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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.  
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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, and the  
2 Court’s Order Granting in Part and Denying in Part Motion to Stay Deadline to File Status  
3 Report, ECF No. 625, the Department of the Army provides the following status report:

4 **BACKGROUND**

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

14 **DISCUSSION**

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

17 **a. The Benefits Application Panel**

18 As of December 14, 2018, the Benefits Application Panel (BAP) has reviewed all  
19 applications within the 120-day timeline outlined in the Court’s injunction. *Id. at* ¶ 3d.  
20 Applicants are notified of the BAP’s recommendation for approval or disapproval via letter  
21 mailed through the U.S. Postal Office.  
22

23 **b. Applications Processed**

24 As of December 13, 2018, the Army has received 143 applications, 101 of which were  
25 deemed complete and reviewed by a BAP. BAP recommended approval for medical care for 69  
26  
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1 of the applications for some or all of the conditions listed on the application, and recommended  
2 against approval for medical care in 32 cases.

3 As of December 13, 2018, the remaining 42 applications are either in progress, of which  
4 the Army has requested additional information for incomplete applications (32); or closed the  
5 application due to veteran declining further participation or the death of the applicant (10  
6 applications).

7  
8 **c. SECDES Approval**

9 As of December 14, 2018, of the 69 applications recommended for Secretary of the Army  
10 Designee (SECDES) approval by the BAP, six (6) have received SECDES approval for all or  
11 some of the diagnosed conditions. Sixty-three (63) applications are pending SECDES Program  
12 approval.  
13

14 Dated: January 10, 2019

Respectfully submitted,

16 JOSEPH H. HUNT  
Assistant Attorney General  
17 ANTHONY J. COPPOLINO  
Deputy Director, Federal Programs Branch  
18

19 /s/ Nicholas P. Cartier  
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**Attestation Pursuant to Civil Local Rule 5-1**

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

4 Date: January 10, 2019

/s/ Nicholas P. Cartier

Nicholas P. Cartier

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