



# BLACK LUNG BENEFITS IMPROVEMENT ACT OF 2015

---

## Changes to the Black Lung Benefits Improvement Act of 2015 Compared with the Black Lung Benefits Improvement Act of 2014 (H.R. 5751)

### **Section 102. Attorney's Fees and Medical Expenses Payment Program**

- Continues to provide attorney's fees for claimants who prevail at various stages of the administrative and appeals prior to an award becoming final, but makes changes intended to broaden the pool of claimant attorneys willing to take Black Lung Benefits cases. In the 2014 bill, prior to such claim receiving a final order, \$1,500 in attorney fee payments could be awarded at 3 levels: the Administrative Law Judge (ALJ) level, the Benefits Review Board appeals level and the U.S. Court of Appeals level, provided the claimant prevailed—up to a maximum of \$4,500 associated with the claim. In the 2015 bill, prior to such claim receiving a final order, progress payments can be made at 2 levels: the District Director may award progress payments of up to \$1,500 in attorney's fees and up to \$1,500 for unreimbursed medical expenses for claims with a proposed decision and award, and an ALJ may award up to \$3,000 in attorney's fees and up to \$1,500 for unreimbursed medical expenses—up to a maximum of \$4,500 in attorney fees plus \$3,000 in medical costs for a total of \$7,500 in progress payments.

### **Section 103. Clarifying Eligibility for Benefits**

- Clarifies that when measuring opacities to determine the presence of complicated pneumoconiosis, the opacity, mass or lesion is measured its "greatest diameter" that exceeds one centimeter. Current law specifies "greater than one centimeter in diameter" which fails to take account of irregularly shaped opacities that would indicate complicated pneumoconiosis." This proposed change conforms to the revised *Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses (2011)*.

### **Section 113. Disclosure of Employment and Earnings Information for Black Lung Benefits Claims**

- New section provides the Department of Labor with electronic access to earnings and employment information held by the Social Security Administration. This section conforms to a recommendation from the DOL Inspector General to streamline claims development, where the paper processes now in place require an average of 58 days to verify employment.