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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

VIETNAM VETERANS OF AMERICA, et al.,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY, et al.,

Defendants.

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

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

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

BACKGROUND

On April 4, 2017, the Court entered an injunction requiring the Army to provide medical care to class members for any injury or disease that was proximately caused by their participation in the Army's long-since terminated chemical or biological substance testing programs. Injunction Regarding the Provision of Medical Care ("Medical Care Injunction"),

ECF No. 597. The Army hereby submits this status report in compliance with the Medical Care Injunction’s requirement to submit a status report every six months for six years following its initial July 3, 2017 report, which shall describe “how many applications [for medical care] have been received and considered, including a list of the applications approved, denied and pending.” Medical Care Injunction at ¶ 4.b.

DISCUSSION

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

a. The Benefits Application Panel

As of December 16, 2019, the Benefits Application Panel (BAP) has reviewed all applications within the 120-day timeline outlined in the Court’s injunction. *Id. at* ¶ 3d. Applicants are notified of the BAP’s recommendation for approval or disapproval via letter mailed through the U.S. Postal Office.

b. Applications Processed

As of December 16, 2019, the Army has received 170 applications, 121 of which were deemed complete and reviewed by a BAP. Of the 121 applications deemed complete, the BAP recommended approval for medical care for 77 of the applications for some or all of the conditions listed on the application, and recommended against approval for medical care (all conditions) in the remaining 44 cases.

As of December 16, 2019, the 49 applications that were not deemed complete are either in progress or closed —Army is requesting additional information for incomplete applications (17); or the application was closed due to the veteran declining further participation or the death of the applicant (32 applications).

c. SECDES Approval

As of December 16, 2019, of the 77 applications recommended for Secretary of the Army Designee (SECDES) approval by the BAP, 71 have received SECDES approval for all or some of the diagnosed conditions. Six applications are pending SECDES Program approval.

Dated: January 3, 2020

Respectfully submitted,

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Attestation Pursuant to Civil Local Rule 5-1

I, Nicholas Cartier, am the ECF User whose ID and password are being used to file this document.

Date: January 3, 2020

/s/ Nicholas P. Cartier
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