



Lesson 2

Camp Lejeune Justice Act Tort Claims

*Florida Department of Veterans Affairs
Florida County Veterans Services Officers Association
May 2023 Training*

Lesson 2 Learning Objectives

This lesson describes a **tort claim** under the Camp Lejeune Justice Act (CLJA):

- Learn the **difference** between a CLJA Federal Tort claim and a VA disability claim.
- Learn about and understand the term “**offset.**”
- Learn about the TAL – B&M relationship and responsibilities related to CLJA.
- Learn how Veterans can file a CLJA tort claim.

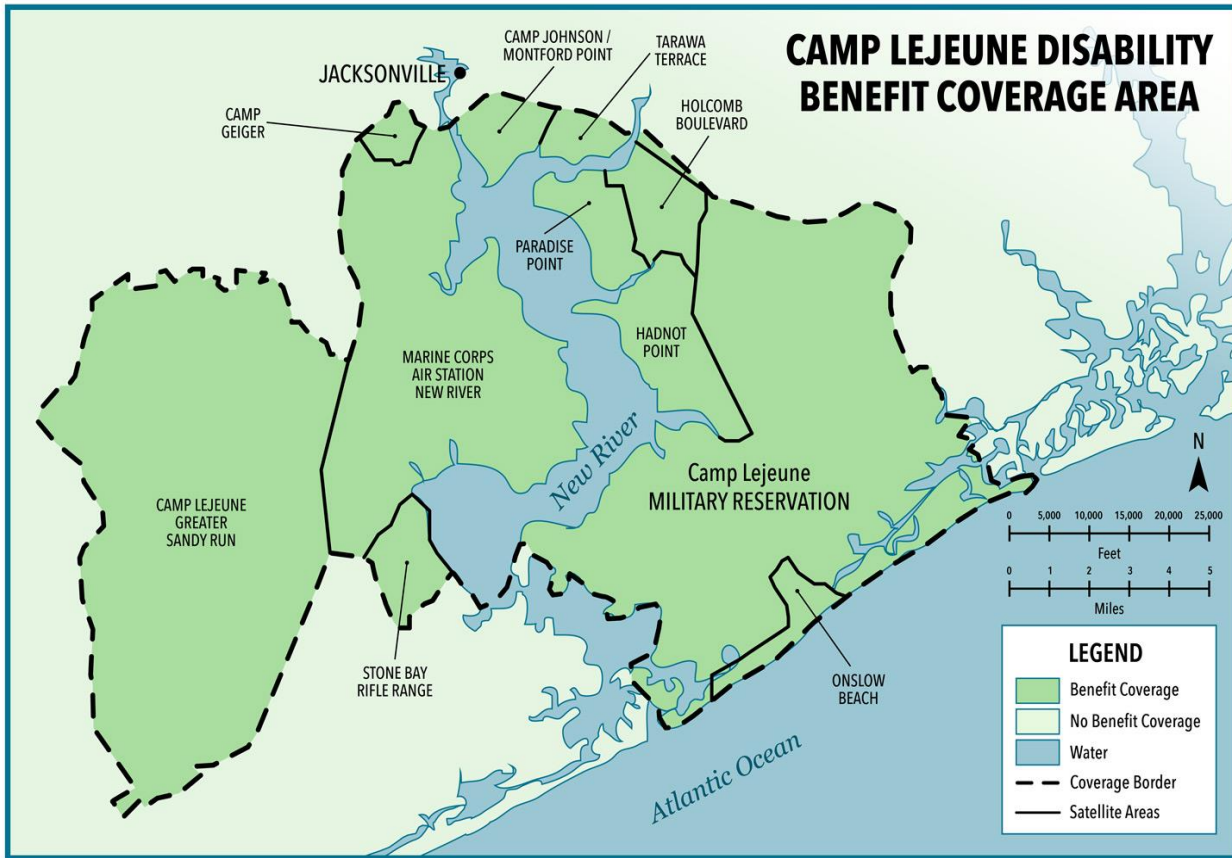
Overview of CLJA

- CLJA, signed into law on Aug. 10, 2022, is part of the 2022 “Promise to Address Comprehensive Toxics” (PACT) Act. CLJA is in Section 804 of the PACT Act.
- CLJA establishes a separate **tort claim** against the U.S. Navy handled by the U.S. District Court for the Eastern District of North Carolina.
- CLJA does **not** provide for a claim for VA disability benefits or VA health care; it is a one-time benefit.
- CLJA filing deadline is August 10, 2024.



