DEPARTMENT OF THE ARMY
OFFICE OF THE SURGEON GENERAL
7700 ARLINGTON BOULEVARD
FALLS CHURCH, VA  22042-5148

18 October 2017

Dear Veteran/Service Member,

If you volunteered as a medical research subject in U.S. Army chemical or biological substance testing from 1922 to 1975, including the receipt of medications or vaccines under the U.S. Army investigational drug review, you may be eligible for medical care through the Department of Defense for medical conditions related to your participation in this testing.

To apply for medical care under this program, please submit your application and supporting documentation to the Army Public Health Center, ATTN: Benefits Application Panel, 5158 Blackhawk Road, APG, MD 21010-5403. Please include:

- MEDCOM Form 840, Application for Medical Care (enclosed)
- Copies of documents issued by the military reflecting your participation in a U.S. Army chemical or biological substance testing program from 1922 to 1975
- A list of all medical conditions (diagnoses) that you believe are a direct result of your participation in one of these testing programs
- Any related Veterans Affairs’ service connection decisions, if applicable

Before you apply, have your primary care manager enter a diagnosis in Section V of the application form, or attach supporting medical documentation to the application, for the conditions in which you are applying for medical care. Only diagnosed medical conditions will be considered.

If you are unable to pay for a medical examination to obtain a diagnosis for any medical condition to support your application for medical care, please contact the Army Medical Command Military Assistance Group (MMAG) at 1-800-984-8523. The Army will arrange an examination for you at the nearest military medical treatment facility; however, you will be responsible for transportation to and from this appointment.

If you have a medical condition(s) you believe was caused by your military service, you are also encouraged to file a claim with the Department of Veterans Affairs, if you have not done so already. More information is available at: https://www.benefits.va.gov/BENEFITS/Applying.asp. In the enclosures, you will also find information on how to acquire service medical records and how to apply for correction of your military records should you require these services.
Thank you for your service to our Nation. If you have any questions concerning your eligibility or need assistance completing the application packet, please contact the MMAG hotline at 1-800-984-8523. The hotline is available 24 hours a day, 7 days a week.

Sincerely,

ERIC SHUPING
Colonel, Medical Corps
Director, Public Health Directorate

Enclosures:
MEDCOM Form 840, Application for Medical Care
Frequently Asked Questions
Frequently Asked Questions

Eligibility for Medical Care for Veterans who served as medical research subjects in a U.S. Army chemical or biological substance testing program from 1922 to 1975.

Q1. Why, after so many years, am I now being notified that I may be eligible for medical care through the Department of Defense (DoD)?

A1. In accordance with an Order from the U.S. Court of Appeals for the Ninth Circuit and a medical care injunction from the District Court for the Northern District of California, the Army MEDCOM's mission is to notify every known class member of their eligibility for medical care for any injury or disease that is the proximate result of their participation in Army chemical or biological substance testing programs and to provide access to quality medical care to all veterans who qualify for such care under the terms of the injunction. In fulfillment of this duty, MEDCOM is conducting an exhaustive search for individuals who may have participated as medical research subjects. The purpose behind this exhaustive search is so that no individual who may benefit from medical care is inadvertently omitted.

Q2. Who filed the lawsuit?

A2. Vietnam Veterans of America and other plaintiffs brought a class action lawsuit against the Army seeking injunctions that would require the Army to provide continuing notice regarding any long term effects of chemical or biological substance testing and for medical care for injury or disease caused by participation in that testing.

Q3. How did the Court rule?

A3. In January 2016, the U.S. Court of Appeals for the Ninth Circuit issued its opinion, stating that Army Regulation 70-25, "Use of Volunteers as Subjects of Research," imposes a duty on the U.S. Army to provide medical care to medical research subjects for injuries or diseases that were proximately caused by their participation in the Army's chemical or biological substance testing programs. (Vietnam Veterans of America, et al. v. Central Intelligence Agency, et al. (VVA v. CIA), Ninth Circuit Court of Appeals Court Order and Amended Opinion filed on 26 Jan 2016)

On 4 April 2017, the District Court for the Northern District of California issued a medical care injunction that orders the Army to provide medical care to class members defined as former members of the Armed Forces who have an injury or disease proximately caused by their participation in the Army's chemical or biological substance testing programs from 1922 to 1975. Proximate causation is defined as a "sufficiently strong causal link such that a reasonable person could find the applicant's condition was caused by participation in the specific testing program claimed" by a preponderance of the evidence. Generally, this injunction requires the Army to notify potential class members; establish an application management process; establish an application review process, to include establishing a Benefits Application Panel (BAP); and provide medical care to approved class members for a specific injury or disease.
determined to be the proximate result of the testing. (Vietnam Veterans of America, et al. v. Central Intelligence Agency, et al., U.S. District Court for the Northern District of California Court Order filed 04 Apr 2017).

