



U.S. Congressman

Nick Rahall

WORKING FOR WEST VIRGINIANS

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HOUSE COMMITTEE CLEARS BLACK LUNG REFORM BILL

WASHINGTON, D.C. -- By a vote of 28 to 14, the House Committee on Education and Labor approved legislation to reform the Federal black lung program, U.S. Rep. Nick J. Rahall (D-WV) announced today. The vote was by party line with Democrats voting aye and Republicans voting no.

"This bill makes significant inroads in addressing the plight of coalfield citizens afflicted with black lung disease," Rahall stated. "It represents a reaffirmation of the Federal government's commitment to care for coal miners and their families."

A leading advocate of revising the black lung program so that it is more responsive to miners who suffer from the crippling effects of black lung disease, Rahall said the Committee's action clears the way for the bill to be voted on by full House of Representatives.

The bill approved by the Education and Labor Committee would:

**** Provide that repayment of benefits paid on an initially approved claim would not be required if the claim is ultimately denied, unless fraud or deception was used to obtain the payment.**

**** Limit the amount of qualifying evidence a claimant could be made to produce to support benefit eligibility.**

**** Provide benefits for survivors and dependents if the miner was receiving benefits or was total disabled by pneumoconiosis at time of death.**

**** Stipulate that if, as result of administrative or judicial proceeding on a claim a determination is made that the claimant is entitled to benefits, the claimant would receive all reasonable costs incurred by claimant as a result of the proceedings in order to cover legal fees.**

Rahall and other coalfield Congressmen have maintained that various judicial and administrative actions over the years have caused an arbitrarily low black lung benefit approval rate. Other problems faced by claimants include the long period of time it takes the Labor Department to process a claim, the inability to find legal representation, the denial of benefits to widows, and government attempts to seek repayment of benefits paid under claims that are appealed years after the initial payment was made.

"Naturally, the claim approval rate is low," Rahall noted in reference to the current Labor Department claim adjudication process and the fact that most claimants cannot afford to hire high-priced lawyers to make their case. "It is low because the effect of these challenges and proceedings, which can span a period of 10 or more years, are to wear the claimant out until he dies."