

EXHIBIT 29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

VIETNAM VETERANS OF)
AMERICA, et al.,)
Plaintiffs,)
vs.) No. CV 09-0037-CW
CENTRAL INTELLIGENCE)
AGENCY, et al.,)
Defendants.)

Videotaped Deposition of JOE SALVATORE, taken
at 2000 Pennsylvania Avenue NW, 6th Floor,
Washington, DC, commencing at 8:49 a.m.,
Tuesday, September 4, 2012, before
CARMEN SMITH, a Notary Public.

Job No. 864272

PAGES 1 - 119

1 occurrence?

2 MS. FAREL: Objection; lack of foundation,
3 calls for speculation, vague.

4 THE WITNESS: Can you repeat that one more
5 time, please?

6 BY MR. ILLOVSKY:

7 Q What evidence -- verifying whether
8 somebody was a -- an Edgewood Arsenal test subject
9 goes to whether that person would be deemed to have
10 been exposed while they were in service; right?

11 A But that was DoD's responsibility, not
12 VA's responsibility.

13 Q So if a -- I see. So if a -- in your
14 understanding, then, if a veteran claimed to have
15 been exposed to a chemical or biological substance
16 at the Edgewood Arsenal, that claim could be
17 verified only by the Department of Defense?

18 MS. FAREL: Objection; lack of foundation,
19 calls for speculation.

20 BY MR. ILLOVSKY:

21 Q Is that right?

22 A DoD had the responsibility of verifying
23 all participants.

24 Q And in your understanding, did the -- what
25 evidence would the VA have accepted if a claimant

1 were not on that DoD master database?

2 MS. FAREL: Objection; lack of foundation,
3 calls for speculation, calls for hypothetical.

4 THE WITNESS: If there was an indication
5 that the veteran was exposed to chemical or
6 biological agents and they were not on the list
7 received by DoD, we would send any and all
8 documentation -- what I mean by that is the claim,
9 the service military records, and we would send them
10 to DoD. And DoD would make the decision.

11 BY MR. ILLOVSKY:

12 Q Is that -- do you know if that's -- do you
13 know if that's a different process than what the VA
14 would follow for evaluating an in-service occurrence
15 in connection with other claims?

16 A I have no idea.

17 Q Don't know. Did you ever have any actual
18 involvement in claim evaluation, resolution,
19 anything like that?

20 A Early in my career, I was involved in
21 claims development as an adjudicator. However, I
22 never was promoted to be a rating specialist.

23 Q So when you -- when you drafted the work
24 flowchart, that's just -- that's based on your
25 knowledge of process, but not the substantive --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, CARMEN SMITH, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Notary Public in and for the
District of Columbia

Commission Expires: MARCH 14, 2013