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Appeals Management Center
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To Whom It May Concern:

On April 22, 2013 I received notice from the AMC that additional information was needed from me on my claim and that I had 10 days in which to respond. I have asked for more time to reply.

You were replying to a Remand of my case of July 16, 2012 from the BVA. You were required to provide additional information listed in the Remand but could supply none. You also stated you could not locate my records from the NPRC. The statements from my records that are relevant to this case are enclosed in this letter. If you need the entire copy of my personal records from my days of military service I will try to locate them for you, but I assure you the only pertinent records are enclosed in this letter. Let me know if you still insist on a copy of my entire records which will yield you no useful information and more than double the size of this letter with exhibits I am now sending to you.

A green Notebook in which I presented testimony and exhibits to the BVA on May 2, 2012 is enclosed. I do not believe this document is in my c-file or you would not be asking all these redundant questions. Please retain this Green Notebook and please do not remove pages as it tells my complete narrative proving my exposure to herbicides. It must be taken in total. I believe this contains all the evidence you need to decide my case but I am providing additional information here as you requested. In this letter, I will refer to my May 2, 2012 testimony as the Green Notebook as not to send redundant information.

In the Green Notebook I have documented my medical condition. You have sent my records to the Kansas City VA medical record and you and I are now awaiting word from them. I am using this facility for work on my disease. I see a Dr. Chester Stone. You say I may require an examination and will be notified if so required. Also you stated in the Remand that VA doctors may have to make an opinion on whether my herbicide exposure while in Southeast Asia most likely led to my Non-Hodgkin's Lymphoma (NHL). I have a rare form of NHL called Waldenstrom's Macroglobulinemia (WM) which is incurable but may be treatable. Ex. 1 enclosed is the latest summary account of the status of this disease which is the out of control growth of the protein IgM. The latest IgM count of 2223 is 9.3 times higher than the upper limit for this protein. Note also the general progressive rise of the IgM count. Under Item 5 below I have a second opinion lab reports from a Dr. Mundis who is also treating me. He shows an IgM count

of 3375 which is 14.7 times higher than their upper limit. Yesterday May 7, 2013, I received a phone call from Dr. Stone and he indicated my cancerous IGM count made by the VA lab showed a count of 3340 (13.9 times the VA's upper limit) confirming the high growth of the cancer cells reported by Dr. Mundis.

You have asked me to respond to a request for additional information in a specific format and I will do so below.

1) Provide statements from medical personnel that relate to your disability during service.

I did not become ill with NHL during my service period 1967 through 1971. I seldom went to the military doctor and if so only for minor problems.

This is a matter which should already be settled. I was diagnosed with WM on April 20, 2007 at 6:30 pm. This was over 36 years after my service ended. The Decision Review Office (DRO) in St. Louis already acknowledged that I have NHL and this disease does not have to be incurred while in the service. It is one the 5 diseases most highly associated with herbicide exposure. Please see Ex. 2 enclosed. Note that NHL has no known intervening causes such as smoking, being overweight or lack of exercise. It is most likely caused by environmental factors. (Please see my answer to questions 5 below presents statements my medical personnel who are treating my condition.)

Furthermore, it has already a matter of fact that herbicides were deposited on the perimeters of all the bases in Thailand (including my base U-Tapao). Please refer to Ex.3A and Ex 3B. Anyone whose duties placed them on or near the perimeter of any of the USAF Thailand bases (including U-Tapao) must be considered exposed to herbicides on a fact found basis. See M21-1MR, Part IV, Subpart ii, Chapter 2, Section C, item q. This is enclosed as Ex. 3A. Also please see the appropriate page from VA Compensation & Pension Service Bulletin of May 2010. This is labeled as Ex. 3B. This statement also confirms the fact that herbicides of a dangerous nature were on the perimeters of the bases in Thailand.

2) Provide "Buddy" certificates or affidavits (Witness Statements).

What I disclose below is highly confidential. In these 3 salient witness statements most have provided a copy of their Performance Report or a copy of their DD 214. You requested their service numbers and they are shown on these reports. These items must be kept confidential because I am worried about identify theft and I must not betray their confidence.