This medical care injunction only requires the U.S. Army to provide medical care to former members of the Armed Forces who, while serving in the armed forces from 1922 to 1975, were test subjects in any testing program, that was sponsored, overseen, directed, funded, and/or conducted by the Department of the Army, in which humans were exposed to a chemical or biological substance for the purpose of studying or observing the effects of such exposure for any diseases or conditions proximately caused by their participation in such testing.

Q4. How can I receive medical care when I am no longer a member of the Armed Forces/Army?

A4. The medical care will be authorized under the Secretary of the Army designee (SECDES) program. The medical care will only be provided at military medical treatment facilities (MTFs) that have the capacity and capability to do so on a space available (space-A) basis. The U.S. Army will not provide compensation, reimbursement, disability, non-medical, retirement, commissary, survivor, death, or retroactive benefits or payments as a result of this injunction. These types of benefits may be available through the Department of Veterans Affairs (VA) if you are an eligible Veteran. The medical care provided by the U.S. Army under this injunction is in addition to any medical care you may be entitled to receive through the VA and will not affect your VA medical care benefits. The VA is not obligated to provide medical care or make a service connection for medical conditions based solely on the U.S. Army’s determination that you are eligible for medical care under this injunction. The U.S. Army is not obligated to provide medical care under this injunction based solely on VA medical care eligibility or service connection decisions. If you are already a TRICARE beneficiary, this injunction will not provide you with any additional medical care benefits beyond what you are entitled to through TRICARE, and you would seek medical care through your established medical care channels.

Q5. What is the Secretary of the Army Designee (SECDES) program?

A5. The SECDES program allows certain persons (designees) not otherwise eligible for DoD medical care to receive medical care under certain circumstances. Designees under this program will get medical care at a military medical treatment facility (MTF) on a space available basis for approved conditions for the specified amount of time needed to treat your medical condition. Designees are not authorized to get civilian medical care at the Army’s expense, and the Army will not pay or reimburse for co-pays or deductibles for civilian medical care or travel/lodging expenses, even if the civilian medical care is deemed medically necessary by the U.S. Army. Designees are not issued a DoD identification card, but are given an authorization letter.
FAQs

Q6. What are the eligibility requirements to apply for medical care under this injunction?

A6. To apply for medical care under this program, you must have:

- A DD Form 214 or War Department (WD) discharge/separation form(s) or functional equivalent.

- Served as a medical research subject in a U.S. Army chemical or biological substance testing program from 1922 to 1975, including the receipt of medications or vaccines under the U.S. Army investigational drug review.

- Have a diagnosed medical condition that you believe to be a direct result of your participation in a U.S. Army chemical or biological substance testing program.

Q7. How do I apply for medical care under this injunction?

A7. Mail your application to:

U.S. Army Public Health Center
ATTN: Benefits Application Panel
5158 BLACKHAWK ROAD
APG MD 21010-5403

Q8. I participated in a U.S. Army chemical or biological substance testing program but my military records do not show my participation, what should I do?

A8. If your military records do not show that you participated in a U.S. Army chemical or biological substance testing program, you can apply to the Army Board for the Correction of Military Records (ABCMR) to get your records updated with your participation information. You must provide the ABCMR with sufficient information to prove participation in a testing program in order to have your records corrected. An accredited Veterans Service Organization representative may be able to assist you in submitting your request for military records corrections. More information can be found at the Army Review Boards Agency website: http://arba.army.pentagon.mil/, or you can e-mail: army.arbainquiry@mail.mil.

Q9. Who can I contact if I have questions or I did not receive a notification letter?

