



NVLSP
NATIONAL VETERANS LEGAL SERVICES PROGRAM

Camp Lejeune Justice Act of 2022

FAQ

December 2022

Disclaimer

This self-help guide provides general information only. It does not constitute legal advice. It also cannot substitute for advice from a VA-accredited representative or an attorney who knows the particulars of your case. Use the information in this guide at your own risk. We have made every effort to provide reliable, up-to-date information, but we do not guarantee its accuracy. The information in this guide is current as of December 2022.

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Please do not appoint NVLSP to represent you before the VA without our express consent.

What is the Camp Lejeune Justice Act of 2022 (CLJA)?

For decades, drinking water at Marine Corps Base Camp Lejeune in North Carolina was contaminated by toxins. These toxins can cause certain cancers, birth conditions, and other serious health conditions.

The Camp Lejeune Justice Act of 2022 (CLJA) creates a new way for veterans and civilians to file claims against the U.S. Government for harm caused by being exposed to the toxic water at Camp Lejeune. The Camp Lejeune Justice Act is section 804 of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (the “Honoring our PACT Act”). You can read the law [here](#).

Who is covered by the Camp Lejeune Justice Act?

Anyone who lived, worked or otherwise was exposed to the water at Camp Lejeune for at least 30 days between August 1, 1953, and December 31, 1987, can file a CLJA claim. This includes both Veterans and non-Veterans. It also includes people who were exposed to the water before birth. If someone has passed away from a Camp Lejeune-related condition, family members may be able to file a **wrongful death claim**.

The law does not say what illnesses or conditions are considered related to the toxins at Camp Lejeune. You will have to prove your particular harm was at least as likely as not caused by the Camp Lejeune water. For example, although the toxins at Camp Lejeune are associated with lung cancer, it will probably be harder for smokers to prove that their lung cancer was caused by the water at Camp Lejeune than non-smokers.

How much money will I receive if my claim is granted?

There is **no set amount** that a CLJA claim is worth. Instead, the amount you receive will be based on the specific facts of your case, including the severity of the harm and how strong your evidence is.

NVLSP has not evaluated how much money claimants might receive for a successful CLJA claim. Several law firms who represent CLJA clients estimate that most payouts will be between \$25,000 and \$500,000. You may want to discuss with an attorney how much your particular claim may be worth.

IMPORTANT: If your CLJA claim is successful, the award will be offset by the amount of benefits, including health care benefits or payments, you have received for Camp Lejeune-related conditions from the Department of Veterans Affairs (VA), Medicare, or Medicaid. This means **your CLJA award will be reduced by the value of other Camp Lejeune-related benefits you have received.**

Will filing a CLJA claim affect my VA benefits?

In most circumstances, your VA benefits will not be affected by a CLJA claim. Please see the following scenarios:

- 1) *If you receive VA benefits and you receive a CLJA award* — Your VA benefits should not change, unless you receive a particular kind of Dependency and Indemnity Compensation (see below). However, your CLJA award will be reduced by the value of the Camp Lejeune-related benefits you have received, including VA disability compensation.
- 2) *If you receive VA benefits and your CLJA claim is unsuccessful* — Your VA benefits should not change. It is very unlikely the VA would consider your unsuccessful CLJA claim to be enough evidence to sever or reduce your benefits.
- 3) *If you do not receive VA benefits and you receive a CLJA award* — You may want to file a claim for VA disability benefits. You can provide information about your successful CLJA claim as evidence in support of your VA claim.
- 4) *If you do not receive VA benefits and your CLJA claim is unsuccessful* — You may still be eligible for VA benefits. VA is unlikely to use your unsuccessful CLJA claim as evidence against your VA claim, unless you present it to the VA yourself.

* **If you are a surviving spouse or child of a Veteran** and you receive a Dependency and Indemnity Compensation (DIC) benefits based on the veteran's total disability rating prior to death (as opposed to DIC based on a service-connected death), **your DIC benefits may be reduced** if you receive money from a CLJA lawsuit. See [38 U.S.C. § 1318\(d\)](#). Therefore, if you are receiving DIC benefits, you may want to get advice from a VA-accredited attorney or representative about how a CLJA claim may affect your VA benefits.

How do I file a CLJA claim?

Before filing a lawsuit in court, you have to submit an **administrative claim** to the Department of the Navy. The Navy provides information about how to file that claim [here](#), as well as a [step-by-step guide](#) to the form. Right now, the Navy does not require that you provide personnel records or medical evidence with your claim. You may need to provide them later.

If the Navy denies your administrative claim, you can file a lawsuit in federal court in North Carolina. If your illness or harm started on or before August 10, 2022, you must file your lawsuit by August 10, 2024, or by 180 days after the date of the Navy's denial of your administrative claim, whichever is later.

I want a lawyer. Who should I hire?

NVSLP does not represent anyone in CLJA claims. We also do not recommend specific attorneys. However, we can provide some general guidance on how to choose a lawyer.

North Carolina law will likely control how the Navy and the federal court evaluate CLJA claims. The Camp Lejeune Justice Act also uses certain procedures from the Federal Torts Claims Act. You should make sure any lawyer you hire understands North Carolina tort law, the Federal Torts Claims Act, and how these laws may affect your CLJA claim. Your lawyer should also be able to explain both the strengths and weaknesses of your claim and the evidence you have.

How much will a lawyer cost?

Most lawyers working on CLJA cases get paid on **contingency** basis. That means that you should not pay anything unless your claim is successful. If you win or settle with the government, the lawyer will take a percentage of your award or settlement. There is no set percentage that a lawyer must charge, but it may be helpful to know what is common in other cases. Federal law caps attorney fees in non-CLJA torts claims against the government to 20% or 25% of the award. For private personal injury cases, 33% to 40% is common.

If you hire a lawyer, they should have you sign a contract called a **retainer** that explains the details of what they agree to do for your case and how they will get paid. **Make sure you understand it before you sign.** It is especially important you understand how the attorney's fee will be calculated. **We strongly recommend hiring someone who will only take a percentage of the money left after any offsets that reduce your CLJA award or your VA benefits.**

About NVLSP

The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans service organization that has served active duty military personnel and veterans since 1981. NVLSP strives to ensure that our nation honors its commitment to its 22 million veterans and active duty personnel by ensuring they have the benefits they have earned through their service to our country. NVLSP has represented veterans in lawsuits that compelled enforcement of the law where the VA or other military services denied benefits to veterans in violation of the law. NVLSP's success in these lawsuits has resulted in more than \$5.2 billion dollars being awarded in disability, death and medical benefits to hundreds of thousands of veterans and their survivors. NVLSP offers training for attorneys and other advocates; connects veterans and active duty personnel with pro bono legal help when seeking disability benefits; publishes the nation's definitive guide on veteran benefits; and represents and litigates for veterans and their families before the VA, military discharge review agencies and federal courts. For more information go to www.nvlsp.org.