Please refer to Ex. 4 page 1 thru 5. Page 1 and 2 is a witness statement from MSgt Antonio A. LeonGuerrero, Ret. who personally knew me and I reported to shortly after he arrived at U-Tapao about May of 1970 when my tour was about half over. He is willing to appear in person as a witness for me. In this letter he states:

- a) "The Radio Maintenance Work Center Building (where I worked) is located in close proximity to the perimeter fence." Thus I was on or near the perimeter.
- b) "The APR (Airmen Performance Report) only reflects how well you accomplish your assigned duties and not location where the duties are accomplished." There were complaints from the DRO that my performance reports did not reflect where I worked . This is the reason. However, as you read further you will note that references to locations are sometimes directly mentioned in the APR.
- c) There were statements from the DRO that MSgt LeonGuerrero did not know me and was not in my chain of command. MSgt LeonGuerrero states "I did not endorse his (Phil Cacioppo's) last "APR " in August 1970, instead I requested that of the Chief of Maintenance, Captain William Temple to be the Indorsing Official to give more "Credibility" to the "APR" of this outstanding Radio Repairman. This practice is allowed only if the Airman meets certain criteria and the concurrence of the Commissioned Officer in his higher chain of command." Please See Exhibit 6 pages 3 and 4. It is noted the Commander of the 1985 Communications Squadron, Lt Col Roscoe T. Sheldon signed MSgt LeonGuerrero APR and in a previously submitted APR Lt Col Sheldon also signed my appraisal Report (See April 1, 2010 testimony to DRO) Therefore we had to work for the same Ground Radio Repair Group. Note also in MSgt LeonGuerrero APR it is stated that he worked at a "remote location" the Ground Radio Repair shop which implies it was on the perimeter.

Please note that in my Green Notebook presented to the BVA on May 2, 2012 there are two additional witness statements from MSgt LeonGuerrero. I request you read them as there is much further documentation in his witness statements that prove I worked on the perimeter of the U-Tapao Airbase.

Please see Ex. 5 page 1 and 2 for a Witness Statement from Patrick H. Kimmen. This document is notarized and he was at U-Tapao about the same time I was. His address, dates of service and phone # are given so you can easily verify who he is. This witness statement has never been evaluated by anyone in the VA. He states:

- d) "It was not unusual during my tour at U-Tapao Air Base to see crews spray the vegetation along the flight line and near or on the Perimeter. The spraying crew would use a large tank loaded on the back of a pick-up truck."
- e) "As an Air Cargo Specialist stationed at U-Tapao RTNAB, Thailand I loaded and unloaded barrels and 55 gallon drums of Agent Orange frequently."
- f) "On behalf of Phil Cacioppo I want to state that I saw Ground Radio Repairman working on or near the perimeter of U-Tapao RTNAB, Thailand during my tour as an Air Cargo Specialist from September 1969 until September 1970."

Finally please see the Ex. 6 page 1, 2 and 3 from AWC Paul W. Morasch, a retired US Navy Flier. On page 2 he states:

g) "In U-Tapao, on the southern part of the point of the airfield, defoliation was so complete that all ground cover had been chemically eradicated (Agent Orange was one of the compounds used to achieve this). The debris was subsequently cleared by heavy equipment. Larger vegetation, e.g. palm trees and such, were pretty much all that remained. These open areas were meant to deny access to the airfield by "unfriendlies." Air crewmen jokingly referred to these "safety zones" as no "man's land," the same name we applied to the areas surrounding the perimeter of the airfield at Cam Rahn Bay, Vietnam."

He continues "As with any airfield, no matter how primitive, structures between and at the ends of runways are always present, everything from mid-field air socks to Ground Control Approach (GCA) outposts to radio and maintenance shacks at the ends of runways, all of which are essential for our safety during takeoff and final approach. As an observer I always saw radio and electronic maintenance and security force vehicles either parked in and around, or transiting the area where these structures were located. I would estimate the distances between the end structures and the base perimeter to be no more than 100 to 200 meters."

Ex.6 Page 3 is Paul Morasch DD214 form which verifies his military service.

This completes 3 of my most important witness statements. Please note there is additional documentation and six more witness statements in my Green Notebook which I know you will read.

Finally, I think it is important for you to see two aerial photographs of U-Tapao which will help verify the above witness statements. Ex. 7A is an aerial photograph of U-Tapao circa 1970. Note the barren defoliated south side of the airstrip as described by my witness statement of the US Navy Flier Paul W. Morasch above. Just as shown in the photograph Mr. Morasch stated "In U-Tapao, on the southern point of the airfield, defoliation was so complete that all ground cover had been completely eradicated." He also referred to it as "no man's zone" – the same name we applied to the areas surrounding the perimeter of the airfield at Cam Rahn Bay, Vietnam.

