

Date: July 12, 2009

ORIGINAL

648 7/12/09
CES, LLC
U. S. Department of Labor
DEEOIC, FAB
P.O. Box 77918
Washington, DC 20013-7918.

Attention: Amended Reconsideration Request For Part E Claims for Compensation

Employee: Anna K. Vander Boegh
File Number: ██████████0317

RE: REQUEST FOR RECONSIDERATION OF FINAL DECISION ISSUED TO ANNA K. VANDER BOEGH BASED ON DEPARTMENT OF LABOR "PRETEXT"

To: HILDA SOLIS Secretary of Labor
Rachel P. Leiton, EEOICPA Director
Christy Long, Deputy Director
Michael A. Chance, Chief, Policy Branch
LuAnn Kressley, Chief, Final Adjudication Branch
Eugene Schwartz, M.D., Medical Director

I hereby request a "**Reconsideration**" of the Part E "Final Decisions" issued by the Department of Labor (DOL) Final Adjudication Branch (FAB) on June 11, 2009 based on "pretext", supported by the evidence as follows:

1/ On September 9, 2008, CES,LLC made an official request to FAB hearing officer Jeffrey Reeds to provide Mrs. Anna K. Vander Boegh's record DOL file or CES would request a postponement of Mrs. Vander Boegh's FAB hearing scheduled to begin September 15, 2008. Mr. Reeds refused to delay Mrs. Vander Boegh's FAB hearing even though he was fully aware of the CES request for records. After talking with Mr. Reeds, I was surprised by his question to me, "why do you need them, we have already sent everything to you."

2/ The DOL was fully aware of Mrs. Vander Boegh's exposures to toxic chemicals while working as a sampler at the K-25 enrichment facility on the atomic bombs dropped on Japan [reference her hand written statement pgs 760 and 761 stamped by the Paducah Resource Center (PRC)]. The DOL concealed her employment records that contained employment confirmation at both the K-25 and PGDP Gaseous Diffusion Plants (GDPs). The employment records finally obtained from Mr. Reeds (5 days prior to the FAB hearing in 2008) clearly confirmed Mrs. Vander Boegh's accounts of being exposed to U-235 and radioactive and toxic "process gases (considered to be toxic chemicals), at the Atomic Energy Commission (AEC) Oak Ridge K-25 facility. DOL FAB officials simply ignored these exposures in order to conceal their reasons for Part E denials that involved her disclosures of "U tube" and "process systems" failures. These K-25 exposures were well documented in her files (reference medical records pgs 207 thru 237) known by DOE and DOL but not provided to Mrs. Vander Boegh even though she struggled to reconstruction her 50 year old work records. While Mrs. Vander Boegh fought to address the

bombardment of questions, the record indicates that DOL claims examiners were already in possession of the answers to their questions, in effect, running Mrs. Vander Boegh around in circles for something they already knew and were in possession (reference DOE clearance). In addition, even though the DOL has compensated nuclear workers for their vascular and cardiopulmonary damages, DOL simply ignores these adverse health effects, likely due to the political down playing of PGDP's role in the enrichment process that began with the installation of contaminated process equipment shipped to the Paducah Site as early as 1951 (reference former worker testimonies including and CES Web Site video soon to be posted). Mrs. Vander Boegh delivered her first baby (Linda Kathleen) "full term" only to have her die of heart problems (not associated with family history) within 23 hours of her birth. During this time, Mrs. Vander Boegh had experienced loss of appetite, fatigue, fever, nausea, vomiting, and "excessive weight loss." Her medical conditions were confirmed in K-25 medical reports discovered in her DOL file in September 2008 that clearly confirmed her exposure incident of October 27, 1945 on pg. 218, that "she had lost so much weight" (reference pg.232).

