



Vietnam Veterans of America Wisconsin State Council

WSC Preface to Camp LeJeune Guidance 2022

As you read the following Guidance from VVA and/or September 2022 VVA Veteran which provides a partial description and delineation of the PACT Act, please keep in mind:

“VVA strongly urges all affected individuals to consult with an accredited Veterans Service Officer before filing a claim. **ALWAYS ask what the fee structure is before you sign on with an attorney or law firm.**”

Additionally, the PACT Act, especially the Section covering Camp LeJeune is new to everyone and will require further review. VA has not fully delineated its role and how to fully respond and VVA recognizes that the law and the process for the veteran to make an application will require further study. So our eligible members are protected.

The following information is provided by VVA in “legalese” not plain English.

As your elected officers at VVA National, including the legal team, committees, directors, and others develop and provide the clarification you will be informed.

This is not to say do not proceed it means:

“VVA strongly urges all affected individuals to consult with an accredited Veterans Service Officer before filing a claim. **ALWAYS ask what the fee structure is before you sign on with an attorney or law firm.**”



VBP Update on the Camp LeJeune Justice Act

Guidance for VSOs -

Section 804 of the Pact Act “Federal Cause of Action Relating to Water at Camp LeJeune, North Carolina” creates the right to sue the U.S. Government.

WHO

Subsection (b): An individual, including a veteran (someone who served in the [active military, naval, air, or space service](#), and who was discharged or released therefrom under conditions other than dishonorable), or the legal representative of such an individual, 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.

HOW

Subsection (c): The burden of proof shall be on the party filing the action to show one or more relationships between the water at Camp Lejeune and the harm. (2) STANDARDS.—To meet the burden of proof described in paragraph (1), a party shall produce evidence showing that the relationship between exposure to the water at Camp Lejeune and the harm is— (A) sufficient to conclude that a causal relationship exists; or (B) sufficient to conclude that a causal relationship is at least as likely as not.

WHERE

Subsection (d): The [United States District Court for the Eastern District of North Carolina](#) shall have exclusive jurisdiction over any action filed under subsection (b) and shall be the exclusive venue for such an action. Nothing in this subsection shall impair the right of any party to a trial by jury.

CAN ONLY SUE ONCE

Subsection (e)(1): An individual, or legal representative of an individual, who brings an action under this section for a harm described in subsection (b), including a latent disease, may not thereafter bring a tort action against the United States for such harm pursuant to any other law.

OFFSET

Subsection (e)(2): [Any award](#) made to an individual, or legal representative of an individual, under this section [shall be offset](#) by the amount of any disability award, payment, or benefit

provided to the individual, or legal representative— (A) under— (i) any program under the laws administered by the Secretary of Veterans Affairs; (ii) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or (iii) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and **(B) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.**

WHEN

Subsection (j)(1): This section **shall apply only to a claim accruing before the date of enactment of this Act.** (2) STATUTE OF LIMITATIONS.—A claim in an action under this section may not be commenced after the later of— (A) the date that is **two years after the date of enactment of this Act**; or (B) the date that is 180 days after the date on which the claim is denied under section 2675 of title 28, United States Code. (3) INAPPLICABILITY OF OTHER LIMITATIONS.—Any applicable statute of repose or statute of limitations, other than under paragraph (2), shall not apply to a claim under this section.

Guidance for affected Veterans and their families-

What is the Camp LeJeune Justice Act of 2022?

- The only people who can file a lawsuit under this Act are those that: lived, worked, or were otherwise exposed, ***including while in utero*** to contaminated water in Camp LeJeune for no less than 30 days from August 1, 1953, to December 31, 1987.
- Claimants must ***prove*** that their exposure to contaminated water is at least as likely as not (50% chance) the cause of a medical condition or death ***which occurred prior*** to August 10, 2022.
- The ***only*** place you can file suit is in the United States District Court for the Eastern District of North Carolina.
- Any money awarded by the Court ***will be offset*** from current or future compensation benefits from VA, Medicare, or Medicaid granted ***in connection with health care or a disability relating to exposure to the water at Camp Lejeune.***
- The offset will likely ***NOT*** include attorney's fees. Therefore, if a claimant received \$100,000, with the assistance of a firm with a 50% contingency fee, \$100,000 ***would still be offset.***
- All claimants **have until August 10, 2024, OR 180 days after the date on which the claim is denied under section 2675 of title 28, United States Code** to file a claim.

VA has not yet promulgated regulations that determine how the offset will be calculated. Therefore, VVA strongly urges all affected individuals to consult with an accredited Veterans Service Officer before filing a claim. **ALWAYS ask what the fee structure is before you sign on with an attorney or law firm.**