

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No.7:22-CV-125**

JOHN BELT, JR.,

JOYCE LUKEN, as representative of the estate of  
JOHN B. LUKEN,

BEVERLY MCCLAIN, on her own behalf and as  
representative of the estate of RUDY MCCLAIN,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

**PLAINTIFFS' MEMORANDUM OF LAW ON ADMINISTRATIVE EXHAUSTION**

/s/ Zina Bash

Zina Bash  
KELLER POSTMAN LLC  
111 Congress Avenue, Suite 500  
Austin, TX 78701  
512-620-8375  
zina.bash@kellerpostman.com  
Texas State Bar No. 24067505  
*Lead Counsel for Plaintiff*

Warren Postman  
KELLER POSTMAN LLC  
1100 Vermont Ave., N.W.  
Washington, D.C. 20005  
202-918-1870  
wdp@kellerpostman.com  
District of Columbia Bar No. 995083  
*Lead Counsel for Plaintiff*

/s/ W. Michael Dowling

W. Michael Dowling  
THE DOWLING FIRM PLLC  
Post Office Box 27843  
Raleigh, North Carolina 27611  
Telephone: (919) 529-3351  
Fax: (919) 529-3351  
mike@dowlingfirm.com  
State Bar No. 42790  
*LR 83.1(d) Counsel for Plaintiffs* (in association  
with Keller Postman LLC)

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## INTRODUCTION

Plaintiffs submit this memorandum of law in response to the Court's order directing Plaintiffs to submit a brief "explaining how filing an administrative claim under 28 U.S.C. § 2675 before the Camp Lejeune Justice Act became law complies with the Camp Lejeune Justice Act's administrative exhaustion requirement in section 804(h)." ECF 14, at 2 (Sept. 9, 2022). The government argues that victims of the water contamination at Camp Lejeune who exhausted their administrative claims years ago are required to exhaust the same claims a second time. *See* Memorandum in Support of Motion to Dismiss, *Blackmer v. United States*, No. 7:22-cv-00123-FL, ECF No. 17 (Oct. 17, 2022) ("MTD"). But that position misreads the plain text of the Camp Lejeune Justice Act ("CLJA"), ignores decades of precedent construing Section 2675, and would frustrate Congress's core purpose in enacting the statute: to provide immediate relief to long-suffering victims of the government's failure to provide safe water at Camp Lejeune, many of whom have been diagnosed with terminal illnesses. Simply put, the CLJA requires nothing more than the filing of a claim with the United States Navy setting forth the facts that led to a plaintiff's injury and a demand for a sum of money. Each of the plaintiffs has undisputedly complied with that prerequisite to suit, and not a word of the CLJA suggests they must file the same claim again. This Court should accordingly hold that Plaintiffs need not re-exhaust their claims.

## BACKGROUND

For over three decades, until the late 1980s, the water at the Marine Corps base at Camp Lejeune, North Carolina, was contaminated by a host of toxic chemicals. The government concealed that contamination for years while hundreds of thousands of servicemembers and others were exposed to this water and many developed cancers and other serious diseases. When the government finally disclosed the contamination in the 2000s, numerous victims filed administrative claims for relief with the U.S. Navy.

Those filings were prerequisites to bringing lawsuits against the government for damages under the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.* Under Section 2675 of the FTCA, "[a]n action shall not be instituted upon a claim . . . unless the claimant shall have first presented the claim to the appropriate

Federal agency” and the claim is “finally denied by the agency,” either expressly or constructively after six months of inaction. 28 U.S.C. § 2675(a). The government has published a standard form—SF-95—that individuals must use to file administrative claims. The SF-95 requires only a description of the facts giving rise to the claim and a demand for money.

Many of the filed claims arising out of the toxic water at Camp Lejeune were constructively denied because the Navy did not act on them within six months. As a consequence, numerous individuals who had been seriously harmed by the Camp Lejeune water (as well as beneficiaries of those who had been killed) brought suit in various federal courts against the United States under the FTCA. Those cases were consolidated in multi-district litigation (MDL) in the Northern District of Georgia in 2011 (MDL No. 2218).

In 2016, however, the district court dismissed the claims under the North Carolina statute of repose, as well as certain alternative grounds. *In re Camp Lejeune N.C. Water Contamination Litig.*, 263 F. Supp. 3d 1318 (N.D. Ga. 2016). The Eleventh Circuit affirmed the dismissal exclusively based on the statute of repose in 2019. *In re Camp Lejeune, North Carolina Water Contamination Litig.*, 774 F. App’x 564 (11th Cir. 2019). The Navy then issued a blanket denial of all pending claims. Ex. 8. Various claimants sought reconsideration of their claims. Over three years later, on August 5, 2022, on the eve of the CLJA’s enactment, the Navy granted reconsideration but denied all claims. *See* Ex. 7.

On August 10, the President signed into law the CLJA as Section 804 of the Honoring our PACT Act of 2022, Pub. L. No. 117-168, 136 Stat. 1802 (to be codified at 28 U.S.C. § 2671 note). The CLJA establishes a new cause of action for victims of water contamination at Camp Lejeune:

An individual, including a veteran (as defined in section 101 of title 38, United States Code), who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina, that was supplied by, or on behalf of, the United States may bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.

*Id.* § 804(b). To meet the statute’s burden of proof, a plaintiff must “produce evidence showing that the relationship between exposure to the water at Camp Lejeune and the harm is—(A) sufficient to conclude

that causal relationship exists; or (B) sufficient to conclude that a causal relationship is at least as likely as not.” *Id.* § 804(c)(2)(B).

Three features of the CLJA are particularly relevant here. First, Section 804(h) provides that “[a]n individual may not bring an action under this section before complying with section 2675 of title 28, United States Code,” *i.e.*, the exhaustion requirement of the FTCA. Second, the CLJA applies “only to a claim accruing before the date of the enactment of the [Honoring our PACT] Act,” and thus does not create any new claims—only a new statutory cause of action to vindicate preexisting claims. CLJA § 804(j)(1). Third, under Section 804(j)(2), claimants must bring suit by the later of 180 days after their claims are denied or two years after the CLJA’s enactment.

After the President signed the CLJA, Plaintiffs filed a complaint setting forth a single count for relief under the CLJA. The complaint states that, before the enactment of the CLJA, each Plaintiff filed a claim with the Navy through an SF-95, and that the Navy denied the claim or the claim was constructively denied because the Navy failed to dispose of the claim within six months of the date of filing. Attached to this memorandum are Plaintiffs’ previously filed administrative claims, along with any express denial of those claims. *See* Exs. 1–7.

## ARGUMENT

The government argues that individuals who long ago submitted claims to the Navy and saw those claims denied must resubmit precisely the same claims and wait another six months before bringing suit under the CLJA. MTD 6–12. That argument is inconsistent with the text, structure, and purpose of the CLJA, precedents construing the FTCA’s administrative-exhaustion requirement, and background principles of statutory construction.

**Text.** The plain text of the CLJA refutes the government’s position. Section 804(h) states that “[a]n individual may not bring an action under this section before complying with section 2675 of title 28, United States Code.” Section 2675 in turn provides in relevant part that “[a]n action shall not be instituted upon a claim against the United States for money damages . . . unless the claimant shall have first presented

the claim to the appropriate Federal agency and his claim shall have been finally denied . . . .” In this case, Plaintiffs have already “compl[ied] with section 2675.” CLJA § 804(h). Each plaintiff presented an administrative claim to the Navy under Section 2675, using the form that the government has published for that purpose, and those claims were all denied. That ends the exhaustion analysis.

The government nevertheless maintains that Plaintiffs must *re-exhaust* their claims on the theory that the enactment of the CLJA requires a new round of exhaustion. MTD 6–12. But not a word of the statute supports that view. Congress could easily have provided that any individual who “compl[ied] with section 2675” before the enactment of the CLJA was required to do so again. The statute, however, says nothing of the sort. Instead, it simply provides that no one may sue before “present[ing] [a] claim to the appropriate Federal agency” that is then denied. 28 U.S.C. § 2675(a). Indeed, the statute does not even create a new exhaustion requirement, but merely requires compliance with the preexisting FTCA requirement. For those who already complied with that requirement, the CLJA thus authorizes them to sue immediately.

