

1 BRIAN M. BOYNTON
Acting Assistant Attorney General
2 Civil Division

3 STEPHANIE HINDS
Acting United States Attorney

4 ANTHONY J. COPPOLINO
5 Deputy Director, Federal Programs Branch

6 CHETAN A. PATIL (DC 999948)
Trial Attorney
7 United States Department of Justice
Civil Division, Federal Programs Branch
8 P.O. Box No. 883
Ben Franklin Station
9 Washington, DC 20044
Tel.: (202) 305-4968; Fax: (202) 616-8470
10 Email: chetan.patil@usdoj.gov

11 *Attorneys for Defendants*

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.

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

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

20
21
22
23
24
25
26
27
28
Case No. CV 09-0037-CW (EDL)
Army Rep. pursuant to Apr. 4, 2017 Inj.

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 30, 2021, 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 30, 2021, the Army has received 184 applications, 136 of which were deemed
23 complete and reviewed by a BAP. Of the 136 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 56 cases.

27 As of June 30, 2021, the remaining 48 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 (4 applications); or the application was closed due to the veteran
2 declining further participation or the death of the applicant (44 applications)).

3 **c. SECDES Approval**

4 As of June 30, 2021, 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.

7
8 Dated: July 1, 2021

Respectfully submitted,

9
10 BRIAN M. BOYNTON
Acting Assistant Attorney General

11 ANTHONY J. COPPOLINO
12 Deputy Director, Federal Programs Branch

13 /s/ Chetan Patil
14 CHETAN PATIL (DC 999948)
15 Trial Attorney
16 Civil Division, Federal Programs Branch
17 U.S. Department of Justice
18 P.O. Box No. 883
19 Ben Franklin Station
20 Washington, D.C. 20044
21 Telephone: (202) 305-4968
22 Facsimile: (202) 616-8470
23 E-mail: chetan.patil@usdoj.gov

24
25
26
27
28 *Attorneys for Defendants*