

**United Mine Workers of America**  
**Comments on the Office of Workers' Compensation Programs' Proposed Rule**  
**Black Lung Benefits Act: Disclosure of Medical Information and Payment of Benefits**  
**RIN 1240-AA10**

The United Mine Workers of America ("UMWA") is pleased to have this opportunity to comment on the Office of Workers' Compensation Programs' ("OWCP") Proposed Rule on Disclosure of Medical Information and Payment of Benefits Under the Black Lung Benefits Act. The UMWA fully supports the proposal reported in the Federal Register, Vol. 80, No. 82, pp. 23743 – 23747 and we commend the staff at the OWCP and Department of Labor for the good and thoughtful work reflected in this proposal.

Unfortunately, many members of the UMWA and other coal miners are afflicted with black lung disease toward the end of their mining careers. Consequently, they apply for Federal Black Lung benefits and are directly affected by the program administered by the Department of Labor. Miners with black lung who bring these claims, the majority of whom are unrepresented by legal counsel, have long had to contend with an adjudicatory process tilted in favor of mine operators and their insurance companies.

The current system permits well-resourced operators to amass as much medical information about a claimant as money can buy and then cherry-pick only favorable information to use as evidence. Indeed, law firms representing mine operators have in some instances made a deliberate effort to hide medical evidence from claimants and their attorneys. This undermines the truth-seeking function of the claims process. The absence of a requirement to disclose this material also deprives miners access to potentially important medical information.

The proposed rule's requirement that operators and their agents disclose all medical information developed in connection with a claim goes a long way toward improving the reliability of the claims process and is clearly in the best interest of the miner claimants' health. In addition, the proposed limits on the quantity of evidence submitted in support of a black lung claim will help ensure decisions are made on the quality and not quantity of such evidence.

The UMWA fully supports the proposed rule's measures to ensure medical evidence is created, disclose and submitted in a manner that improves the process for adjudicating miners' black lung claims and promotes their health. We are also supportive of the rule's requirement that operators demonstrate they are current on their benefits obligations prior to seeking a modification of a benefit award.