Importantly, the text of the CLJA makes clear that the statute did not create a new “claim” to be exhausted, but rather created a new way to vindicate a *preexisting* claim in court. That much is clear from Section 804(j), which defines the statute’s “[a]pplicability.” That provision states that “this section [*i.e.*, the CLJA] shall apply only to a claim accruing before the date of the enactment of this Act.”<sup>1</sup> That shows that the relevant “claim[s]” existed *before* the CLJA and are distinct from the *cause of action* created by the CLJA. It follows textually that if a plaintiff’s claim was exhausted before the CLJA was enacted, it need not be exhausted again.

Consistent with that understanding, the CLJA repeatedly distinguishes between a “claim” and an “action.” The suit that a plaintiff files in court is called the “action.” *See* CLJA § 804(b), (c)(1), (d), (f), and (g). In contrast, a “claim” is something that “accru[ed] before the date of enactment of this Act,” CLJA

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<sup>1</sup> The CLJA uses the term “section” to refer to the CLJA as a whole, *i.e.*, Section 804 of the Honoring our PACT Act. CLJA § 804(a).



§ 804(j)(1), and that can be vindicated in court through the CLJA “action,” *see* CLJA § 804(j)(2) (applying statute of limitations to “[a] *claim in an action* under this section”) (emphasis added). For that reason, the CLJA, though it created a new cause of action, cannot be read to have created a new “claim” requiring a new round of exhaustion.

That interpretation also follows from the uniform understanding among federal courts about the meaning of “claim” under Section 2675 of the FTCA. Under that body of precedent, a claim filed with an agency under Section 2675(a) is merely a recitation of the relevant *facts* giving rise to an injury and a request for monetary compensation. *Khan v. United States*, 808 F.3d 1169, 1172–73 (7th Cir. 2015). For that reason, a claimant is not required to “identify legal theories” of recovery that would be advanced in court, *Rudisill v. United States*, No. 5:13-CV-110-F, 2014 WL 4352114, at \*1 (E.D.N.C. Sept. 2, 2014) (citing *Burchfield v. United States*, 168 F.3d 1252, 1255 (11th Cir. 1999)), and “[a] ‘claim’ is not synonymous with a ‘legal cause of action,’” *Brown v. United States*, 838 F.2d 1157, 1160–61 (11th Cir. 1988) (per curiam); *accord Glade ex rel. Lundskow v. United States*, 692 F.3d 718, 722–723 (7th Cir. 2012) (“[A]n administrative claim need not set forth a legal theory.”).

Rather, all that is required is “notice [that] is (1) sufficient to enable the agency to investigate and (2) places a sum certain value on her claim.” *Washington v. Dep’t of the Navy*, 446 F. Supp. 3d 20, 24–25 (E.D.N.C. 2020) (Boyle, C.J.) (quoting *Ahmed v. United States*, 30 F.3d 514, 516–17 (4th Cir. 1994)); *accord Trentadue ex rel. Aguilar v. United States*, 397 F.3d 840, 853 (10th Cir. 2005) (Section 2675 “require[s] notice of the facts and circumstances underlying a claim rather than the exact grounds upon which plaintiff seeks to hold the government liable”). Indeed, the SF-95 form does not ask for more than a recitation of the facts and circumstances of the occurrence and resulting harm and a demand for money. *See* 28 C.F.R. § 14.2.<sup>2</sup>

Thus, because a claim does not encompass legal causes of action or legal theories, the fact that Congress has created a new cause of action in the CLJA does not alter the fact that Plaintiffs already

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<sup>2</sup> *See* Standard Form 95, <https://www.va.gov/OGC/docs/SF-95.pdf>.

administratively exhausted their claims years ago by filing a statement of facts and a demand for money with the government. The particular cause of action that a plaintiff later invokes in court has no bearing on compliance with the administrative-exhaustion requirement. Rather, so long as a claim specifies “facts plus a demand for money, . . . the claim encompasses *any cause of action fairly implicit in the facts.*” *Khan*, 808 F.3d at 1172–73 (emphasis added).

For these reasons, this case is unlike *McNeil v. United States*, 508 U.S. 106 (1993), cited in this Court’s order. ECF No. 14, at 2. In *McNeil*, the plaintiff filed suit under the FTCA before exhausting his administrative claim, and the Supreme Court held that the district court properly dismissed the FTCA action. 508 U.S. at 107–108, 113. Here, the exact claims in these actions were previously filed with the Department of the Navy and were denied years ago. They have therefore been fully exhausted.

For its part, the government does not discuss the meaning of the term “claim” in the CLJA or explain how its position is consistent with the body of judicial precedent construing Section 2675. Instead, the government relies primarily on an unrelated statute enacted over a decade ago that specified that its new legal standards would apply to pending administrative claims. MTD 7–8 (citing Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1556(c), 124 Stat. 119, 260 (2010)). But even assuming that an unrelated statute from 2010 could somehow shed light on a different Congress’s intent in enacting the CLJA in 2022, the government is comparing apples to oranges. The statute in question had amended rules governing a claims-administration process for a certain subset of pending claims, so of course Congress needed to specify which claims were covered. *See* 124 Stat. at 260 (“claims filed . . . after January 1, 2005”). In this case, however, the CLJA does not amend the claims-administration process or target a subset of pending claims. It simply refers to 28 U.S.C. § 2675, which the Plaintiffs have already satisfied. Indeed, the government’s cited statute did not involve a cause of action or an exhaustion requirement, because the administrative claims at issue were subject to direct review in the courts of appeals. 30 U.S.C. § 932(a) (incorporating 33 U.S.C. § 921(c)). It is thus totally inapposite.

**Structure.** The CLJA’s statute-of-limitations provision strongly suggests that Plaintiffs are not required to exhaust claims for a second time. Under that provision, a plaintiff must file suit by the later of

six months after the date on which the claim is denied or two years after the enactment of the CLJA. CLJA § 804(j)(2). The evident purpose of the two-year alternative was to ensure that CLJA actions based on claims that were already exhausted years ago—and so could not meet the six-month bar—could be filed. If instead the government were correct that every such plaintiff is required to re-exhaust administrative remedies, Congress’s choice to include the alternative two-year limitations period would be puzzling: The only function of the two-year period would be to give plaintiffs whose claims are denied within the first 18 months after the enactment of the CLJA a longer limitations period than the six-month period that applies to all other similarly situated plaintiffs—a seemingly arbitrary distinction.

But if the statute does not require plaintiffs to exhaust their claims a second time, the two-year period has a clear and important function: Without that alternative limitations period, all plaintiffs who previously exhausted their claims would be barred by the six-month statute of limitations from bringing suit. The two-year period thus ensures that all claimants who received final administrative denials years ago may seek relief under the CLJA so long as they file suit within two years.

**Canons of Statutory Construction.** To the extent that the Court finds the text of the CLJA ambiguous, the canons of statutory construction point decidedly in favor of Plaintiffs’ position. The Supreme Court has repeatedly applied “the canon that provisions for benefits to members of the Armed Services are to be construed in the beneficiaries’ favor.” *Henderson v. Shinseki*, 562 U.S. 428, 441 (2011) (internal quotation marks omitted). The CLJA is designed to benefit members of the Armed Services as compensation for the government’s deadly mismanagement of Camp Lejeune. It thus must be construed broadly in favor of the injured veterans.

