



## Veterans denied disability benefits by VA

### Veterans exposed to Camp Lejeune water contamination fight for benefits

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**DUNNELLON, Fla. -**



A Central Florida veteran is fighting for his life, as well as disability and insurance benefits, after he said the kidney cancer that is costing him his life was caused by water contamination at Camp Lejeune.

He said thousands of others are in the same boat, many of whom, live in Central Florida. He said many might not even be aware their illnesses could possibly have been caused by the toxic water.

**[WEB EXTRA: [Resources for affected veterans](#) | [Background](#) | [Burpee's story](#)]**

Scientists said from January 1, 1953, to December 31, 1987, two water treatment plants on the North Carolina base were

contaminated with several chemicals, including [trichloroethylene](#) (TCE), [tetrachloroethylene](#) (PCE) and [benzene](#), which are known or suspected human carcinogens. Those water systems were Tarawa Terrace and Hadnot Point, and included several wells. The [Agency for Toxic Substances and Disease Registry](#) found the contamination was due to a dry cleaner on base, as well as leaking fuel and chemicals from other base activities. The Marine Corps said the affected wells have since been shut down and said the current drinking water meets all government standards and is tested more often than required.

"Our Marine Corps family is very important to us and their health and welfare is a primary concern," said [U.S. Marine Corps](#) Capt. Maureen Krebs. "The Marine Corps continues to work with ATSDR/VA to help identify service members and their families that may have been exposed, and are therefore potentially eligible for health care."

But for more than 30 years, scientists maintain chemicals were in the water that Marines and their families were drinking, showering in, washing their clothes with, and cooking with.

Now, many of them are battling cancers and other serious diseases, which they said they blame on those chemicals.

Donald Burpee is one of them. He spent nearly four months at Camp Lejeune in 1975.

"I openly admit when I joined the Marine Corps I could be killed in combat and a war, but I sure didn't expect my government to poison me," said Burpee.

His renal cell carcinoma, or kidney cancer, has spread throughout his body, attacking a ureter, adrenal gland, his lungs, and now-- has caused multiple tumors on his brain.

"They don't think I'll survive another brain tumor," said Burpee.

But it's not just kidney cancer linked to the water contamination.

Mike Partain is one of 86 documented men diagnosed with breast cancer related to Camp Lejeune. He is a member of the [Community Assistance Panel](#), or CAP, which was created by the Centers for Disease Control and Prevention to represent those contaminated at Camp Lejeune.

Partain never served on the base. He was conceived and born there while his father served in 1968. Partain was diagnosed in 2007 at the age of 39, which is much younger than most men who are diagnosed with the disease. The [National Cancer Institute](#)'s website indicates most men are diagnosed between the ages of 60 and 70.

"There's a picture of my mother and I from the day that I was born," said Partain. "What's chilling in the picture, is in the bottom left-hand corner, there's a glass of water and there's a bottle that was made from the water in the hospital. In 1982, that sink in the emergency room in the hospital was tested and found to be contaminated with 1,400 parts per billion of trichloroethylene, and to give you perspective, the current safe regulation is give parts per billion."

With no major risk factors, genetic or otherwise, he was baffled by his diagnosis until he heard about the water contamination on base.

"The geneticists at Shands University Hospital said my chances of developing male breast cancer was .05 percent," said Partain. "It's kind of like, what contest in hell did I win to get this?"

In 2012, the [Honoring America's Veterans and Caring for Camp Lejeune Families Act](#) of 2012 bill became law. It provides medical care for eligible veterans and their family members. In order to be eligible, the veterans and their families must have served or lived on the base for at least 30 days between January 1953 and December 1987. They must also have been discharged under conditions other than dishonorable and they must also be diagnosed with one of the following conditions:

- Esophageal cancer
- Breast cancer
- Kidney cancer
- Multiple myeloma
- Renal toxicity
- Female infertility
- Scleroderma
- Non-Hodgkin's lymphoma
- Lung cancer
- Bladder cancer
- Leukemia
- Myelodysplastic syndromes
- Hepatic steatosis
- Miscarriage
- Neurobehavioral effects

But the problem is, although the [U.S. Department of Veterans Affairs](#) covers medical bills, thousands of veterans like Burpee are being denied any service-connected disability or insurance benefits.

"How can you set down a criteria and say this is what makes you eligible, and then when you try to get your benefits, all they do is deny you?" said Burpee.

In Burpee's denial letters, the VA said Burpee wasn't on the base long enough to have been affected by the water contamination. But the law states veterans have to have been on base for a minimum of 30 days. He was on base for nearly four months.