A9. Please contact the Army Medical Command Medical Assistance Group at 1-800-984-8523. Service representatives are standing by to assist you 24 hours a day, 7 days a week.

Q10. I signed (or voiced) a secrecy oath or other non-disclosure agreement as part of my participation in chemical or biological substance testing, am I allowed to discuss my participation in these research programs?

A10. Yes, for the purposes of seeking medical care from the DoD, you can discuss your participation in chemical or biological substance testing programs. However, you are not allowed to discuss or share any technical reports or operational information concerning testing results, which should appropriately remain classified.
Q11. I have diagnosed medical conditions, but I am uncertain if these conditions were caused by participation in a U.S. Army chemical or biological substance testing program, what should I do?

A11. If you do not know or you are uncertain if your medical condition(s) was caused by participation in a U.S. Army chemical or biological substance testing program, you should submit a complete application for medical care, which will be reviewed by the Benefits Application Panel who will make a decision on your entitlement to medical care based on a preponderance of the evidence.

Q12. If I develop or I am diagnosed with a new medical condition that I believe resulted from my participation in a U.S. Army chemical or biological substance testing program after I have already applied for medical care, what do I do?

A12. If you are diagnosed with a new medical condition that you believe resulted from your participation in a U.S. Army chemical or biological substance testing program, and your application has not been reviewed by the BAP, you may request to supplement your application with the new medical condition that you believe resulted from the testing program. If the BAP has already reviewed your file and made a decision, you will need to submit a new application for medical benefits for that new medical condition and include a copy of any results you received from the BAP or SECDES.

Q13. How can I obtain copies of my military medical records?

A13. Military service records, including military medical records, can be obtained from the National Archives. Information on how to request Veterans' service records, including military medical records, can be found at the National Archives Veterans Service Records website: https://www.archives.gov/veterans, or by calling the National Personnel Records Center customer service at 314-801-0800. An accredited Veterans Service Organization representative can also assist you in obtaining archived service records and medical records.

Q14. Where will I have to go to receive medical care?

A14. Medical care for approved Veterans will be provided at the nearest military medical treatment facility with the capability and capacity to treat medical condition(s) related to your participation as a test subject in a U.S. Army chemical or biological substance testing program. The SECDES authorization letter/packet will provide detailed information regarding who to contact to determine which facility closest to you has the capability and capacity to provide approved medical care. If you are eligible, you can seek medical care through a Department of Veterans Affairs medical treatment facility.

Q15. How long does the application process take?

A15. The Benefit Application Panel has 120 days from the receipt of a completed application to adjudicate the request. If approved by the BAP, a request for SECDES status is submitted and the applicant is notified. The entire process is estimated to take no more than 6 months from the time a complete application is received to the time the veteran is notified of their eligibility for medical care.
Q16. Can I receive treatment at a VA facility in my hometown or state?
A16. If you are a Department of Veterans Affairs (VA) eligible veteran, you can seek medical care at a VA medical treatment facility for medical conditions approved by the VA. If you believe your medical condition(s) was caused or aggravated by your military service, you can file a claim with the VA (https://explore.va.gov/file-claim). The medical care provided by the U.S. Army under this injunction is in addition to any medical care you may be entitled to receive through the VA and will not affect your VA medical care benefits. The VA is not obligated to provide medical care or make a service connection for medical conditions based solely on the U.S. Army’s eligibility determination for medical care under this injunction. The U.S. Army is not obligated to provide medical care under this injunction based solely on VA medical care eligibility or service connection decisions.

Q17. Will I be compensated financially for my travel/lodging to and from military treatment facilities?
A17. No. The Army will not pay for or reimburse you for travel or lodging costs.

Q18. How long will it take to get a medical appointment through the SECDES program?
A18. Care through the SECDES program is on a space available basis, therefore wait times will vary from facility to facility based on their capacity.

Q19. What kind of documentation should I submit?
A19. You should submit copies of any documentation that you believe will confirm your participation in a U.S. Army chemical or biological substance testing program. This would include your DD214 or other discharge papers, orders, evaluations, award/decoration citations for test participation, VA determination concerning service connected medical condition(s), enlisted/officer record brief (ERB/ORB), medical records, etc.