The government has not invoked the canon that ambiguous waivers of sovereign immunity should be construed narrowly and so has forfeited any such argument. But in any event, the Supreme Court has held that the ambiguous-waiver canon “is unhelpful in the FTCA context, where unduly generous interpretations of the exceptions [to the waiver of immunity] run the risk of defeating the central purpose of the statute.” *Dolan v. U.S. Postal Serv.*, 546 U.S. 481, 491–492 (2006) (internal quotation marks omitted). It is thus little surprise that the Supreme Court has not invoked the canon when construing Section

2675. See *McNeil*, *supra*. And even if the canon applied here, it would be offset by the canon in favor of members of the Armed Forces.

**Purpose.** Imposing a re-exhaustion requirement on Plaintiffs and other similarly situated victims of the Camp Lejeune water contamination would frustrate the basic purposes of Congress in enacting the legislation. Plaintiffs have been subject to interminable delay after interminable delay: first, the government's decades-long delay in testing and de-contaminating the water at Camp Lejeune; then years of delay before the government notified victims about what had happened; then the five years of FTCA litigation that ended without compensation because the government elected to invoke North Carolina's statute of repose; and finally the six years of advocacy that it took to persuade Congress to reverse the government's decision legislatively. Moreover, given the statutory period of exposure (1953 to 1987), many plaintiffs are of advanced age, and others are suffering from terminal illnesses. Indeed, many suffering from terminal illnesses may not live to see judicial vindication of their claims if forced to exhaust their administrative claims a second time. In this unique statutory context, it is unlikely that Congress would have imposed a further six-month delay and required thousands of servicemembers to file a second claim for the same harm.

Nor is re-exhaustion necessary to fulfill the purpose of the exhaustion requirement. As courts have long recognized, and as the government concedes (*see* MTD 9), the purpose of the requirement is to give the government an adequate opportunity to conduct a factual investigation of a claimant's allegations. *See Ahmed*, 30 F.3d at 516–517. Here, Plaintiffs' claims were filed nearly a decade ago, and the government has had more than sufficient time to investigate their allegations. Nothing prevents the government from making settlement offers now in light of the findings of its already completed investigations and the new statutory standards.

The government stakes much of its exhaustion argument on a claim about statutory purpose that makes no sense. MTD 8–11. The government argues that it originally denied the claims on the blanket ground that they were barred by the North Carolina statute of repose, the FTCA's discretionary-function exception, and the *Feres* doctrine, without considering their individual merits, and "thus had no need to

evaluate whether administrative claims would be meritorious in the absence of those defenses.” *Id.* at 8–9. That cannot possibly be correct. The Eleventh Circuit did not issue a definitive ruling on the statute-of-repose issue until 2019, years after many of the claims were filed (and the Eleventh Circuit has never issued a ruling on the other two threshold objections). *See* p. 2, *supra*.

There was accordingly no justifiable basis for the Navy to have declined to investigate those claims in the six months after they were filed, as contemplated by the FTCA, even if the government planned to raise contestable threshold objections to future FTCA actions. After all, if the government had lost in the Eleventh Circuit, it would have been required to litigate the claims on the merits without further delay. And although the government devotes pages of its brief to the grounds on which the Navy denied the claims in 2019 and 2022, *see* MTD 3-4, 11, that was years after the six-month exhaustion period had expired and so is irrelevant to the question of whether the Navy was adequately incentivized to investigate the claims when they were filed. The Navy thus can now examine the results of whatever investigations it previously undertook and make a settlement offer in light of the new standards of the CLJA. Further delay would only serve to excuse the government’s failure to conduct an adequate investigation a decade ago at the expense of ailing victims of its misconduct.

The government also puzzlingly relies on the fact that 170 claimants who previously exhausted their claims have now re-filed those claims. MTD 11. Those filings—which were presumably submitted out of an abundance of caution pending this Court’s resolution of the exhaustion issue—have no bearing on the proper interpretation of the CLJA.

More broadly, Congress was undoubtedly aware of the history of Camp Lejeune litigation in enacting the CLJA. Yet Congress did not choose to include any statutory language that requires a second submission of a claim that was already submitted to the Navy. Instead, it merely required compliance with the pre-existing FTCA exhaustion requirement. Especially in light of the canon in favor of members of the Armed Forces, this Court should decline the government’s invitation to invent a re-exhaustion requirement found nowhere in the CLJA’s text.

## CONCLUSION

This Court should hold that plaintiffs who already exhausted their administrative claims before the enactment of the Camp Lejeune Justice Act are not required to re-exhaust the same claims before bringing suit under the act.

Respectfully submitted, this 21st day of October 2022,

/s/ Zina Bash

Zina Bash  
KELLER POSTMAN LLC  
111 Congress Avenue, Suite 500  
Austin, TX 78701  
512-620-8375  
zina.bash@kellerpostman.com  
Texas State Bar No. 24067505  
*Lead Counsel for Plaintiff*

Warren Postman  
KELLER POSTMAN LLC  
1100 Vermont Ave., N.W.  
Washington, D.C. 20005  
202-918-1870  
wdp@kellerpostman.com  
District of Columbia Bar No. 995083  
*Lead Counsel for Plaintiff*

/s/ W. Michael Dowling

W. Michael Dowling  
THE DOWLING FIRM PLLC  
Post Office Box 27843  
Raleigh, North Carolina 27611  
Telephone: (919) 529-3351  
Fax: (919) 529-3351  
mike@dowlingfirm.com  
State Bar No. 42790  
*LR 83.1(d) Counsel for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No.7:22-CV-125**

JOHN BELT, JR.,

JOYCE LUKEN, as representative of the estate of  
JOHN B. LUKEN,

BEVERLY MCCLAIN, on her own behalf and as  
representative of the estate of RUDY MCCLAIN,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

INDEX OF EVIDENCE SUPPORTING  
PLAINTIFFS' COMPLIANCE WITH  
SECTION 804(h) OF THE CAMP LEJEUNE  
JUSTICE ACT

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Exhibit 1	John Belt, Jr., Standard Form 95 (Oct. 9, 2015)
Exhibit 2	Estate of John B. Luken Standard Form 95 (Apr. 1, 2012)
Exhibit 3	Beverly McClain and Estate of Rudy B. McLain Standard Form 95s (July 8, 2014)
Exhibit 4	John Belt, Jr., and Estate of John B. Luken Denial Letter from the Department of the Navy (with excerpts of attached client list) (Jan. 24, 2018)
Exhibit 5	All Plaintiffs Denial Letter from the Department of the Navy (with excerpts of attached client list) (Mar. 20, 2019)
Exhibit 6	All Plaintiffs Request for Reconsideration (without attachments) (July 17, 2019)
Exhibit 7	Blanket Denial of Reconsideration from the Department of the Navy (Aug. 5, 2022)
Exhibit 8	Department of the Navy JAG Website Evidencing Blanket Denial of Pending Camp Lejeune FTCA claims (website viewed May 20, 2022)



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
1322 PATTERSON AVENUE SE, SUITE 3000  
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:

5890  
Ser RDR/RF/0676  
October 9, 2015

J. Edward Bell, III, Esq.  
Bell Legal Group, LLC  
219 Ridge Street  
Georgetown, SC 29440

Dear Mr. Bell:

SUBJECT: FEDERAL TORT CLAIMS ACT CLAIM OF JOHN R. BELT, JR.;  
OUR FILE NO: 160039

This letter acknowledges receipt of your client's claim for personal injuries allegedly caused by exposure to contaminated water at Marine Corps Base Camp Lejeune. The claim was received on October 7, 2015. A date-stamped copy of the claim is enclosed for verification of receipt.

In order to properly adjudicate your client's administrative claim, the following information is requested pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq., and the Navy's implementing regulations, 28 C.F.R. § 14.4 and 32 C.F.R. § 750.27. Please answer all questions applicable to the claim.

(1) The location or locations of the claimant's work at Camp Lejeune, the nature of their duties, the identity of their employer(s).