Please note in Exhibit 7A it shows by a red line the transportation route I took to my work stations. Notice that it crosses this defoliated perimeter that I crossed on south end of the base. This photograph also verifies the statements of MSgt LeonGuerrero in which he placed me on the perimeter in all 3 witness statement he wrote for me. I have enclosed one of them which is Ex. 4. Ex. 7B shows a larger more clear picture of the defoliated area on the south end of the runway as described by Mr Morasch. Please note again that other complete witness statements by MSgt LeonGuerrero and Mr. Morasch are in the green Notebook. Please recall I served with MSgt LeonGuerrero and he personally knew me as we both work in the Ground Radio Maintenance Work Center. I directly reported to him.

Ex. 8 shows the present day Google Map of U-Tapao in which the foliage on the south end of the runway has grown back. This map also shows the routes I took along the perimeter to reach my work stations. In addition Ex. 8 shows the barracks in which I lived in which were very near the perimeter. More on proof of my barracks proximity to the perimeter is discussed in topic 7 below.

3) State and Local Police Reports.

I have never been arrested. I have had 3 minor, non-injury traffic accidents in my 51 years of driving and I was not at fault for any of these accidents. However, there were no witnesses to verify the fact I was not at fault in the 2nd accident.

4) Employment Physical Examinations.

I took a physical exam which I passed in 1979 to be employed by the Kansas City Power and Light Company. I have no record of this exam but my disease of NHL had not appeared at that time.

5) Medical Evidence from hospitals, clinics, and private physicians by which or by whom you may have been treated after separation.

Please see Ex. 9 Page 1 and 2 attached. This is a letter from Richard J Mundis, M.D. a Mayo Clinic trained physician who diagnosed my illness of WM. In this letter to me he discusses the serious nature of this illness and also states that “there is a very strong likelihood that your indolent lymphoma (Waldenstrom) was correlated with your exposure to Agent Orange during your time in the military.” Please note Dr. Mundis refers to Agent Orange as a general reference to all forms of herbicides I was exposed to while in Thailand. That is how the public refers to herbicide related diseases.

In addition please see Ex. 10 from my Sleep Apnea and Insomnia Therapist – Mrs. Anne Wagner, R.N., M.S., L.P.C. She states: “His Service in Thailand during the Vietnam War exposed him to Agent Orange and there is much evidence to suggest that may be the cause of his Waldenstrom’s Macroglobulinemia. In my opinion, Phil will not be able to work full time again.”

As I mentioned previously the DRO has acknowledged that I have NHL in my April 1, 2010 testimony to them. And you have the documentation from Dr. Mundis in that testimony which shows he discovered the NHL illness within me.

The latest lab report from Dr. Mundis’ office (See Ex. 11) , shows the cancerous IgM protein at a count of 3375 which is 14.7 times their suggested upper limit. This should help confirm my NHL cancer diagnosis from the VA which shows my IgM cancer count to be 3340 (as of May 6 this week) which is 13.9 times the suggested VA suggested upper limit.

6) Letters Written During Service.

In this letter which is my Sgt Performance Report of February 5, 1970, I present which may be one my most important pieces of evidence because it is stated in an official Air Force document.

Please see Ex. 12 Pages 1 and 2 enclosed. You will note that in my evaluation it states that "Sgt Cacioppo's contribution to the Bob Hope Christmas Show makes this airman truly one of the better airman in today's modern Air Force."

What is important here is that the Bob Hope Show was very near or on the perimeter of the U-Tapao airbase. Please see Exhibit 13 pages 1 thru 5 which is a letter from George Collins, III written April 1, 2011. I have included the entire letter but please see page 2 in which George states that "I saw the "Bob Hope Christmas Show" twice at U-Tapao. The stage was between two barracks. The viewing area to see the show was on the defoliated perimeter."

I have corresponded with George who was at U-Tapao at almost the same time I was. Both of us were diagnosed with NHL in April of 2007. This demonstrates the long dormancy period of this disease. Unfortunately, George Collins died of NHL on December 31, 2011.

Please see Ex.14 pages 1, 2 and 3 which show the pictures of the preparation for the Bob Hope show. Page 1 states shows signage for "The Bob Hope Show U-Tapao Thailand." Pages 2 and 3 show speakers in the background which I helped set up and installed the wiring for all the speakers as part of my duties as a Ground Radio Repairman. Notice the barren defoliated grass in the foreground which was once a jungle on Page 2 and especially Page 3.

Neil Armstrong, the first Man on the Moon, attended this show in December 1969 – 5 months after his historic space flight. I also have his autograph on 1969 documentation papers as further proof of my presence there. This documentation is in my Green Notebook.

