Privacy Act Systems - DOL/ESA-6

SYSTEM NAME:

Office of Workers' Compensation, Black Lung Benefits Claim File.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Avenue, NW, Washington, DC 20210, and district offices (see addresses in the Appendix to this document).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Black Lung Benefits Act, as amended, including miners, and their surviving spouses, children, dependent parents and siblings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal (name, date of birth, social security number, claim type, miner's date of death,) medical, and financial. Information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the authorizing legislation and related Acts. This record also contains investigative records and the work product of the Department of Labor and other governmental personnel and consultants involved in the investigations. If the individual has received benefits to which he or she is not entitled, the system may contain consumer credit reports correspondence to and from the debtor, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of a claim filed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982 including any investigative records or administrative review matters. The individual records listed herein are included only as pertinent to the individual claimant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

PURPOSE(S):

To maintain records that are used to process all aspects of claims for black lung (pneumoconiosis) benefits under the provisions of the Black Lung Benefits Act, as amended, including claims filed by miners and their surviving spouses, children, dependent parents and siblings. These records are also used to process the recoupment of overpayments under the Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement of this document, disclosure of relevant and necessary information may be made to the following:

a. Mine operators (and/or any party providing the operator with benefits insurance) who have been determined potentially liable for the claim at any time after the filing of a claim for Black Lung Benefits for the purpose of determining liability for payment.

b. State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act.

c. Doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.

d. Representatives of the claimant for the purpose of processing the claim, responsible operator and program representation on contested issues.

e. Labor unions and other voluntary employee associations of which the claimant is a member for the purpose of assisting the member.

f. Contractors providing automated data processing services to the Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

g. Federal, state or local agencies if necessary to obtain information relevant to a Departmental decision concerning the determination of initial or continuing eligibility for program benefits, including whether benefits have been or are being paid improperly; whether dual benefits prohibited under any federal or state law are being paid; and including salary offset and debt collection procedures, including any action required by the Debt Collection Act of 1982.

h. Debt collection agency that DOL has contracted for collection services to recover indebtedness owed to the United States.

i. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayers to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

j. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

Note: Disclosure to a claimant or a person who is duly authorized to act on the claimant's or beneficiary's behalf, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information

to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by the Fair Credit Reporting Act (15 U.S.C. 1681a(f), or in accordance with the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(e) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case file documents, both original and copies, in manual files.

RETRIEVABILITY:

Coal miner's name, social security number, and claimant's social security number different from miner's.

SAFEGUARDS:

Files are located in the restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Approved claims files are destroyed 10 years after death of last beneficiary. Denied claims are destroyed 30 years after final denial.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C-3520, 200 Constitution Avenue, NW, Washington, DC 20210, and district office directors (see addresses in the Appendix to this document).

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the above address, or district office directors. (See addresses in the Appendix to this document). Individuals must furnish claimant's name, and signature.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to non-exempt records should contact the appropriate office listed in the Notification Procedure section. The individual must furnish his or her name, signature and address.

CONTESTING RECORD PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions (5 U.S.C. 552a(d)), regarding access to records. The section of this notice titled "Systems Exempted from Certain Provisions of the Act" indicates the kinds of materials exempted from access and the reasons for exempting them from access. Individuals wishing to request amendment of any non-exempt records should contact the appropriate office listed in the Notification Procedure section.

Individuals must furnish their name, address and signature.

RECORD SOURCE CATEGORIES:

Individuals, organizations, and investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.