(2) A copy of the claimant's military outpatient records, the cumulative record of all care provided by military treatment facilities (MTF). The original should be maintained at the MTF where the claimant last received medical care. If it has been more than three years since the claimant received medical care at an MTF, the record will be archived. You may request these records from the following addresses:

For service members discharged, deceased or retired on or before April 30, 1994:

National Personnel Records Center  
Military Personnel Records  
9700 Page Avenue  
St. Louis, MO 63132-5100



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October 9, 2015

For service members discharged, deceased or retired on or after May 1, 1994:

Department of Veterans Affairs  
Records Management Center  
P.O. Box 5020  
St. Louis, MO 63115-5020

Please provide the Records Center with the name and location of the last MTF in which the claimant received medical care, the approximate date of the care, and the social security number of the military members in the family. You will also want to request all inpatient records related to any hospital admissions while the claimant was a military member or dependent. These records may be obtained by providing the Records Center with the location of the military facility in which they were an inpatient and the dates of admissions.

(3) A copy of all inpatient medical records. If the claimant was admitted to a military hospital, you will need to provide the name and location of the facility in which the claimant received treatment and the dates of treatment.

(4) A copy of all civilian medical records related to medical care the claimant received, both for treatment as an inpatient and outpatient.

(5) Itemized bills for medical and hospital expenses incurred or itemized receipts of payment of such expenses.

(6) Whether the claimant received any federal benefits as a result of your medical problems. The cost of any federal monies received may be considered in determining the extent of damages.

(7) Any medical opinions stating a connection between each of the claimant's medical problems and the exposure to specific chemicals. The opinion should also set forth the nature and extent of the claimant's injury, the cause of the injury, the nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity.

(8) A statement of expected expenses for any necessary future treatment.

(9) Any other evidence or information that may have a bearing on either the responsibility of the United States for the claimant's illness or the damages claimed.

5890  
Ser RDR/RF/0676  
October 9, 2015

Failure to provide the requested information may result in the denial of the claim. Please forward the information to me at the address listed above (Attn: Code 15).

If you have any questions concerning this letter, please contact me at the letterhead address or (202) 685-4600.

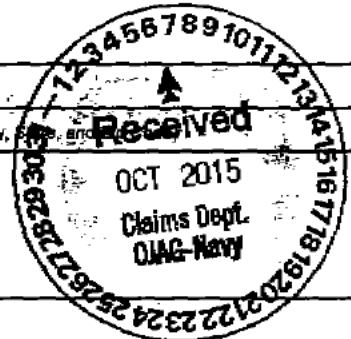
Sincerely,

A handwritten signature in black ink that reads "R. D. Russell". The signature is written in a cursive style with a long, sweeping underline.

R. D. RUSSELL  
Head, Tort Claims Branch  
Claims and Tort Litigation

Enclosures

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.			FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: <i>Office of the Judge Advocate General Claims and Tort Litigation 1322 Patterson Avenue, SE, Suite 3000 Washington Navy Yard, DC 20374</i>			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) John R. Bell, Jr. c/o J. Edward Bell, III Bell Legal Group, LLC 219 Ridge Street Georgetown, SC 29440			
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 7/42	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT 1955-2000	7. TIME (A.M. OR P.M.)		
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) Claimant was stationed at Camp Lejeune from approximately 1960-1964. He suffers with, among other health issues, colon cancer, kidney problems, and thyroid lesion, which he believes is related to his exposure to contaminants via air, water, and soil while at Camp Lejeune. Claimant learned of the cause of his illnesses within the last two years.						
9. PROPERTY DAMAGE						
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). N/A						
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.) N/A						
10. PERSONAL INJURY/WRONGFUL DEATH						
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. Claimant suffers with, among other health issues, colon cancer, kidney problems, and thyroid lesion, which he believes is related to his exposure to contaminants via air, water, and soil while at Camp Lejeune.						
11. WITNESSES						
NAME			ADDRESS (Number, Street, City, State, and Zip Code)			
12. (See instructions on reverse.) AMOUNT OF CLAIM (in dollars)						
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY \$20,000,000.00	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$20,000,000.00			
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM						
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) <i>[Signature]</i>			13b. Phone number of person signing form 843-546-2408		14. DATE OF SIGNATURE 9/30/15	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM  The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS  Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)			



<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>	<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.	FORM APPROVED OMB NO. 1105-0008
-----------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------

1. Submit To Appropriate Federal Agency: Office of the Judge Advocate General Claims and Tort Litigation 1322 Patterson Avenue, SE, Suite 3000 Washington Navy Yard, DC 20374 (CODE 15)	2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) Joyce Luken for the Estate of John B. Luken, deceased c/o J. Ryan Heiskell Bell Legal Group, LLC 232 King Street Georgetown, SC 29440
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH	5. MARITAL STATUS widow	6. DATE AND DAY OF ACCIDENT 1955-2000	7. TIME (A.M. OR P.M.)
----------------------------------------------------------------------------------------------	------------------	----------------------------	------------------------------------------	------------------------

8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.)

Claimant's spouse was stationed at Camp Lejeune 1969-1970 as an Engineer, residing in the single enlisted barracks. He suffered with liver cancer, neuropathy, Hep C, erectile dysfunction, nerve damage and weakness in lower limbs which Claimant believes is more likely than not a result of his exposure to contaminants while at Camp Lejeune. Claimant's decedent passed away March 6, 2011. Claimant learned of the cause of her spouse's illnesses within the last two years.

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).  
N/A

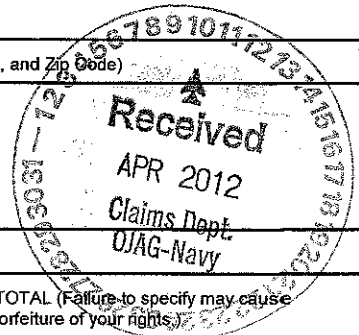
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED.  
(See Instructions on reverse side.)  
N/A

10. **PERSONAL INJURY/WRONGFUL DEATH**

STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT.  
Claimant's decedent suffered with liver cancer, neuropathy, Hep C, erectile dysfunction, nerve damage and weakness in lower limbs which Claimant believes is more likely than not a result of his exposure to contaminants while at Camp Lejeune. Claimant's decedent passed away March 6, 2011.

11. **WITNESSES**

NAME	ADDRESS (Number, Street, City, State, and Zip Code)



12. (See instructions on reverse.) **AMOUNT OF CLAIM** (in dollars)

12a. PROPERTY DAMAGE	12b. PERSONAL INJURY	12c. WRONGFUL DEATH \$10,000,000.00	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$10,000,000.00
----------------------	----------------------	----------------------------------------	-----------------------------------------------------------------------------------------

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 	13b. Phone number of person signing form 843-546-2408	14. DATE OF SIGNATURE 3/29/12
--------------------------------------------------------------------	----------------------------------------------------------	----------------------------------

<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b> The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)	<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b> Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)
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DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
1322 PATTERSON AVENUE SE, SUITE 3000  
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:

5890  
Ser RDR/CS/0632  
July 8, 2014

J. Edward Bell, III, Esq.  
Bell Legal Group, LLC  
219 Ridge Street  
Georgetown, SC 29440

Dear Mr. Bell:

SUBJECT: FEDERAL TORT CLAIMS ACT CLAIMS OF BEVERLY MCCLAIN,  
INDIVIDUALLY AND ON BEHALF OF THE DECEASED RUDY  
MCCLAIN; OUR FILE NOS. 141501 & 141502

This letter acknowledges receipt of your client's claims for personal injuries and wrongful death allegedly caused by exposure to contaminated water at Marine Corps Base Camp Lejeune. The claims were received on July 2, 2014. Date-stamped copies of the claims are enclosed for verification of receipt.

In order to properly adjudicate your client's administrative claims, the following information is requested pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq., and the Navy's implementing regulations, 28 C.F.R. § 14.4 and 32 C.F.R. § 750.27. Please answer all questions applicable to the claim.

(1) The location of the claimants' home at Camp Lejeune, and the period of time the claimants and their family lived on base.