3/ The DOL FAB Officer Jeffrey Reeds was made aware that DOL does, in fact, compensate "sick nuclear workers" for illnesses such as those Mrs. Vander Boegh has experienced. However, Mr. Reeds (DOL) continues promote that Mrs. Vander Boegh's diagnosed illness do not qualify for compensation. This absolutely absurd determination confirms that the DOL has "targeted" Mrs. Vander Boegh's Part E claim for denial, even though other PGDP claimants have been compensated for the same diagnosed illnesses.

4/ The DOL continued to discount the fact that Mrs. Vander Boegh's worked at the Paducah Gaseous Diffusion Plant (PGDP). However, upon receipt of her employment record files on September 10, 2008, her F.H. McGraw security badge was located among the 850 pages of DOL files provided 5 days before her September 15, 2008 FAB hearing, indicating a concerted effort by Mr. Reeds to conceal key exposure information that supported her Part E claims for compensation for her diagnosed conditions that included kidney stones, kidney problems, renal failure, proteinuria, pyelonephritis, chronic bronchitis, cataracts, chronic cough, and basal cell carcinoma, all of which have kept Mrs. Vander Boegh from obtaining gainful employment after leaving PGDP in 1954.

5/ The DOL continues to assert that Mrs. Vander Boegh must provide evidence of her lost wages and earnings after her employment ended at the PGDP in 1954. The evidence provided by Mrs. Vander Boegh clearly indicates that she was unable to work after leaving the PGDP. Mr. Vander Boegh's doctor also stated that her kidneys were producing "sand and gravel." In addition, her autoimmune system illnesses were directly linked to radiation exposures from toxic chemicals/transuranics while employed at both K-25 and PGDP AEC Gaseous Diffusion Plants. Yet again, DOL inappropriately and erroneously indicates that no such chemicals will cause her diagnosed illnesses and therefore her loss of wages are irrelevant to her claims for Part E. We certainly object to these unsupported assumptions on Mr. Reeds part and assert that Mrs. Vander Boegh's Part E illnesses are certainly compensable to the maximum degree.

6/ The DOL continues to deny Mrs. Vander Boegh's Part E claim for compensation while approving similar situated claimants such as "J. H." (Reference CES WEB site www.commonwealthenvironmentalservices.com) who has prevailed in his Part E claim for

compensation for work place exposures similar to those Mrs. Vander Boegh's was exposed during documented incidents at the K-25 U-235 "weapons grade" enrichment facility in Oak Ridge, Tennessee. For "J.H." to have qualified for Part E compensation, after allegedly "NOT" qualifying as a member of the Paducah SEC, is an astonishing revelation by the DOL claims examiners. However, even though evidence has been provided by CES that clearly reflects that "J.H." is in fact a member of the Paducah SEC, he continues to be denied his Part B compensation his multiple EEOICOA qualified cancers. Again, indicating DOL is waiting for "J.H." to pass away so they can begin the process over again and again. DOL's action alone in this case as it compares to Mrs. Vander Boegh's documented "radiation exposure incidents" clearly outweigh the exposures of "J.H." and further proves that Mrs. Vander Boegh has, in fact, been singled out for dismissal as other CES claimants have been. The lack of compensation consistency for these separate claims is certainly evidence alone that DOL is again "targeting" CES claimants as a result of disclosing inconsistencies and violations of the EEOICPA, as indicated by evidence to be provided on the CES web site.

7/ The DOL can certainly not explain away their basis for denying Mrs. Vander Boegh's husband's (Don C. Vander Boegh) claim for Part E compensation for illnesses caused by his exposure to toxic chemicals associated with the enrichment process at the PGDP. For instance, the DOL continues to compensate PGDP employees that have developed peripheral neuropathy, but has indicated that Mr. Don C. Vander Boegh's peripheral neuropathy is not linked to the PGDP. The DOL has selectively chosen certain individuals and compensated them for "peripheral neuropath" while denying Mr. Don C. Vander Boegh's claim for compensation for the same illness. Mr. Vander Boegh (an 85 year old decorated World War II veteran has provided testimony and employment affidavits for former F.H. McGraw guards, at numerous DOL FAB hearings and has stated that "he was a former FBI clearance investigator at the start of his employment at PGDP." He moved to the "Security Chief" of the McGraw workforce, where he established the security and access procedures for approximately 300 security guards at the PGDP, many of which are used today. The DOL FAB must explain how payments for "peripheral neuropathy" can be made even while DOL FAB officials assert that the F.H. McGraw "Security Chief" Don C. Vander Boegh's "peripheral neuropathy" is not connected to his exposures to carbon tetrachloride, among other chemicals he encountered in the performance of his job duties and responsibilities at the PGDP. Mr. Vander Boegh's claim remains in DOL "limbo" to date, with no communications or DOL record files being provided to date.

