



**National Jewish
Health®**

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BLACK LUNG BENEFITS

THE MINERS CLINIC OF COLORADO

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BLACK LUNG BENEFITS COUNSELING

- What we hope to accomplish
- Purpose of Black Lung Benefits program
- What miners need to know
- Steps to filing a Black Lung claim
- What miners need to prove for a successful claim
- Case studies

WHAT DO WE HOPE YOU COME AWAY WITH?

- Information about whether it makes sense to file a claim
- Find help to assist with getting a claim started
- Know how to find resources
 - Section I – Instructions for filing a claim

WHAT IS THE PURPOSE OF BLACK LUNG BENEFITS?

- Provide monthly benefits and medical treatment to coal miners who are totally disabled by Black Lung disease

WHAT DOES THE MINER NEED TO KNOW?

It's a process.

It takes time.

It's not simple.

WHAT YOU NEED TO KNOW?

- DOL exam is **free**.
- Need to prove **total disability** due to Black Lung
- Mine operator will likely **contest** any award of benefits.
- May need to work with a **lawyer**



Photo Credit: Andy Bockelman
Craig Daily Press

HOW LIKELY IS IT THAT A MINER WILL GET BENEFITS?

- In 2014, at the District Director level, of 5,217 claims filed, only **12%** were approved.
- A 2009 Government Accountability Office (GAO) report found that for 27% of claims, it took over 3 years to get the award.

OPTIONS FOR THE MINER WONDERING ABOUT BENEFITS

- Apply for Black Lung Benefits and go through free DOL exam.
- Attend free annual Miners Clinic to see what screening results indicate.
- Delay application – wait until more disabled from lung disease.



WHAT HAPPENS WHEN A MINER FILES A CLAIM?

- Submit forms to DOL
- DOL Exam
- Schedule for the Submission of Additional Evidence (SSAE)
- Proposed Decision and Order
- Office of Administrative Law Judges (ALJ)
- Benefits Review Board

GETTING STARTED

- Complete DOL forms (Section 2)
 - Available on the DOL DCMWC program website www.dol.gov/owcp/dcmwc
 - Also available by calling the District Director's office or by calling the Miners Clinic
 - Important to describe the miner's disability completely, especially exertional requirements of most recent coal mine job he is unable to perform.
 - Describe the miner's last coal mine job in detail. If that job was less than one year, describe the previous coal mine job in detail too.
- You do not have to do it alone, see the list of Black Lung Clinics in or close to your area

BLACK LUNG CLAIM FORMS (SECTION 2)

- Miner's Claim for Benefits (CM-911)
- OR
- Survivor's Claim for Benefits (CM-912)
- Employment History (CM-911a)
- Description of Coal Mine Work and Other Employment (CM-913)
- Authorization to obtain earnings from Social Security Administration (SSA-581) – 2 pages (optional)
- Selection of an Examining Provider – 4 pages (optional)
- Authorization for Representation (optional)

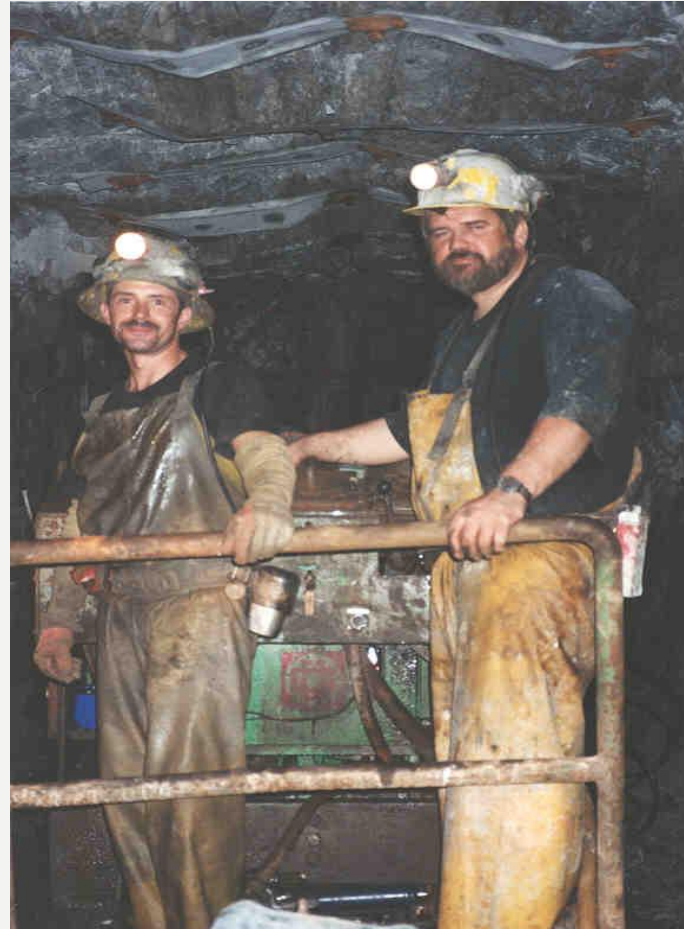
ADDITIONAL INFORMATION THE MINER NEEDS

- Miner should request letter from mine companies with dates of employment and job titles
- Letter should be included with forms mailed to DOL
- Marriage certificate
- Divorce decree



ADDITIONAL FORMS

- 413b Exam Form
- Request to Withdraw Form



SUBMITTING A CLAIM

- Forms are sent to central office in Kentucky
- Responsible District Director's office will assign a claims examiner
- Claims examiner will arrange for a **DOL exam** with a DOL approved provider (doctor) selected by miner
- Claims examiner will also request any missing information (marriage or divorce certificates, etc)

TAKE HOME MESSAGES

- Black Lung claims are often difficult to win.
- Black Lung Clinics help identify people who might have successful claims and help them navigate through the DOL benefits system.
- It is important to understand the process and have realistic expectations.