Q20. What is my doctor supposed to do/complete?
A20. Your doctor should complete Section V, Attending Physician Statement, of MEDCOM Form 840, Application for Medical Care, providing a diagnosis for any medical condition you believe to be proximately caused by your participation as a medical research subject in a U.S. Army chemical or biological substance testing program. This information can also be provided as an attachment to the application form, as long as it is signed by your physician.

Q21. Should I get any special medical examinations or diagnostic studies (x-rays, laboratory test) because I participated in chemical or biological substance testing?
A21. You do not need to get a special medical examination or have additional medical screenings or assessments just because you were involved in a chemical or biological substance testing program. If you have any concerns about your health, including medical conditions related to your participation in chemical or biological substance testing, you should speak with your primary health care provider. If your primary health
care provider has additional questions, he/she can contact the Army Medical Command Medical Assistance Group, 24 hours a day, 7 days a week, at 1-800-984-8523.

Q22. How and when will I be notified of the Army's decision regarding my application?

A22. You will be notified of the Army's approval or denial in writing through first class mail. The Benefit Application Panel has 120 days from the receipt of a completed application to adjudicate the request. If approved, a request for SECDES status is submitted and the applicant is notified. The entire process is estimated to take no more than 6 months from the time a complete application is received to the time the veteran is notified of their eligibility for medical care.

Q23. Why do I have to provide documentation of the testing exposure?

A23. You are asked to submit any documentation you may have pertaining to testing exposure or program participation to ensure the Army has the best and most complete information available in making your medical care eligibility determination.

Q24. What rights do I have if my application is denied (i.e. appeal)?

A24. If your application for medical care is denied, the Army will inform the class counsel. Any disputes regarding the denial of medical care may be presented to the Court as a motion to enforce the injunction. You cannot appeal a denial decision or ask for reconsideration directly from the Army.

Q25. How do I apply for VA benefits?

A25. There are several options available for applying for VA benefits to include applying by telephone, online, or in person. For more information on applying for VA benefits, visit their website at: https://www.benefits.va.gov/BENEFITS/Applying.asp.

Q26. What diseases/medical conditions are likely to be approved?

A26. There are no specific diseases or medical conditions that are more likely to be approved. After considering many factors, including your application package, an Army Benefits Application Panel, comprised of subject matter experts, will determine if your diseases or medical conditions may have resulted from your participation in a U.S. Army chemical or biological substance testing program.

Q27. What was I exposed to during the testing?

A27. This testing involved exposure to over 100 biological and chemical warfare/threat agents and substances that mimic these agents (simulants), as well as medications, vaccines, and other chemical and biological agent countermeasures. Not all of these substances are toxic. Information on what you were exposed to during this testing may not be available.

Q28. If my application is approved, will I have to see an Army doctor or can I remain with my present healthcare provider?

A28. You can opt to get your medical care at a military facility by following the instructions in your approved SECDES letter/packet. You can get your care at a VA facility (if VA eligible), or you can get your care through a civilian provider at your own
expense or third party payer (health insurance, Medicare, etc.). However, in order to ensure continuity of medical care, we recommend that you get your medical care coordinated through a single source or one primary care provider.

Q29. What can I do to increase my chances that my application will be approved?
A29. Many factors will be considered to determine if an application will be approved or denied. Submitting a complete application with supporting documents will provide the best chance your application will be approved, but there is no guarantee that a complete application will result in an approval. A complete application package includes the application form you received with your individual notification letter, copies of any records or documents you can provide that were issued by the military regarding your participation in an Army chemical or biological substance testing program, a list of all medical conditions (diagnoses) that you believe are a direct result of your participation in one of these programs, and the final Veterans Affairs’ service connection decision on these medical conditions, if applicable.

Q30. I believe I have a disease or medical condition as a result of Army chemical or biological substance testing at FT McClellan (or other Army installations) during the 1980s (or 1990s), can I apply for medical care benefits under this medical care injunction?
A30. No. This program is only available to former members of the Armed Forces who have an injury or disease resulting from their participation in a U.S. Army chemical or biological substance testing program from 1922 to 1975.