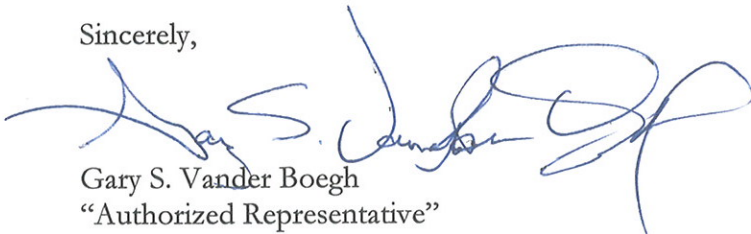
8/ The DOL clearly did not provide Mrs. Vander Boegh with an expedited processing of her claim, but did issue an inappropriate denial that has now dragged on for several months culminating in this request for "Reconsideration." While Mrs. Vander Boegh was experiencing recent "renal failure" as a result of another kidney stone attack in February 2009, the DOL claims examiner Mr. Reeds hurriedly issued a Part E claim denial. Mr. Reeds actions are clear examples of DOL's "blatant" reprisals against a former sick nuclear worker who is currently 86 years old and who helped build the "first" and "second" atomic bombs built in Oak Ridge, Tennessee in early to mid 1945.

In conclusion, it is further requested that Ms. Hilda Solis name a "special investigator" to review the obviously inappropriate and inconsistent decisions regarding Mrs. Vander Boegh's Part E claim for compensation, especially since these actions by FAB officials, such

as Mr. Jeffrey Reeds, certainly cannot qualify as "Claimant Favorable" (as most recently reported by Ms. Rachel Leiton) by any means or fashion. I respectfully make this request, in addition to providing the initial (first) of several "Supplemental DOL Record Files" that support Mrs. Vander Boegh's claim for Part E compensation. I also reserve her right to again provide supplemental evidence should the DOL FAB deny Mrs. Vander Boegh's "Request for Reconsideration."

Please contact me at (270) 450-0850, if you have any further questions regarding Mrs. Vander Boegh's reconsideration request.

Sincerely,



Gary S. Vander Boegh
"Authorized Representative"
Vice President- Commonwealth Environmental Services, LLC.

VIA FACSIMILE (W/Attachments- 202-693-6111

The Honorable Hilda Solis

Secretary of Labor

U.S. Department of Labor

200 Constitution Avenue, NW

Room S-2018

Washington, DC 20210

Senator Richard Durbin via facsimile (202) 228-0400

Senator Mitch McConnell via facsimile and email (202) 224-2499

Senator Jim Bunning via facsimile (202) 228-1373

Senator Harry Reid via facsimile (202) 224-7327

Senator Ted Kennedy via facsimile (202) 224-2417

Congresswoman Sheila Jackson Lee via facsimile (202) 225-3317

Congressman Ed Whitfield via facsimile (202) 225-3547

Congressman Bart Stupak via facsimile (202) 225-4744

*** FAX TX REPORT ***

TRANSMISSION OK

JOB NO.	0676
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PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	07/12 11:31
USAGE T	01' 58
PGS.	7
RESULT	OK

