

---

## Black Lung Benefits

The Black Lung benefit program established by the Federal Coal Mine Health and Safety Act of 1969 provides monthly benefit payments to coal miners totally disabled as a result of pneumoconiosis, to the widows of coal miners who died as a result of pneumoconiosis, and to their dependents. The Social Security Administration (SSA) was responsible for the payment and administration of these Part B benefits (miner, survivor, and dependent) with respect to claims filed through June 30, 1973 (and certain survivor cases, before December 31, 1973).

On October 1, 1997, responsibility for maintenance and payment of Part B was transferred from SSA to the Department of Labor (DOL); SSA, however, maintains responsibility for conducting formal hearings necessary to resolve contested issues with respect to Part B claims. Only data on these Part B claims are reported in this *Supplement*. Part C claims are reported in the *OWCP Annual Report to Congress*, U.S. Department of Labor, Office of Workers' Compensation Programs.

Under the Black Lung Benefits Act of 1972, DOL was assigned jurisdiction over Part C benefits, generally claims filed July 1, 1973, and later. Different financing provisions are applicable to these claims.

Legislation enacted on November 2, 2002, (Public Law 107-275) transferred permanently the responsibility for all Black Lung claims (Parts B and C) to the Office of Workers' Compensation Programs (OWCP) of the Department of Labor. The Social Security Administration will only continue to handle a small number of pending Part B appeals cases on a reimbursable basis.

The basic Black Lung benefit rate is set by law at 37 1/2 percent of the monthly pay rate for federal employees in the first step of grade GS-2. The basic rate

to a miner or widow may be increased according to the number of qualified dependents—50 percent of the basic benefit rate if one dependent qualifies, 75 percent for two dependents, and 100 percent for three or more dependents.

Since Black Lung payments are tied directly to federal employee salary scales, increases are automatically payable when federal salaries are increased. Reflecting a 2.1 percent adjustment, monthly benefit rates effective January 1, 2006, are the following:

- Miner or widow, \$574.00
- Miner or widow and 1 dependent, \$861.00
- Miner or widow and 2 dependents, \$1,005.00
- Miner or widow and 3 or more dependents (family benefit), \$1,149.00

If a miner or surviving spouse is receiving workers' compensation, unemployment compensation, or disability insurance payments under state law, the Black Lung benefit is offset by the amount being paid under these other programs.

The amendments of 1972 extended benefit payments to full orphans, parents, brothers, and sisters of deceased miners. Under earlier law, survivor payments were limited to widows and their dependent children (if the miner and spouse were both deceased, no benefits were payable to surviving children). These amendments also expanded coverage to include surface as well as underground coal miners.

CONTACT: Bennett Stewart (606) 432-0116, ext. 126.