Q31. I am not eligible for medical care through the Department of Veterans Affairs due to a bad conduct discharge (or other “bad paper” discharge), what should I do?
A31. If you are not eligible for VA benefits and services because of the character of your military discharge, you can apply to the Army Board for the Correction of Military Records (ABCMR) to get your discharge upgraded. An accredited Veterans Service Organization representative may be able to assist you in submitting your request for a discharge upgrade. More information can be found at the Army Review Boards Agency website: http://arba.army.pentagon.mil/, or you can e-mail: army.arbainquiry@mail.mil.

Q32. What can I do to protect my health?
A32. There are no specific health recommendations related to your participation in a U.S. Army chemical or biological substance testing program. In general, you can optimize your health and reduce your risk of developing medical conditions and complications from existing medical conditions by following a healthy lifestyle, taking medications as prescribed, and following the recommendations of your primary care manager.
Q33. Where can I get more information on exposures to chemical warfare and biological substance testing participation?

A33. Information about exposures to chemical and biological substances can be found at: https://www.publichealth.va.gov/exposures/categories/warfare-agents.asp. General information about Department of Defense logical substance testing can be found at: https://health.mil/Military-Health-Topics/Health-Readiness/Environmental-Exposures/Chemical-and-Biological-Exposures.
APPLICATION FOR MEDICAL CARE

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, U.S.C. Chapter 55.

PRINCIPAL PURPOSE: To obtain information on an applicant’s participation as a research subject in a U.S. Army chemical or biological substance testing program(s) from 1922 to 1975 and medical data on any injury or disease believed to be proximately caused by participation in such programs.

ROUTINE USE: This information will be used to determine applicant’s eligibility for medical care for an injury or disease believed to be proximately caused by participation as a research subject in a U.S. Army chemical and biological testing program(s).

DISCLOSURE: Voluntary. Failure to provide certain information necessary to determine eligibility may result in denial of services.

GENERAL INSTRUCTIONS

(Complete this form carefully and accurately.)

Please Read Before You Start . . . What is this application used for?

1. This application is used by Veterans to apply for medical care for any diseases or conditions believed to be proximately caused by the Veteran’s participation, as a research subject, in a U.S. Army chemical or biological substance testing program from 1922 to 1975. The information provided in this application will be used by the Department of the Army to determine your eligibility for medical care for proximately caused diseases or conditions.

2. If you require assistance in completing the application form or have general questions, please contact the Army Medical Command Hotline: 1-800-984-8523.

COMPLETING YOUR APPLICATION:

1. Complete applications include:
   a. MEDCOM Form 840, Application for Medical Care, to include, a medical diagnosis (in Section V, Item 16) for diseases or conditions believed to be caused by your participation in a U.S. Army chemical or biological substance testing program. If you cannot afford to pay for a medical examination for the purpose of obtaining a diagnosis to support your application, annotate this in Section V, Item 16, and the Army will arrange an examination for you at the nearest military medical treatment facility.
   b. Copies of records demonstrating participation in such research programs (i.e., DD214s, War Department (WD) forms, award or decoration citations for research participation, Enlisted/Officer Record Brief, etc.).
   c. Any Veterans Administration service connection decisions.

2. You or an individual to whom you have granted Power of Attorney must sign and date the application form. If the application is not signed and dated, it will be returned to you to complete. Unsigned application forms will not be processed. Do not send original documents, as they will not be returned.

SUBMITTING YOUR APPLICATION:

Mail your application and supporting documentation to:

U.S. Army Public Health Center (USAPHC)
ATTN: Benefits Application Panel
5158 BLACKHAWK ROAD
APG, MD 21010-5403
APPLICATION FOR MEDICAL CARE

SECTION I – GENERAL INFORMATION

1. NAME: (Last, First, Middle Initial)
2. LAST 4 OF SOCIAL SECURITY OR SERVICE NUMBER: 
3. DATE OF BIRTH: (YYYYMMDD)
4. Sex: ☐ MALE ☐ FEMALE
5. E-MAIL ADDRESS: 

6. MAILING ADDRESS: 
   a. HOME ADDRESS: (Street, Apartment No., City, State, and Zip Code)
   b. HOME PHONE: (incl. area code) ☐
   c. CELL PHONE: (incl. area code) ☐

SECTION II – PRELIMINARY REQUIREMENTS
8. MARK AN (X) NEXT TO THE APPROPRIATE ANSWER FOR EACH STATEMENT.
   Yes ☐ No ☐
   a. I have a DD Form 214 or War Department (WD) discharge/separation form(s) or functional equivalent.
   b. I participated in a U.S. Army chemical or biological substance testing program from 1922 to 1975.
   c. I have an injury or disease that is believed to be proximately caused by participation in a U.S. Army chemical or biological substance testing program from 1922 to 1975.