(2) The location or locations of the claimants work at Camp Lejeune the nature of their duties, the identity of their employer(s), and the specific period(s) of time they worked on the base.

(3) A copy of the claimants military outpatient records, the cumulative record of all care provided by military treatment facilities (MTF). The original should be maintained at the MTF where the claimant last received medical care. If it has been more than three years since the claimants received medical care at an MTF, the record will be archived. You may request these records from the following addresses:

For service members discharged, deceased or retired on or before April 30, 1994:

National Personnel Records Center  
Military Personnel Records  
9700 Page Avenue  
St. Louis, MO 63132-5100

For service members discharged, deceased or retired on or after May 1, 1994:

Department of Veterans Affairs  
Records Management Center  
P.O. Box 5020  
St. Louis, MO 63115-5020

Please provide the Records Center with the name and location of the last MTF in which the claimants received medical care, the approximate date of the care, and the social security number of the military members in the family. You will also want to request all inpatient records related to any hospital admissions while the claimants were a military member or dependent. These records may be obtained by providing the Records Center with the location of the military facility in which they were an inpatient and the dates of admissions.

(4) A copy of all inpatient medical records. If the claimants were admitted to a military hospital, you will need to provide the name and location of the facility in which the claimants received treatment and the dates of treatment.

(5) A copy of all civilian medical records related to medical care the claimant received, both for treatment as an inpatient and outpatient.

(6) Itemized bills for medical and hospital expenses incurred or itemized receipts of payment of such expenses.

(7) Whether the claimants received any federal benefits as a result of your medical problems. The cost of any federal monies received may be considered in determining the extent of damages.

(8) Any medical opinions stating a connection between each of the claimants' medical problems and the exposure to specific chemicals. The opinion should also set forth the nature and extent of the claimants' injury, the cause of the injury, the nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity.

(9) A statement of expected expenses for any necessary future treatment.

(10) Any other evidence or information that may have a bearing on either the responsibility of the United States for the claimants' illness or the damages claimed.

5890  
Ser RDR/CS/0632  
July 8, 2014

Failure to provide the requested information may result in the denial of the claims. Please forward the information to me at the address listed above (Attn: Code 15).


If you have any questions concerning this letter, please contact me at the letterhead address or (202) 685-4600.

Sincerely,

A handwritten signature in cursive script that reads "R. D. Russell". The signature is written in dark ink and is positioned above the typed name.

R. D. RUSSELL  
Head, Tort Claims Branch  
Claims and Tort Litigation

Enclosures

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: Office of the Judge Advocate General (CODE 15) Claims and Tort Litigation 1322 Patterson Avenue, SE, Suite 3000 Washington Navy Yard, DC 20374			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) Beverly McClain c/o J. Edward Bell, III Bell Legal Group, LLC 219 Ridge Street Georgetown, SC 29440		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH [REDACTED]	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT 1955-2000	7. TIME (A.M. OR P.M.)	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) Claimant's husband was stationed at Camp Lejeune in 1970 and resided on base. He suffered with, among other health issues, liver cancer and hepatitis C, which Claimant believes is the result of his exposure to contaminants while at Camp Lejeune. Claimant's husband passed away on 10/22/13 due to his illness. As a result of her husband's illness and death, Claimant has experienced emotional distress as well as loss of companionship, care, and comfort from her husband. Claimant learned of the cause of her husband's illness and death within the last two years.					
9. <b>PROPERTY DAMAGE</b>					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). N/A					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See Instructions on reverse side) N/A					
10. <b>PERSONAL INJURY/WRONGFUL DEATH</b>					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. Claimant's husband suffered with, among other health issues, liver cancer and hepatitis C, which Claimant believes is the result of his exposure to contaminants while at Camp Lejeune. Claimant's husband passed away on 10/22/13 due to his illnesses. Claimant learned of the cause of her husband's illnesses within the last two years. As a result of her husband's illness and death, Claimant has experienced emotional distress as well as loss of companionship, care, and comfort from her husband.					
11. <b>WITNESSES</b>					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
12. (See instructions on reverse.) <b>AMOUNT OF CLAIM (in dollars)</b>					
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY \$10,000,000.00	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$10,000,000.00		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 		13b. Phone number of person signing form 843-546-2408	14. DATE OF SIGNATURE 6/25/14		
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM  The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729)			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS  Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

95-109

NSN 7540-00-634-4046

STANDARD FORM 95  
PRESCRIBED BY DEPT. OF JUSTICE  
28 CFR 14.2



October 10, 2014

Department of the Navy  
Office of the Judge Advocate General  
ATTN: Code 15  
1322 Patterson Ave., SE  
Suite 3000  
Washington Navy Yard DC 20374-5066

RE: Camp Lejeune water contamination  
Our file no. 16000.0870  
OJAG claim no. 141501

Dear Sir or Madam:

Our firm represents Beverly McClain for personal injuries sustained during employments and/or residence at Camp Lejeune.

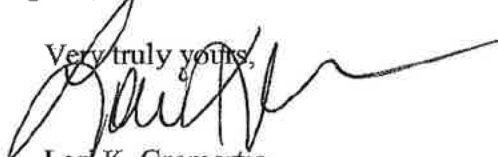
Enclosed, please find the following items to support Ms. McClain's tort claim:

- Amended Standard Form 95

Should you have any questions, please do not hesitate to contact me at 843-546-2408.

With the kindest regards, I am...

Very truly yours,



Lori K. Cromartie  
Attorney at Law

Enclosures as stated

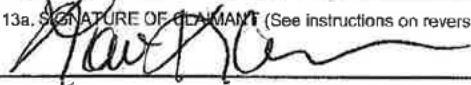
**B** BELL  
LEGAL  
GROUP

*A Leading National Civil Litigation Firm*

219 Ridge Street  
Georgetown, SC 29440  
Post Office Box 2590  
Georgetown, SC 29442  
PH 843-546-2408  
FAX 843-546-9604  
FAX 843-546-2919

[www.BellLegalGroup.com](http://www.BellLegalGroup.com)

BELL LEGAL GROUP, LLC

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.			FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: Office of the Judge Advocate General (CODE 15) Claims and Tort Litigation 1322 Patterson Avenue, SE, Suite 3000 Washington Navy Yard, DC 20374				2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) Beverly McClain c/o J. Edward Bell, III Bell Legal Group, LLC 219 Ridge Street Georgetown, SC 29440		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH [REDACTED] 57	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT 1955-2000	7. TIME (A.M. OR P.M.)		
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) Claimant's husband was stationed at Camp Lejeune in 1970 and resided on base. He suffered with, among other health issues, liver cancer and hepatitis C, which Claimant believes is the result of his exposure to contaminants while at Camp Lejeune. Claimant's husband passed away on 10/22/13 due to his illness. As a result of her husband's illness and death, Claimant has experienced emotional distress as well as loss of companionship, care, and comfort from her husband. Claimant learned of the cause of her husband's illness and death within the last two years.  -----AMENDED TO CORRECT DATE OF BIRTH-----						
9. <b>PROPERTY DAMAGE</b>						
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). N/A						
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.) N/A						
10. <b>PERSONAL INJURY/WRONGFUL DEATH</b>						
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. Claimant's husband suffered with, among other health issues, liver cancer and hepatitis C, which Claimant believes is the result of his exposure to contaminants while at Camp Lejeune. Claimant's husband passed away on 10/22/13 due to his illnesses. Claimant learned of the cause of her husband's illnesses within the last two years. As a result of her husband's illness and death, Claimant has experienced emotional distress as well as loss of companionship, care, and comfort from her husband.						
11. <b>WITNESSES</b>						
NAME			ADDRESS (Number, Street, City, State, and Zip Code)			
12. (See instructions on reverse.) <b>AMOUNT OF CLAIM (in dollars)</b>						
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY \$10,000,000.00	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$10,000,000.00			
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM						
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 			13b. Phone number of person signing form 843-546-2408		14. DATE OF SIGNATURE 10/10/14	
<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b>  The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)			<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b>  Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)			

October 10, 2014

Department of the Navy  
Office of the Judge Advocate General  
ATTN: Code 15  
1322 Patterson Ave., SE  
Suite 3000  
Washington Navy Yard DC 20374-5066

RE: Camp Lejeune water contamination  
Our file no. 16000.0870  
OJAG claim no. 141502

Dear Sir or Madame:

Our firm represents the Estate of Rudy McClain for personal injuries sustained during employments and/or residence at Camp Lejeune.