7) Photographs Taken during Service

There are several photographs that should be of interest to you. Please see Ex. 15. This shows the construction of my barracks circa 1968-1970. The barracks extended the west end of the U-Tapao Airbase. Note the defoliation and barren landscape in the foreground which is in front of the barracks and note also the barren landscape in the back of these barracks. Thus former defoliated perimeter was at the front of my barracks and the back of my barracks was the new perimeter which was also defoliated. This means the barracks in which I lived in for 12 months was surrounded by herbicides sprayed on both the front and back of the new two-story modular barracks. Note there was no air-conditioning for these buildings, necessitating that the windows and doors were always open throughout the days and night which blew herbicide laden air into our living quarters constantly.

Please see Ex 16 which shows an aerial view of my barracks. Note the two story barracks now mark the western perimeter of the base and you can see defoliation on the perimeter and a guard tower as well which marks this new western perimeter. As mentioned this new perimeter had to be constructed to house the new barracks in which I lived for 12 months.

Further defoliation around my barracks and additional photos can be seen in the enclosed Green Notebook.

8) Pharmacy Prescription Records

Please see Ex. 17 and 18. This shows I was prescribed Provastatin to help control cholesterol and Ergocalciferol – a vitamin D supplement. Note that I am being charged by the VA for these medications as well as outpatient Physician visits as we continue to monitor the cancer level in my blood which is causing it to thicken due to the large, excess IgM protein substances in my blood.

Ex. 19 will document that I am taking Clonazepam and Citalopram from CVS pharmacy which I pay for myself. These medications are to help me sleep.

Essentially my doctors are trying to prevent further damage to my heart because of the thickness of my blood and the lesser amount of the red and white cells in my body which is caused by my NHL.

I also took a major infusion of a drug Rituxan, an immunological agent, to help control my NHL. I took this drug in December/January of 2007/2008 and it cost about \$44,000 retail. My private insurance paid for most of it. This is not a pharmacy prescription but a hospital administered drug. I do not believe I retained these records but I will continue to look for them if you so desire.

9) Insurance Examinations

I have taken no insurance examinations because I have always maintained insurance coverage. As noted in item 4 above I did take an employment physical examination in 1979. My NHL was not discovered until April 20, 2007 at 6:30pm.

10) Additional Information

In the Remand to my case of July 16, 2012 it was stated that the Defense Personnel Records Information Retrieval System (DPRIRS), the Joint Service Records Research Center (JSRRC) and perhaps other entities would provide additional information on my case. After 10 months of research, the AMC stated in a letter of April 17, 2013 to me that you were unable to obtain any information on my case as requested by the BVA in their Remand. I am not totally surprised because they do not have the detailed information

Well I have some information for you. Please see Ex. 20A. (It is enclosed as one exhibit under the red tab of this book. This is a large, total map of U-Tapao which an archivist, Michael Bracey, found for me after working only a few hours. ((His rate is \$55 per hour and I have paid him a total of \$501.50 for this service.) You will note, however, that he could not find a legend. I believe the Radio Maintenance Shop in which I worked was one of the structures with the number labels 2810 through 2826. Note that all of these structures on the south end of the runway were on or near the perimeter. Whichever structure it is, or indeed any of the nearby structures, are on and near the perimeter.

Furthermore my barracks are shown on the west side of the base as number labels 2160 thru 2266 on the western perimeter. The 1969 Bob Hope Show was between the 3 story concrete barracks labeled 2055 thru 2257. My barracks and the Bob Hope Show were on or near the perimeter.

I ask your research organizations to find the legend and positively identify the Radio Maintenance Shop, my barracks and the location of the Bob Hope Show - since they have a duty to assist the veteran. Even if they cannot positively label the exact structure I worked or lived in they are all on or near the perimeter. The absence information which is all these research centers have provided proves nothing. I have the CHECO report, the M21-1MR manual regulations and the VA Compensation and Pension Bulletin discussed above to prove my case to prove that herbicides were on the perimeter. And I have specific witness statements, official reports and photographs to prove that I was on or near the perimeter as discussed above.

11) The Memorandum of Record – Herbicide Use in Thailand by Alvin Young

Repeatedly, the contentions of Alvin Young have been used to deny my claim in direct contradiction to Manual M21-1MR, Part IV, Subpart ii, Chapter 2, Section C, item q. and the VA Compensation & Pension Service Bulletin of May 2010. These are enclosed as Ex. 3A and 3B, respectively, and have been previously discussed.