NOTE: If you answered NO to any question above, contact the Army Medical Command Hotline for assistance at 1-800-984-8523.

SECTION III – MILITARY SERVICE INFORMATION
   (You must provide copies of evidence needed to verify this information (e.g., DD214's, WDs, awards, evaluations, etc.)
9. BRANCH OF SERVICE:
10. LAST GRADE/RANK HELD:
11. GRADE/RANK HELD WHILE PARTICIPATING IN A CHEMICAL OR BIOLOGICAL TESTING PROGRAM:
12. SERVICE ENTRY DATE:
13. DISCHARGE DATE:
14. DISCHARGE LOCATION: (Installation, City and State)

SECTION IV - REQUEST FOR MEDICAL CARE DETERMINATION
15. MEDICAL INJURY OR DISEASE DESCRIPTION
   a. TYPE OF INJURY OR DISEASE:
   b. BODY PART(S) AFFECTED: (e.g., right knee)
   c. UNIT OF ASSIGNMENT WHEN PARTICIPATED IN CHEM-BIO TESTING:
   d. LOCATION/AREA OF ASSIGNMENT WHEN PARTICIPATION OCCURRED:
   e. IN YOUR OWN WORDS, DESCRIBE THE EVENTS SURROUNDING THE PARTICIPATION: (Include why you believe your injury or disease resulted from your participation or exposure during testing. If known, provide dates, name of agent or substance you were exposed to, dosages, routes (injection, oral, intravenous, inhalation), antidotes provided, and whether or not you received a diagnosis and medical care at the time):

f. ARE YOU CURRENTLY RECEIVING MEDICAL CARE THROUGH A DOD MEDICAL TREATMENT FACILITY FOR THE INJURY OR DISEASE DESCRIBED ABOVE? (If so, please provide copies of relevant medical treatment information) ☐ YES ☐ NO
g. ARE YOU CURRENTLY RECEIVING MEDICAL CARE THROUGH THE VA FOR THE INJURY OR DISEASE DESCRIBED ABOVE? (If so, please provide copies of relevant medical treatment information) ☐ YES ☐ NO
h. ARE YOU CURRENTLY RECEIVING MEDICAL CARE THROUGH A PRIVATE PHYSICIAN FOR THE INJURY OR DISEASE DESCRIBED ABOVE? (If so, please provide copies of relevant medical treatment information) ☐ YES ☐ NO
SECTION V – ATTENDING PHYSICIAN STATEMENT

16. ATTENDING PHYSICIAN STATEMENT: (Diagnosis of injury or disease the Veteran believes to be proximately caused by their participation in a U.S. Army chemical or biological substance testing program. In addition, please list other existing health conditions. Attach supporting documentation, as necessary.

SECTION VI - REQUIRED DOCUMENTATION

21. PLEASE SUBMIT THE FOLLOWING DOCUMENTATION WITH YOUR APPLICATION. (DO NOT SEND ORIGINAL DOCUMENTS - COPIES ONLY!)

   a. All DD214s or WD forms.
   b. Any VA ratings, decisions, letters, and code sheets (current and prior).
   c. Medical records or notes verifying the injury or disease believed to have been proximately caused by participation in a U.S. Army chemical or biological substance testing program.
   d. Any evidence which can be used to verify the events or circumstances (e.g., award or decoration citations for research participation, Enlisted/Officer Record Brief, etc.).

SECTION VII - CERTIFICATION

22. SIGNATURE OF APPLICANT OR INDIVIDUAL TO WHOM THE APPLICANT HAS DELEGATED POWER OF ATTORNEY.

I certify under penalty of perjury that the foregoing is true and correct, and understand that the above information, if misrepresented or incomplete, may subject me to civil and/or criminal penalties.

   a. SIGNATURE OF APPLICANT: 
   b. DATE SIGNED: 

MEDCOM FORM 840, SEP 2017