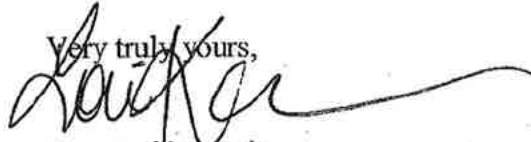
Enclosed, please find the following items to support the above tort claim:

- Amended Standard Form 95

Should you have any questions, please do not hesitate to contact me at 843-546-2408.

With the kindest regards, I am...

Very truly yours,



Lori K. Cromartie  
Attorney at Law

Enclosures as stated

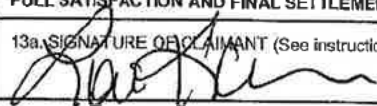
**B** BELL  
LEGAL  
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*A Leading National Civil Litigation Firm*

219 Ridge Street  
Georgetown, SC 29440  
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PH 843-546-2408  
FAX 843-546-9604  
FAX 843-546-2919

[www.BellLegalGroup.com](http://www.BellLegalGroup.com)

**BELL LEGAL GROUP, LLC**

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.			FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: Office of the Judge Advocate General Claims and Tort Litigation 1322 Patterson Avenue, SE, Suite 3000 Washington Navy Yard, DC 20374  (CODE 15)			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) Beverly McClain for the Estate of Rudy McClain c/o J. Edward Bell, III Bell Legal Group, LLC 219 Ridge Street Georgetown, SC 29440			
3. TYPE OF EMPLOYMENT <input checked="" type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH [REDACTED] 49	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT 1955-2000	7. TIME (A.M. OR P.M.)		
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause hereof. Use additional pages if necessary.) Claimant's husband was stationed at Camp Lejeune in 1970 and resided on base. He suffered with, among other health issues, liver cancer and hepatitis C, which Claimant believes is the result of his exposure to contaminants while at Camp Lejeune. Claimant's husband passed away on 10/22/13 due to his illnesses. Claimant learned of the cause of her husband's illnesses within the last two years.  -----AMENDED TO CORRECT DATE OF BIRTH-----						
<b>9. PROPERTY DAMAGE</b>						
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). N/A						
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See Instructions on reverse side.) N/A						
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>						
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. Claimant suffered with, among other health issues, liver cancer and hepatitis C, which Claimant believes is the result of his exposure to contaminants while at Camp Lejeune. Claimant's husband passed away on 10/22/13 due to his illnesses. Claimant learned of the cause of her husband's illnesses within the last two years.						
<b>11. WITNESSES</b>						
NAME			ADDRESS (Number, Street, City, State, and Zip Code)			
12. (See instructions on reverse.) <b>AMOUNT OF CLAIM</b> (in dollars)						
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY \$10,000,000.00	12c. WRONGFUL DEATH \$10,000,000.00	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$20,000,000.00			
<b>I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM</b>						
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 			13b. Phone number of person signing form 843-546-2408		14. DATE OF SIGNATURE 10/10/14	
<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b>  The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)			<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b>  Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)			



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
1322 PATTERSON AVENUE SE SUITE 3000  
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:

5890  
Ser 00CL  
January 24, 2018

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bell Legal Group, LLC  
219 Ridge Street  
Georgetown, SC 29440

Dear Sir or Madam:

SUBJECT: CAMP LEJEUNE CONTAMINATED WATER CLAIMS

This responds to your clients' claims submitted for personal injuries and/or wrongful death allegedly resulting from the exposure to contaminated water at Camp Lejeune, North Carolina. Your clients' names are listed on the enclosure to this letter.

Your clients' claims were considered under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671-2680. In accordance with the FTCA, the United States can only be held liable under limited circumstances where the negligent acts or omissions of United States employees acting within the scope of their employment proximately caused the alleged injuries.

The government's investigation has determined that your clients' claims do not meet the requirements under the FTCA for compensation. Among the reasons why the claims do not meet the requirements, is that the claims are barred by the North Carolina statute of repose which provides that no claim for personal injury "shall accrue more than 10 years from the last act or omission of the defendant giving rise to the cause of action" N.C. Gen. Stat. Section 1-52(16). Because your clients did not file their claims within 10 years of the last act or omission related to contaminated water at Camp Lejeune, their actions are untimely. See *In re Camp Lejeune North Carolina Water Contam. Litig.*, 263 F. Supp. 3d 1318, 1332-40 (N.D. Ga. 2016) appeal docketed 16-17573 (11th Cir.); *Bryant v. United*

States, 768 F.3d 1378 (11th Cir. 2014). Additionally, your clients' claims are barred by the FTCA's discretionary function exception, which provides the United States immunity for tort claims challenging discretionary, policy-based conduct. 28 U.S.C. Section 2680(a). See *In re Camp Lejeune*; 263 F. Supp. 3d at 1343-60; *Snyder v. United States*, 504 F. Supp. 2d 136 (S.D. Miss. 2007), *aff'd* 2008 WL 4601686 (5th Cir. 2008).

If any of your clients were serving in the military and stationed at Camp Lejeune, another independent reason that their claims do not meet the FTCA requirements for compensation is that they were in the service at the time of their stated exposure to contaminated water at Camp Lejeune; therefore, they must pursue an administrative remedy for service-connected injury rather than an FTCA action. See *Feres v. United States*, 340 U.S. 135 (1950); *In re Camp Lejeune*, 263 F. Supp. 3d at 1341-43; *Gros v. United States*, 2005 WL 6459834 (E.D. Tex. Sept. 27, 2005), *aff'd* 232 Fed. App. 417 (5th Cir. 2007).

This notice constitutes final action on your clients' claims. If they are dissatisfied with the action taken they may file suit in the appropriate U.S. District Court no later than six months from the date of the mailing of this letter. By law, failure to comply with this six-month time limit may forever bar them from filing a lawsuit.

Sincerely,



H.H. DRONBERGER  
Director  
Claims & Tort Litigation

Enclosure

**Bell Legal Group Claimants**

Claim #		
140841		
140319		
150719		
110898		
112291		
112293		
181651		
101948		
101999		
121430		
090198		
110256		
140932		
140932		
110520		
121925		
151302		
130750		
160697		
110861		
10884		
140143		
110885		
111268		
101960		
112294		
160648		
121390		
150789		
110886		
122134		
120732		
160765		
101699		
020980		
061878		
101317		
141139		
160856		
110887		

160260		
110866		
091556		
110257		
110866		
130230		
160040		
092149		
160039	Belt, Jr.	John R.
140148		
150344		
112295		
180582		
140276		
131338		
150571		
150537		
170439		
111015		
131771		
150542		
111076		
181673		
161379		
080699		
110895		
101577		
160719		
181653		
181664		
111024		
110810		
110811		
141263		
170157		
102028		
102027		
102025		
102026		
110908		
110826		
160646		



111019		
110851		
180579		
150792		
150793		
101936		
101962		
110914		
160832		
160833		
141176		
101967		
120933		
091604		
111078		
101961		
101941		
101955		
101972		
101965		
141257		
091159		
121184	Luken	Joyce
131494		
180146		
111000		
111001		
151133		
150034		
101945		
140800		
131138		
140942		
110857		
151303		
151305		
111278		
171543		
121982		
112047		
110643		
181092		
150970		
160744		
160745		



**DEPARTMENT OF THE NAVY**  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
1322 PATTERSON AVENUE SE SUITE 3000  
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:

5890  
Ser 00CL  
March 20, 2019

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bell Legal Group LLC  
219 Ridge Street  
Georgetown, SC 29440

Dear Sir or Madam:

SUBJECT: CAMP LEJEUNE CONTAMINATED WATER CLAIMS

This responds to your clients' claims submitted for personal injuries and/or wrongful death allegedly resulting from the exposure to contaminated water at Camp Lejeune, North Carolina. Your clients' names are listed on the enclosure to this letter.