Paul E. Dillard, The American Legion's National Commander, witnesses President Joe Biden sign the PACT Act into law at the White House on August 10, 2022.

Eligibility for CLJA Tort Claim



- **Who:** CLJA covers Veterans, families, and contractors.
 - Up to one million people.
 - Includes in utero exposure.
- **Where:** Resided at Camp Lejeune for a total of 30 cumulative days.
- **When:** From Aug. 1, 1953, to Dec. 31, 1987.

Source: VA, Public Health, Past Water Contamination,
<https://www.publichealth.va.gov/exposures/camp-lejeune/>

Understanding “Offset”



- Veterans and their families may be eligible to file **both** a VA claim and a CLJA tort claim.
 - VA claim benefit – Monthly payments.
 - CLJA tort – One-time lump sum payment.
- It is important to note that if a Veteran files both a VA claim and a CLJA tort claim, there may be an offset to prevent the government from paying a Veteran twice for the same condition.
- VA is on record stating that any offset **will not be against VA benefits.** Rather it will come from any CLJA award.
- The offset is described in Section 804(e)(2) of the CLJA – *See next slide for text about offset.*



Offset, 2

- The text of the CLJA suggests that the offset includes both **Medicare** or **Medicaid** benefits and in connection with medical care.
- Any offset of VA benefits will be taken from the CLJA award. This means your VA disability will not be affected.

CLJA Offset, Section 804(e)(2)

5 (2) HEALTH AND DISABILITY BENEFITS RELAT-
6 ING TO WATER EXPOSURE.—Any award made to an
7 individual, or legal representative of an individual,
8 under this section shall be offset by the amount of
9 any disability award, payment, or benefit provided to
10 the individual, or legal representative—
11 (A) under—
12 (i) any program under the laws ad-
13 ministered by the Secretary of Veterans
14 Affairs;
15 (ii) the Medicare program under title
16 XVIII of the Social Security Act (42
17 U.S.C. 1395 et seq.); or
18 (iii) the Medicaid program under title
19 XIX of the Social Security Act (42 U.S.C.
20 1396 et seq.); and
21 (B) in connection with health care or a dis-
22 ability relating to exposure to the water at
23 Camp Lejeune.

TAL – B&M CLJA Relationship

- The [TAL – B&M Camp Lejeune MOU](#) builds on our seven-year relationship.
- Since 2017, TAL and B&M continue successfully collaborating in two key areas for Veterans:
 - **Training** thousands of TAL service officers (VA claims).
 - **Representing** thousands of Veterans successfully before the U.S. Court of Appeals for Veterans Claims.



TAL – B&M CLJA Relationship



B&M's responsibilities:

- **Limiting / capping** attorney fees and costs to one-third of the overall CLJA tort award.
- **Educating** about the effect of any CLJA settlement on VA benefits, including offsets.
- **Recommending** the best choice – a CLJA award and/or a VA claim – where the Veteran decides.

TAL – B&M CLJA Relationship



TAL's responsibilities:

- **Notifying** Legionnaires about CLJA and the B&M relationship via national magazine and website.
- **Reaching Out** to The Legion at Departments with facts about CLJA, including offsets and warning about aggressive firms who are providing Veterans incomplete or possibly misleading information.

Two-Pronged CLJA Tort Claim Process

Our goal is for each Veteran to make an informed decision and obtain the maximum VA and CLJA benefits.

- Veteran contacts an accredited service officer and determines the best strategy for maximum VA and CLJA benefits.
- **AND ***
- Veteran contacts B&M and determines CLJA eligibility.



Two-Pronged CLJA Tort Claim Process



To contact B&M and determine CLJA eligibility:

- B&M Phone: **800-898-9450**
- B&M Website: <https://camplejeunelightingteam.com/al>
- B&M POC, Liz Hartman: LHartman@VetLawyers.com

VA Claim Process (as applicable, if eligible)

If a Veteran or a family member is eligible for **both** a CLJA tort claim **and** a VA benefits claim, then:

- Before accepting a CLJA award B&M will determine and share with the Veteran whether an offset applies and its impact on VA benefits and care, if any.



Lesson is complete

- Lesson 2 is complete.
- A PDF version of these slides will be provided to you at the conclusion of the school for future reference.