

WHAT'S UP WITH ALL OF THE ADS ABOUT CAMP LEJEUNE?

By David Silver

David Silver teaches The Legal Environment of Business in ECU's Department of Finance. Dave is also a Partner with the Graham, Nuckolls, Conner Law Firm in Greenville, NC, concentrating in Elder Law.

You have probably noticed numerous advertisements and solicitations involving Camp Lejeune that have blanketed the area recently. While they may be irritating, the issue behind all of these advertisements most likely effect either your family or someone you care about or know. Whether it is for yourself or for one of your neighbors, everyone in eastern North Carolina should understand what is going on with Camp Lejeune.

Marine Corps Base Camp Lejeune is located in Jacksonville, Onslow County, North Carolina, and began operations in 1941. From 1953 through 1987, the federal government buried, dumped, and otherwise disposed various hazardous chemicals and volatile organic compounds on the grounds in Camp Lejeune, and these substances contaminated the drinking water used on the base. The contaminants in the drinking water resulted in elevated risks for various health issues including many cancers, Parkinson's, birth defects, etc. The federal government became aware of this issue in 1982, but did not take any action at that time.

In August of 2022, Congress passed the "SFC Heath Robinson Honoring Our PACT Act." This act received lots of publicity for provisions it contained about burn-pits in Iraq and Afghanistan, a cause championed on T.V. by comedian Jon Stewart. Included within this act, but separate from the burn-pit issue, was the "Camp Lejeune Justice Act." The Camp Lejeune Justice Act was basically the federal government admitting that they messed up and attempting to make some amends to the people who were damaged by the contaminated drinking water in Camp Lejeune.

The Camp Lejeune Justice Act provides that anyone (military or civilian) who was exposed to the drinking water at Camp Lejeune for at least 30 days between 1953 and 1987 may file a claim for compensation with the Department of the Navy within two years of the passage of the act, making the deadline August 10, 2024. If a claim is denied, then a civil lawsuit can be filed in Federal Court in the Eastern District of North Carolina within 180 days of the denial. The act also states that the federal government will not utilize governmental immunities or statutes of limitations to defend any claim, clarifies that punitive damages will not be available, and sets the standard for a claim to require that it be at least as likely as not that a causal relationship exists between the injury and the contaminated water.

The federal government has a list of diseases/conditions that are presumed to be caused by the contaminated water, and a list of diseases/conditions that are not-presumed but could be proven to be a result of the contaminated water. However, other conditions could be recoverable if a causal relationship to the contaminated drinking water could be established.

Some victims of the contaminated drinking water are easily identifiable. They may be dealing with a disease or condition right now or have a spouse or parent who died of cancer in the past. Unfortunately, many of the victims of the contaminated water and their immediate families have dementia or may have been deceased for many years and/or have non-immediate family members who are unaware that they are the person who would be responsible to bring an action.

Some research may be required to verify grandparent's cause of death or the reason why an aunt never had any children. There are enough complications involved, such as whether a disease/condition might be covered, what proof is required, who is the appropriate party to file a claim and bring an action, and what is the appropriate damages to seek, that anyone who spent time, or had a family member spend time, in Camp Lejeune from 1953 through 1987 should strongly consider speaking with an attorney.

The large number of people affected by the contaminated water, combined with the difficulty of identifying potential victims, the virtually limitless funds to satisfy claims, and the short deadline to file a claim, is resulting in the flood of advertisements and solicitations we are currently experiencing. Some of these advertisements are from lawyers who intend to represent you, and some of the advertisements are from companies who intend to sell your information to various law firms. If you or a loved one spent any time in Camp Lejeune between 1953 and 1987, you can give me a call so we can discuss whether you have a claim. The filing deadline expires in August of 2024, so please don't put this off.