Your clients' claims were considered under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671-2680. In accordance with the FTCA, the United States can only be held liable under limited circumstances where the negligent acts or omissions of United States employees acting within the scope of their employment proximately caused the alleged injuries.

The government's investigation has determined that your clients' claims do not meet the requirements under the FTCA for compensation. Among the reasons why the claims do not meet the requirements, is that the claims are barred by the North Carolina statute of repose which provides that no claim for personal injury "shall accrue more than 10 years from the last act or omission of the defendant giving rise to the cause of action" N.C. Gen. Stat. Section 1-52(16). Because your clients did not file their claims within 10 years of the last act or omission related to contaminated water at Camp Lejeune, their actions are untimely. See *In re Camp Lejeune North Carolina Water Contam. Litig.*, 263 F. Supp. 3d 1318, 1332-40 (N.D. Ga. 2016) appeal docketed 16-17573 (11th Cir.); *Bryant v. United*

States, 768 F.3d 1378 (11th Cir. 2014). Additionally, your clients' claims are barred by the FTCA's discretionary function exception, which provides the United States immunity for tort claims challenging discretionary, policy-based conduct. 28 U.S.C. Section 2680(a). See *In re Camp Lejeune*; 263 F. Supp. 3d at 1343-60; *Snyder v. United States*, 504 F. Supp. 2d 136 (S.D. Miss. 2007), *aff'd* 2008 WL 4601686 (5th Cir. 2008).

If any of your clients were serving in the military and stationed at Camp Lejeune, another independent reason that their claims do not meet the FTCA requirements for compensation is that they were in the service at the time of their stated exposure to contaminated water at Camp Lejeune; therefore, they must pursue an administrative remedy for service-connected injury rather than an FTCA action. See *Feres v. United States*, 340 U.S. 135 (1950); *In re Camp Lejeune*, 263 F. Supp. 3d at 1341-43; *Gros v. United States*, 2005 WL 6459834 (E.D. Tex. Sept. 27, 2005), *aff'd* 232 Fed. App. 417 (5th Cir. 2007).

This notice constitutes final action on your clients' claims, to include any client or clients whose names may have been inadvertently omitted from the enclosed list. If they are dissatisfied with the action taken they may file suit in the appropriate U.S. District Court no later than six months from the date of the mailing of this letter. By law, failure to comply with this six-month time limit may forever bar them from filing a lawsuit.

Sincerely,



H.H. DRONBERGER  
Director  
Claims & Tort Litigation

Enclosure









# BELL LEGAL GROUP

— M C M L X X X I I I —

July 17, 2019

**VIA FEDEX OVERNIGHT**

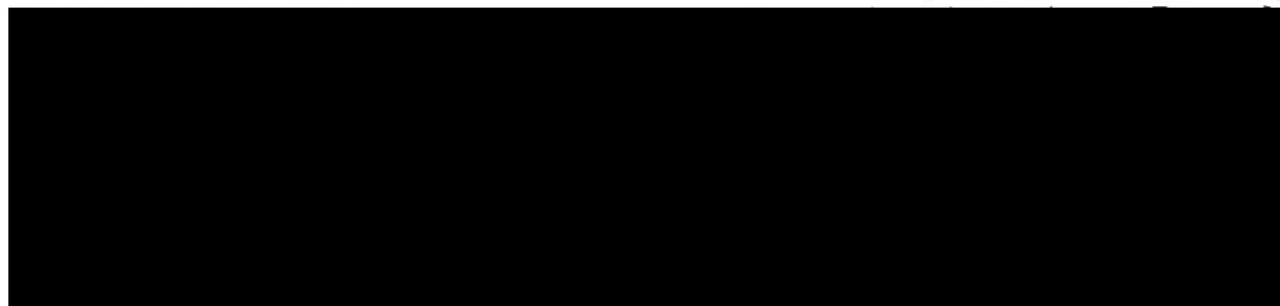
Department of the Navy  
Office of the Judge Advocate General  
Attn: H.H. Dronberger, Director Claims & Tort Litigation  
1322 Patterson Avenue SE, Suite 3000  
Washington Navy Yard, DC 20374-5066

**RE: Camp Lejeune Contaminated Water Cases – Request for Reconsideration Pursuant to 28 C.F.R. § 14.9(b)**

Dear Mr. Dronberger:

I am writing to follow up on your denial letters dated January 24, 2019, January 25, 2019, and March 20, 2019 regarding the administrative tort claims filed on behalf of the enclosed Camp Lejeune Claimants. For your review, I have enclosed a copy of the Department's denial letters sent to our office with the attached spreadsheets titled "Bell Legal Group Claimants".

**Please allow this letter to serve as an official request for reconsideration of the denials of the enclosed claims pursuant to 28 C.F.R. 14.9(b). We represent a lot of Camp Lejeune clients, but the attached denials are the only ones our office received. Out of an abundance of caution, we are requesting reconsideration for all of the Claimants represented by our firm, including but not limited to, the Claimants listed on the enclosed spreadsheets sent by your office. In addition the above, our firm is now representing the following individuals on the attached sheet who have received denials from your office:**



As you indicate in your letter, one of the reasons for the denial is that the claims are barred by the North Carolina statute of repose, which provides that no claim for personal injury "shall accrue more than 10 years from the last act or omission of the defendant giving rise to the cause of action" N.C. Gen. Stat. Section 1-52(16). However, we would like to point out that the claims

asserted are timely under North Carolina law. Specifically, the Hadnot Point Fuel Farm and the water-supply facilities at Camp Lejeune were defective “improvements to real property” within the meaning of N.C. Gen. Stat. § 1-50(a)(5)(a). **Because the Fuel Farm and water-supply facilities were defective improvements to real property within the meaning of N.C. Gen. Stat. § 1-50(a)(5)(a), the ten year statute of repose contained in N.C. Gen. Stat. § 1-52(16) is preempted and does not apply to this case.**

Since the Claimant’s injuries were caused by a defective or unsafe condition to improvements to real property within the meaning of N.C. Gen. Stat. § 1-50(a)(5), § 1-50(a)(5)a provides that these claims must be brought within six years of the last act or omission giving rise to the cause of action and substantial completion of the improvement. There are, however, two exceptions to this repose period in N.C. Gen. Stat. § 1-50(a)(5)d & N.C. Gen. Stat. § 1-50(a)(5)e that will bar the government from asserting this defense.

A Defendant is barred from asserting the repose period in § 1-50(a)(5)a if the Defendant is in actual possession or control of the property and is charged with knowledge of the defective or unsafe condition at the time the condition causes injury. N.C. Gen. Stat. § 1-50(a)(5)d specifically states “[t]he limitation prescribed by this subdivision shall not be asserted as a defense by any person in actual possession or control, as owner, tenant or otherwise, of the improvement at the time the defective or unsafe condition constitutes the proximate cause of the injury or death for which it is proposed to bring an action, in the event such person in actual person either knew, or ought reasonably to have known, of the defective or unsafe condition.”

Secondly, under section N.C. Gen. Stat. § 1-50(a)(5)e, a Defendant falling within any of the following classes likewise cannot raise the statute of repose defense: “The limitation prescribed by this subsection shall not be asserted as a defense by any person who shall have been guilty of fraud, or willful or wanton negligence in furnishing materials, in developing real property, in performing or furnishing the design, plans, specifications, surveying, supervision, testing, or observation of construction, or construction of an improvement to real property, or a repair to an improvement to real property, or to a surety or a guarantor of any of the foregoing persons, or to any person who shall wrongfully conceal any such fraud, or willful or wanton negligence.”

