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Veterans on Borrowed Time Fume Over Delays on Toxic Water Claims

By Kaustuv Basu

Deep Dive

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- About 45,000 Camp Lejeune claims waiting for review
- Navy waiting to launch online portal

Nearly nine months after the government pledged to start compensating thousands of veterans sickened by toxic waters at Camp Lejeune, not a single claim has been settled, and the Navy says it needs to first launch an online portal to better manage the claims.

More than 45,000 claims have been filed since Congress authorized the possible payouts. At least 10 times as many more could land before the window closes in August 2024.

But the Navy, which oversees the Marine Corps base, told attorneys that government regulations and a lack of resources were responsible for slowing its review of claims, and its portal might not be ready until the summer. “The bad news is we are not ready to launch it,” the Navy acknowledged in an email earlier this year to claimants’ lawyers that was obtained by Bloomberg Law.

The delays have infuriated Camp Lejeune veterans, workers and their relatives who’ve spent decades trying to get treatment and compensation for cancer, Parkinson’s disease, and other health problems they blame on contaminated drinking water on the North Carolina base.

“Some of our clients want to go to trial. But some of our clients just want enough money to pay for chemo so they don’t die this year,” said Zina Bash, a partner at the law firm Keller Postman, who has filed thousands of claims and has been in touch with government officials since the law passed.

Another lawyer, Andrew Van Arsdale, said 16 of his Camp Lejeune clients had died in the last 45 days.

The slowdown also is creating headaches for federal court administrators in North Carolina, who are trying to plan how to manage or consolidate what could be a historic flood of lawsuits challenging the Navy's decisions.

"The Navy needs to step up its game," Judge James C. Dever III told lawyers at a hearing last month, according to a transcript. If the department's administrative process doesn't lead to settlements, Dever said, it could take the court "about the length of the Roman Empire" to deal with the mountain of Camp Lejeune lawsuits.

Up to 1 Million Victims

The Department of Veteran Affairs estimated that about 1 million people were potentially affected between 1953 and 1987 by Camp Lejeune water that had been poisoned by sources including a nearby dry cleaner.

The Camp Lejeune Justice Act, which passed in August as part of a larger veterans aid package, said those exposed to contaminated water should first file an administrative claim with the Navy for compensation.

Claims can be filed individually, or lawyers can file a spreadsheet with multiple claims at the same time. If a claim is denied or unresolved after six months, the applicant can file a lawsuit in the Eastern District of North Carolina.

More than 900 lawsuits have been filed there so far, according to Peter A. Moore Jr., the clerk of the court. But the flood of suits that court administrators expected six months after President Joe Biden signed the law hasn't materialized.

The government estimates the eventual payout will be as much as \$21 billion. With no caps on attorney fees—despite early attempts by some in Congress to include them—the law unleashed a torrent of legal advertising on TV and social media as attorneys sought to recruit claimants. More than \$145 million was spent by law firms and others in 2022.

During the April 5 status conference with Dever, the judge and lawyers discussed creating a plaintiff leadership structure, a possible "master pleading" and identifying a bellwether case that could help shape how others could be resolved.

Dever, one of four district judges to be assigned Camp Lejeune cases, said he was disappointed that the Navy had not resolved any cases administratively.

"There are still some people in the world who recognize the truism that \$10 today is worth more than \$100 ten years from now," he said.

Asked why no claims have been settled, Patricia Babb, a spokeswoman for the Navy's Judge Advocate General's office, said in an April 27 email that the cases were complex and involved a multistep process that requires information going back more than four decades. She said the Navy could not provide details about how many requests it had sent out for supporting documentation among the filed cases.

In an email to lawyers last fall, the Navy also raised the prospect of deeper delays.

It said the National Archives and Records Administration, which preserves federal employment records, had received thousands of requests for records to help substantiate Camp Lejeune claims.

"As a practical matter, it is not feasible for the NARA to complete the volume of records requests received in the time needed for initial filing of CLJA claims," the email said.

It was unclear how much time would be needed. The agency was unable to provide more information late last week.

Deep Regret

The delay has compounded the pain for claimants like Terry and Denise McClure.

As a Marine, Terry McClure lived at Camp Lejeune from 1976 to 1979, where he was a baker at the mess hall. He bathed, drank, swam in, and cooked with the water.



Terry McClure worked as a baker at Camp Lejeune between 1976 and 1979.

Photos: Courtesy of Denise McClure

In recent years, he was diagnosed with Parkinson's disease, prostate and skin cancer, dementia, and possible lung cancer. The Kentucky couple hoped a Navy settlement would enable them to buy a bigger house that could accommodate him using a wheelchair.

"I just thought they would pay up and do something, you know, to make it easier," Denise McClure said.

Van Arsdale, the McClures' attorney, filed an administrative claim with the Navy on Sept. 2 of last year.

It was still unresolved when McClure died March 6 at the age of 65.

Van Arsdale said he expects to file claims for 10,000 Camp Lejeune clients by the August 2024 deadline, including for heirs of veterans who died waiting for a resolution.

“Individuals are not looking for some lawsuit lottery here,” Van Arsdale said. “They’re looking for some resources to seek proper medical care, to be able to live out their last days with some sense of dignity.”

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