



U.S. Congressman
Nick Rahall
WORKING FOR WEST VIRGINIANS

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BLACK LUNG BENEFIT REPAYMENT 'TERRORISM' HIT BY RAHALL BILL

WASHINGTON, D.C. -- People suffering from the crippling effects of black lung disease would no longer be "terrorized" by government requests that they pay back their benefit awards under legislation being supported by U.S. Rep. Nick J. Rahall (D-WV).

"As it now stands, disabled miners who suffer from the crippling effects of black lung disease are being harrassed at every single step of the claim adjudication process," Rahall charged. "Even when they are finally awarded benefit payments, a few years later they may be asked to repay the amounts because their case was successfully appealed."

The Department of Labor begins granting black lung benefit payments to eligible persons even though their case may be under appeal. However, the appeals process is extremely time-consuming and cases can remain pending for as long as 10 years. If the benefit award is ultimately overturned, the claimant is required to repay the benefits that have been received.

"These people, who are already in ill health, are terrorized by the Labor Department when they receive a notice that their benefit award must be repaid," Rahall said. "It's not like they just received the money. The repayment request can be made years and years after the initial award was made."

Under the legislation, introduced by Rahall and Rep. Frank McCloskey of Indiana, if the Labor Department cannot process a claim within two years any benefits paid during that period would not be subject to repayment. The legislation would apply retroactively to those persons who have already been required to repay benefits in situations where the appeal lasted longer than two years.

- 30 -