In this case, the government was in actual possession and control of both the Fuel Farm and water-supply facilities at the time the Claimants ingested the water that caused their illnesses. In addition, the government knew, or should have known, as of 1979 and continuing thereafter, that the water supplied to the Claimants was hazardous to human health and carcinogenic because the government knew massive leaks of fuel from the Fuel Farm and other pollutants had contaminated the water supply, was obligated to make sanitary surveys and testing of the water quality by the BUMED, and owed a continuing duty under North Carolina law to inspect and maintain the premises and discover the defective condition of the Fuel Farm, water-supply facilities, and drinking water. Because the Claimants were injured by the defective condition of the improvements to real property that contaminated the drinking water, a private person pursuant to N.C. Gen. Stat. § 1-50(a)(5)d could not raise the statute of repose contained in N.C. Gen. Stat. § 1-50(a)(5)a.



In the alternative, the government's employees engaged in willful or wanton negligence in operating the Fuel farm and the water-supply facilities as to allow these improvements to real property to contaminate the drinking water supplied to the Claimants. Even after the government knew that the toxic and hazardous chemicals had leaked into the ground and the underground aquifer, the government wrongfully concealed from the Claimants that the water supplied to them was hazardous to their health. A private person pursuant to N.C. Gen. Stat. § 1-50(a)(5)(e) would be barred from raising the statute of repose contained in N.C. Gen. Stat. § 1-50(a)(5)(a) under these circumstances. Because a private person under like circumstances would be barred from raising the statute of repose, the government is likewise barred. The government has waived sovereign immunity for the claims asserted therein pursuant to 28 U.S.C. § 2674(a) insofar as a private person would be liable for the negligence alleged under like circumstances.

While we are ready and willing to move forward with this action in the United States District Court, our firm is pursuing administrative reconsideration in a good faith attempt to resolve this matter without court intervention. I would be happy to provide any additional information that would assist with the administrative reconsideration process.

I hope that the additional information will assist you in reviewing these claims. Should you have any questions, please do not hesitate to contact me at 843-546-2408.

With the kindest regards, I am.

Very truly yours,



Lori K. Cromartie

Enclosures as stated



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
1322 PATTERSON AVENUE SE, SUITE 3000  
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:

5890  
Ser RDR/RF/0042  
August 5, 2022

**BY E-MAIL/FAX AND**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

EDWARD BELL  
LORI K.CROMARTIE  
BELL LEGAL GROUP  
219 N. Ridge St.  
Georgetown, SC 29440

Dear Mr. Bell & Ms. Cromartie:

SUBJECT: CLAIMS FOR WHICH BELL LEGAL GROUP SOUGHT  
RECONSIDERATION ON JULY 17, 2019 AND JULY 23, 2019

This is in reference to the administrative claims you submitted pursuant to the Federal Tort Claims Act (FTCA) related to contaminated water at Camp Lejeune. Your letters of July 17, 2019 and July 23, 2019 requested reconsideration of the denial of claims for certain claimants. Your request for reconsideration was granted.

We have reviewed the files and related correspondence, the investigation conducted into the matters raised in your claims, and the issues raised in your letter requesting reconsideration. Upon completion of that review, we have determined the denial of your claims was appropriate under the FTCA for the reasons given in the original denial letters, including the FTCA's discretionary function exception, the North Carolina statute of repose and the *Feres* doctrine. Accordingly, upon reconsideration, any and all claims for which you requested reconsideration are denied.

This denial constitutes the final action on these claims. If you choose to file suit under the Federal Tort Claims Act, you must do so in the appropriate United States District Court within six months of the date of the mailing of this letter.

5890  
Ser RDR/RF/0042  
August 5, 2022

Failure to file suit within the six-month period will result in the claims being forever barred.

Note that your claims have not, and will not, be considered sufficient to meet the requirements of any other statute, including the Camp Lejeune Justice Act. To meet the requirements of the Camp Lejeune Justice Act, you must submit a claim signed and dated after the date of enactment of that statute so that this office can consider the claim under the substantive requirements of that statute.

Sincerely,

*Randall D. Russell*

Randall D. Russell  
Head, Tort Claims Branch  
Admiralty & Claims Division

# U.S. Navy Judge Advocate General's Corps

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## Camp Lejeune Federal Tort Claims Act

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### DEPARTMENT OF THE NAVY ANNOUNCES DECISION TO DENY ALL PENDING CAMP LEJEUNE FEDERAL TORT CLAIMS ACT CLAIMS

The health and welfare of service members, veterans, civilians, and their families is the Department of the Navy's (DoN) leading priority. For more than two decades, the Navy and Marine Corps have supported and assisted the study of possible impacts of water contamination at Marine Corps Base Camp Lejeune, N.C. To date, approximately 4,400 Federal Tort Claims Act (FTCA) administrative claims have been filed alleging personal injury or wrongful death resulting from exposure to contaminants from the 1950s to the 1980s.

Some of those claimants also filed lawsuits against the U.S. government, which were dismissed in December 2016 by the U.S. District Court for the Northern District of Georgia. The court found that these cases, which are fairly representative of all of the FTCA claims, were precluded by the terms of the FTCA.

Based upon this ruling, the DoN has no legal authority to pay these claims. The DoN believes it would be a disservice to the claimants to continue to hold the claims without decision. Consistent with the advice and recommendation of the Department of Justice, the Office of the Judge Advocate General of the Navy has begun denying the claims.

This decision has no impact on any benefits or programs administered by the Department of Veterans Affairs (VA).

The Marine Corps remains committed to veterans, employees, and families who may have been affected by this issue, and the decision to deny the claims does not change that commitment. Additionally, the Navy and Marine Corps will continue to support the efforts of the **Agency for Toxic Substances and Disease Registry (ATSDR)**

(<http://web.archive.org/web/20201016165504/https://www.atsdr.cdc.gov/sites/lejeune/index.html>) as the lead federal agency currently conducting Camp Lejeune health studies. The DoN will assist the ATSDR in identifying and directly notifying former Camp Lejeune residents and workers of potential past drinking water exposures, and support the VA in its efforts to provide medical and disability assistance to those who qualify. The DoN also will continue providing interested individuals with the latest information on completed health initiatives and VA benefits programs through its **notification database**

(<http://web.archive.org/web/20201016165504/https://www.publichealth.va.gov/exposures/camp-lejeune/>) and **marines.mil/clwater**

(<http://web.archive.org/web/20201016165504/http://www.marines.mil/clwater>) .

#### Questions and Answers

([http://web.archive.org/web/20201016165504/http://www.jag.navy.mil/organization/documents/Camp\\_Lejeune\\_Claims\\_FAQ\\_JAN19.pdf](http://web.archive.org/web/20201016165504/http://www.jag.navy.mil/organization/documents/Camp_Lejeune_Claims_FAQ_JAN19.pdf))

#### CONTACTS

For more information regarding VA claims, please visit **publichealth.va.gov**

(<http://web.archive.org/web/20201016165504/https://www.publichealth.va.gov/exposures/camp-lejeune/>) or call toll-free (877) 222-8387.

For more background on the Camp Lejeune Historic Drinking Water (CLHDW) issue or to register with the Marine Corps to receive a CLHDW notification and updates in the mail, please visit **marines.mil/clwater**

(<http://web.archive.org/web/20201016165504/http://www.marines.mil/clwater>) or call the toll free call center at (877) 261-9782.

Media inquiries should be directed to the Office of the Judge Advocate General of the Navy Public Affairs Office at (202) 685-5493 or to the CHINFO News Desk at (703) 697-5342.

**DO YOU WANT TO FILE  
A CLAIM?**

These links have all the information and documents you will need:

[Packets & Forms](#)

[Claims POCs/Addresses](#)

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AN OFFICIAL WEB SITE OF THE UNITED STATES NAVY