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

14 VIETNAM VETERANS OF AMERICA, et al.,
15 Plaintiffs,

16 v.

17
18 CENTRAL INTELLIGENCE AGENCY, et al.
19 Defendants.

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 MEMBERS**

15 **a. The Benefits Application Panel**

16 As of December 30, 2022, the Benefits Application Panel (BAP) has reviewed all
17 applications within the 120-day timeline outlined in the Court’s injunction. *Id.* at ¶ 3d. Applicants
18 are notified of the BAP’s recommendation for approval or disapproval via letter mailed through
19 the U.S. Postal Office.

20 **b. Applications Processed**

21 As of December 30, 2022, the Army has received 185 applications, 137 of which were
22 deemed complete and reviewed by a BAP. *See* Declaration of Raul A. Mirza ¶ 2. Of the 137
23 applications deemed complete and reviewed, the BAP recommended approval for medical care
24 for some or all of the conditions listed on the application in 80 cases, and recommended against
25 approval for medical care (all conditions) in 57 cases. *Id.*

26 As of December 30, 2022, the remaining 48 applications that were not deemed complete
27 and reviewed by a BAP are either in progress or closed (Army is requesting additional information
28

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). *Id.* ¶ 3.

3 **c. SECDES Approval**

4 As of December 30, 2022, 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. *Id.* ¶ 4. At this time, no applications are pending SECDES approval
7 or renewal.

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9 Dated: January 3, 2023

Respectfully submitted,

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