678 *7/12/09*
CBS, LLC *VA*

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Exhibit No.1



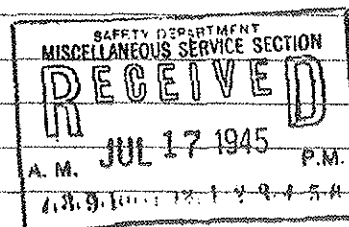
Anna K. Vander Bogh 7-12-09
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Anna K. Vander Bogh
CES, LLC **AA**

EMPLOYEE'S NAME JONES, ANNE KATHLEEN ID NUMBER PKH-1161 AGE 22 SEX F RACE
OCCUPATION Sampler DEPARTMENT Line Recorder AREA Process
DATE OF ACCIDENT 7-4-45 TIME 8:30 A.M. P.M. PLACE 305-A

DESCRIPTION OF ACCIDENT

While Sampler was waiting to draw the next sample,
a line containing process gas broke and was exposed
to the Sampler. The Sampler immediately escaped away
from the Process Gas and was sent to the Dispensary.



CAUSE OF ACCIDENT Process gas line was heated by maintenance repairman.

WHAT HAS BEEN DONE TO PREVENT A RECURRENCE?

This problem is in the hands of the Instrument Department.

TYPE OF INJURY Material gas exposure

PART OF BODY AFFECTED Throat

DID EMPLOYEE RETURN TO WORK ON NEXT REGULAR SHIFT? Yes.

Date 7-16-45

W.B. Fleishman
Foreman

This Report to be submitted for all Accidents regardless of extent of Injury and for all Occupational Diseases.

WCX-103-1

THIS COPY FOR SAFETY DEPARTMENT

2646 188

JONES, Anne Kathleen

PER-1161 22 F

Sampler

Process

7-4-45

8:30

P.M.

Foreman: Zangre

Patient states that she was working in bldg. 305-4 last Wednesday, and a recording line broke while workmen were repairing it, the material gas escaped into the station and she was exposed while sitting at her desk. Then she was exposed again on 7-8-45. Since that time she has been bothered with headaches, a sore throat and cough.

8-9-45

R Shift F-7
7-14-45

material gas exposure
throat

INVESTIGATION
NECESSARY

Return to work

July 4 - 1945

DESCRIPTION OF ACCIDENT On July 4 the above employee was sitting at the work out the station in Bldg. 305-4. There were some instrument men working on one of the manifolds and as they sat on the L.P.G. some of the P.G. fumes got loose in the ampoule. The employee said she inhaled some of the fumes. (The employee was sitting about 12 ft. from the manifold - the station was not involved -

AGENCY Material Lab.

UNSAFE CONDITION

UNSAFE ACT None -

REMARKS No Lost Time - This case happen on July 4 - But the dispensary report did not come in till July 12 - and was received the report on July 13.

DATE July 14 - 1945

R. L. Hollis
Safety Engineer 2646 3088
CES # 0012

MEDICAL REPORT

JUL 12 1945
RECEIVED: 12 8:4 P.

NAME A First Waldman Middle Jo Last
Medical No. 2727
Service Code 10

Employer Continental Reported Date 7/11/45 Time 11:30 A
Badge No. PK 1151

Address 110 Bellmead Ave Date (Injury) 7/11/45 Time 11:30 A
Date (Illness) occurred 7/11/45 Time 8:30 A

Age 22 Marital Status: (M, S, W, D.) S Foreman Yes

Department Process Division Process Occupation Sampler

History (Where was patient at time? What was he doing? What happened?)

Pt. states that she was working
on July 30th of last Wednesday, and
a machinery line broke while working
and she was repairing it. Material gas
escaped into the structure and she
was exposed while sitting in the
line. She was exposed
again on 7/8/45. Since that time
she has been bothered & had
a sore throat and cough.

JUL 13 1945

Findings: T 98.2 P 94 R 20 BP 98/60 12:00 AM
Chest X-Ray BE

Diagnosis: material gas exposure

Treatment: PAC 7 Throat lozenges

Disposition Pt. to camp

Disability None

Attendant Waldman

Old to Returns: 7/12/45
-308

(Over)

2646 4088
CES # 0012