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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **OAKLAND DIVISION**

15 VIETNAM VETERANS OF AMERICA, et al.,

16 Plaintiffs,

17 v.

18 CENTRAL INTELLIGENCE AGENCY, et al.

19 Defendants.  
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Case No.: CV 09-0037-CW (EDL)

**ARMY'S STATUS REPORT PURSUANT  
TO MEDICAL CARE INJUNCTION**

1 Pursuant to paragraph 4.b of the Court’s April 4, 2017 injunction, ECF No. 597, the  
2 Department of the Army provides the following status report:

3 **BACKGROUND**

4 On April 4, 2017, the Court entered an injunction requiring the Army to provide medical  
5 care to class members for any injury or disease that was proximately caused by their participation  
6 in the Army’s long-since terminated chemical or biological substance testing programs.  
7 Injunction Regarding the Provision of Medical Care (“Medical Care Injunction”), ECF No. 597.  
8 The Army hereby submits this status report in compliance with the Medical Care Injunction’s  
9 requirement to submit a status report every six months for six years following its initial July 3,  
10 2017 report, which shall describe “how many applications [for medical care] have been received  
11 and considered, including a list of the applications approved, denied and pending.” Medical Care  
12 Injunction at ¶ 4.b.

13 **DISCUSSION**

14 **THE ARMY’S EFFORTS TO PROVIDE MEDICAL CARE TO ELIGIBLE CLASS**  
15 **MEMBERS**

16 **a. The Benefits Application Panel**

17 As of June 3, 2020, the Benefits Application Panel (BAP) has reviewed all applications  
18 within the 120-day timeline outlined in the Court’s injunction. *Id.* at ¶ 3d. Applicants are notified  
19 of the BAP’s recommendation for approval or disapproval via letter mailed through the U.S.  
20 Postal Office.

21 **b. Applications Processed**

22 As of June 3, 2020, the Army has received 178 applications, 135 of which were deemed  
23 complete and reviewed by a BAP. Of the 135 applications deemed complete and reviewed, the  
24 BAP recommended approval for medical care for some or all of the conditions listed on the  
25 application in 80 cases, and recommended against approval for medical care (all conditions) in  
26 the remaining 55 cases.

27 As of June 3, 2020, the remaining 43 applications that were not deemed complete and  
28 reviewed by a BAP are either in progress or closed (Army is requesting additional information

1 for incomplete applications (9 applications); or the application was closed due to the veteran  
2 declining further participation or the death of the applicant (34 applications)).

3 **c. SECDES Approval**

4 As of June 3, 2020, of the 80 applications recommended for Secretary of the Army  
5 Designee (SECDES) approval by the BAP, 80 have received SECDES approval for all or some  
6 of the diagnosed conditions. No applications are pending SECDES Program approval.

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8 Dated: June 29, 2020

Respectfully submitted,

9  
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13 /s/ Chetan Patil  
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