA)



CROSSROADS

Where the VA and RECA intersect...



CROSSROADS

What happens if I am already receiving VA benefits and then my claim is approved for a RECA payment?



CROSSROADS

Both RECA and the VA have statutory and regulatory offset requirements.



CROSSROADS

How does **RECA** offset amounts (compensation/dependency&indemnity) received from the **VA**?

$$\mathbf{\$RECA = \$75,000 - \$VA}$$

- The Act requires that we deduct VA compensation from the RECA award. RECA §6(c)



CROSSROADS

Does the **VA** offset the **RECA** payment?

Previously:

- VA regulations barred continued payment of compensation/ dependency&indemnity once the individual accepted a RECA award.

BUT...



CROSSROADS

- *The Veterans Improvement Act of 2004* amended 38 U.S.C. 1310 to provide that a radiation-exposed veteran's receipt of payment under the Radiation Exposure Compensation Act of 1990 **does not deprive** a veteran of receipt of VA compensation. Section 302 (a).
- This also applies to families receiving dependency and indemnity compensation.



CROSSROADS

- As of March 26, 2002 there is an offset: the VA determines when compensation to the veteran or survivor will resume. 38 CFR 3.715 (c)
- The VA divides the RECA award by the monthly amount that would generally come from the VA. Then the VA estimates how many months following RECA compensation the VA payment starts again.



CROSSROADS

$(\$75,000 \text{ minus } \$VA \text{ total}) \div \$VA \text{ monthly} = \text{Number of months until end of offset}$

Example: Joe Smith has so far received \$36,000 from the VA at a rate of \$500 a month.

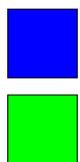
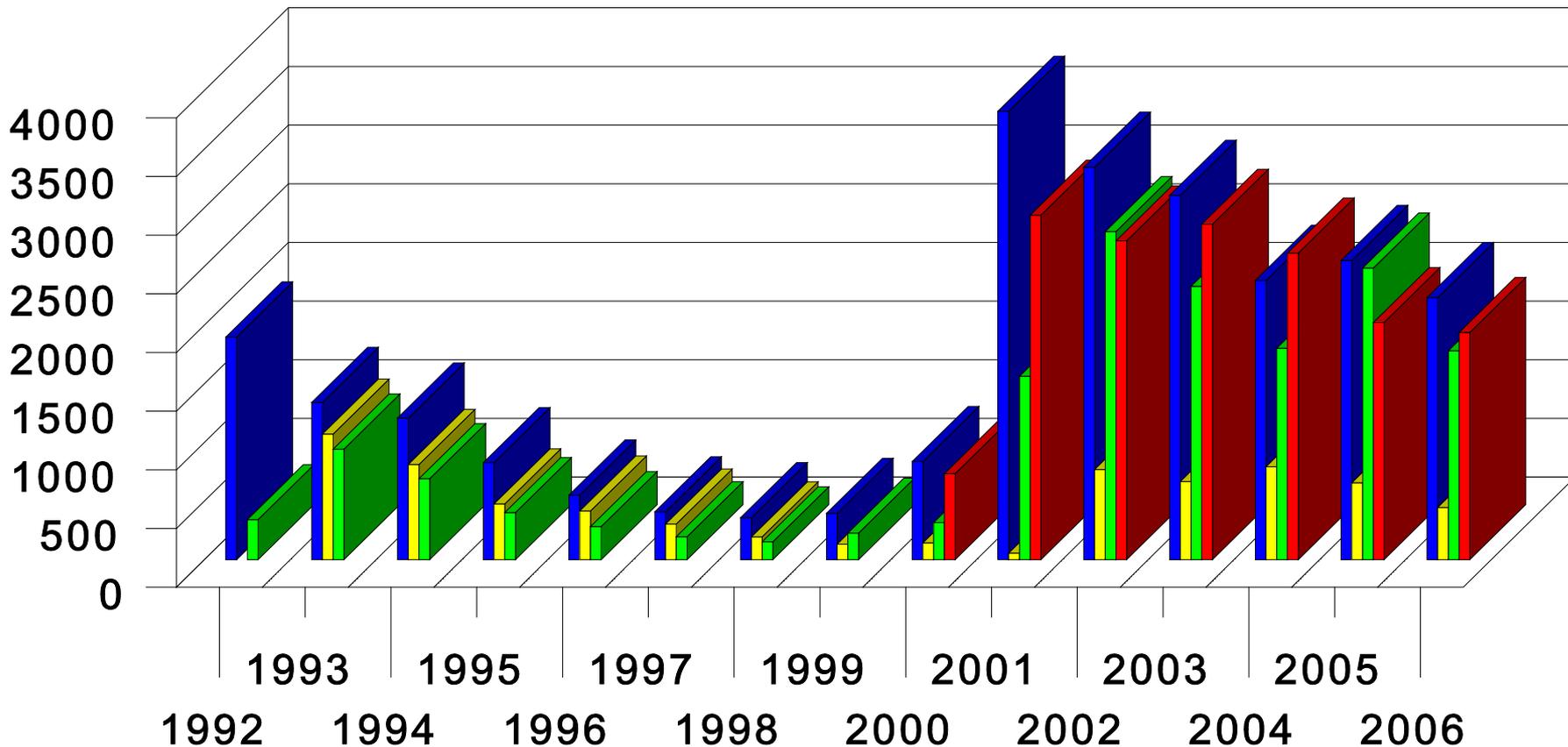
$RECA = \$75,000 - \$36,000 = \$39,000$

$VA \text{ offset ends} = \$39,000 \div \$500 = 78 \text{ months}$

So, after getting the lump sum of \$39,000 from RECA, Mr. Smith will begin to get VA compensation 78 months later.



Radiation Exposure Compensation Program



Number of Receipts



Approvals



Denials



Pending

Claims to Date Summary

Claim Type	Claims Approved	Claims Denied	Claims Pending	Amount Approved
Uranium Miller (\$100,000)	840	196	129	\$84,000,000
Ore Transporter (\$100,000)	178	55	31	\$17,800,000
Uranium Miner (\$100,000)	4,152	2,423	552	\$414,498,560
Downwinder (\$50,000)	10,288	2,959	1,028	\$514,370,000
Onsite Participant (\$75,000)	1,003	1,328	196	\$71,539,032
Total	16,461	6,961	1,936	\$1,102,207,592

October 25, 2006

How can VBDR help?

Outreach to Veterans

As of October 25, 2006 there were a total of 1,074 onsite claims filed by veterans, making up about 43% of the claims.



1-800-729-7327

www.usdoj.gov/civil

(click on Radiation Exposure Compensation Program)