The letters also claim smoking is part of what caused his cancer. In an email to Local 6, the ATSDR said:

"Smoking is a risk factor for renal cell carcinoma (or kidney cancer), but its strength as a risk factor for kidney cancer is no higher than that for TCE exposure and kidney cancer."

Burpee's denial letters also state he had never shown any kidney disease or injury while stationed and residing at Camp Lejeune.

The ATSDR told Local 6, regarding cancer latency:

"There is a long period of time (15-30 years, sometimes called a "latency period") between first exposure to a carcinogen such as TCE and the development of a cancer such as kidney cancer. It is very likely that a person would not show symptoms from the exposure until many years later."

An [Institute of Medicine](#) study, requested by the VA, recommends Camp Lejeune veterans get the benefit of the doubt.

Yet Burpee is still waiting.

"The money doesn't mean anything to me. What am I going to do, put it in a box and take it with me?" said Burpee. "It's not for me, it's for my family, for my wife. But it's also for every veteran that's going through the exact thing that I am."

"This is devastating for these families, because as I said, if you're going through cancer, you're not working a lot of the times," said Partain. "You're working to treat, you're sick, and to have that disability payment to pay the mortgage or the car payment or to put groceries on the table, sometimes is the difference between life and death."

For thousands of Camp Lejeune veterans, that struggle is a reality.

### **VA Claims Process**

An April letter from the VA indicates 9,636 veterans have applied for benefits based on exposure from water contamination at Camp Lejeune. Of those, 778 have been approved. The letter says 451 of those veterans have put in claims based on a diagnosis of kidney cancer. One of those is Burpee, though he's one of 380 of them that have been denied.

The VA processes all claims through an office in Louisville, Kentucky. The reason for this, the VA said, is "to ensure that claims based on exposure are processed by employees who know the history of the water contamination, and who are committed to ensuring that each Veteran's claim is fully developed for information concerning length of duty at Camp Lejeune, and where the Veteran lived and worked."

The VA said it then gives the veteran's file to what it calls a subject matter expert, or SME. Dr. Deborah Heaney is one of those specialists. She spoke by phone Wednesday during an ATSDR Community Assistance Panel meeting in Greensboro, North Carolina. Heaney said specialists try to weigh risk factors for cancer, including obesity, hypertension and smoking, against TCE and solvent exposure to see if the contaminant could be "at least as likely as not" to have caused the disease.

"How do you know which [factor] tipped it?" asked Lori Freshwater, who lost two siblings and her mother after living at Camp Lejeune.

"You don't," said Heaney.

"OK, so if you don't know what thing tipped it, then how can you deny it's the chemical that tipped it?" said Freshwater.

"We're not looking for the chemical that tipped it. We're looking for, are solvents at least as likely as not the cause?" said Heaney. "We're not being asked which tipped it, which was the final straw. There's no way to know that."

### **Spreading the word**

For Burpee, he said at this point, just getting his own benefits isn't enough. He said there are likely still many veterans who don't know they were exposed to the contaminants at Camp Lejeune.

Partain said he wants the Marine Corps to do more about notifying possibly affected veterans.

"If you're aware of something you pay attention to it. If I'm aware I was exposed to toxins, maybe that lump on my chest that's the size of a pea, I'll pay attention to, instead of waiting until it's the size of a grape or a walnut, and that can mean the difference between life and death," said Partain.

The Marine Corps provided Local 6 with an extensive list of its notification efforts around the country, which includes several national and local newspapers and online ads.

### **Asking for help**

After Local 6 made inquiries into Burpee's case, the VA scheduled a video conference hearing with him to review his claim.

Burpee has also written to both Sens. Bill Nelson and Marco Rubio for their help with his claim.

Local 6 received this statement from Rubio's office:

"Our veterans and their families have made great sacrifices for this nation and they shouldn't have to worry about getting the medical care they need. Senator Rubio is committed to helping Florida's veterans receive the benefits and medical care available to them from the Department of Veterans Affairs, including assisting those veterans and family members who have been impacted by Camp Lejeune contaminated water issues. He will continue to look into what else can be done to help these veterans and their family members and ensure they receive the care they need."

In a statement through a staff member, Nelson said:

"I have advised the VA that I believe they should be giving veterans both the benefit of the doubt and access to the treatment they need - especially if they were there and now suffer from one of the recognized cancers."

The ATSDR is planning another [Community Assistance Panel](#) meeting in Tampa in December 2015, open to the public. The date and time have not yet been announced.



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