Under the Freedom of Speech laws, which I fought for as a veteran, I must continue to defend my rights. I know this is long section but the facts simply do not support Alvin Young's contentions.

In my Remand of July 16, 2012, Alvin Young's name is mentioned. Yet there is no mention of any of the 9 witnesses who were at U-Tapao and wrote witness statements related to my service. Indeed the Remand admits that "it is not clear these research services (DPRIRS and JSRRC) reviewed any of the materials provided by the veteran." Indeed, I see no mention of them doing so.

In the Remand the very first request was stated:

“ Request from the Compensation and Pension Service complete copies of the official Department of Defense monographs and reports that were reviewed in preparation of the

Memorandum of Record – Herbicide Use in Thailand. Associate all written material received with the claims file and provide copies to the Veteran and his representative.” The AMC has supplied absolutely none of this information to me or my representative.

This report by Alvin Young has been used often to deny ill veterans benefits that were stationed in Thailand such as myself. Since you are unable to provide information which supports Alvin Young’s claim, I believe you must read my response where I do provide documentation to support my claim.

Alvin Young’s claim completely contradicts the work of Kurt Priessman who uncovered the CHECO report which was the basis for the VA conceding the “tactical herbicides” were on the perimeters of all the USAF bases in Thailand. Careful examination of Alvin Young’s own report discredits itself. Although the AMC and the VA Research services could not find it, I do have in my possession a copy of Alvin Young’s report “The History of the US Department of Defense Programs for the Testing, Evaluation, and Storage of Tactical Herbicides.” Please see Ex. 21(the title page of the report) Ex. 22 which is page 12 from the same report, which is a very important page from Young’s report. On this page 12 under the title Summary it is noted by Alvin Young as he defines “tactical herbicides” as those that were used in Vietnam. Alvin Young states:

“The exception to these Directives (in the use of herbicides) was the development of “Tactical Herbicides” sprayed in combat military operations in Vietnam, or by the Department of State approval as used in Korea adjacent to the Demilitarized Zone in 1968.”

In Kurt Priessman’ rebuttal to Alvin Young above comment he replies:

“The key statement is by “by Department of State approval”. Both the USMACTHAI/JUSTMAGTHAI Memorandum, Subject: “Mission Policy on Base Defense”, November 1, 1969, required approval by the U.S. Embassy in Bangkok as well as a well established chain which included the Thai Army. Additionally, the Project CHECO Southeast Asia Report “Base Defense in Thailand”, 18 February 1973 prepared by Major Barnett and Captain Barrow for HQ PACAF, Directorate of Operations, Analysis, CHECO / CORONET HARVEST Division, states that bases did indeed request permission through the Embassy. The Embassies of the US are arms of the Department of State; therefore, the herbicides used in Thailand meet the requirement stated in (Alvin) Young’s submission.”

As documentation of Kurt Priessman’s statement I present Ex. 20 With 50 pages. Notice there are 19 separate cable messages. In most cases they are documents from the American Embassy in Bangkok to Secretary of State Officials in Washington D.C. Note they are all telegrams all labeled to or from the Department of State. This confirms Kurt Priessman’s statement the more dangerous “tactical herbicides” used in Vietnam as described by Alvin Young also required Department of State approval in Thailand. Thus Alvin’s Young statement that Department of State approval is needed for “tactical

herbicides” was true in Vietnam and also in Thailand because they were in fact using the same “tactical herbicides.”

I know these are voluminous statements but they are proof that State Department was contacted in regard to tactical defense of the perimeters of the Thailand bases. (I have enclosed these State Department Cables as a separate tab – the middle white tab - in the Blue Notebook I am sending you.) Also please again refer to page 12 of Alvin Young’s report where he states:

“Herbicides used in Operation RANCH HAND for the defoliation of and crop destruction projects, and the US Army Chemical Corps for vegetation control on perimeters, cache sites, and similar military-important targets were classified as “Tactical Herbicides: and were formulated , tested, evaluated and assigned “Military Specifications” by the Department of Defense. They were not subject to regulatory oversight by the Department of Agriculture, the Armed Forces Pest Control Board, or the Federal Committee on Pest Control”

Now large part of the Remand to me was that the AMC would supply information on the chemicals used at U-Tapao from the Armed Forces Pest Management Board (AFPMB). Again none of this information was supplied to me. However in Alvin Young’s own words the AFPMB had no control over “tactical herbicides” used on the base – which is what I was exposed to. “Tactical Herbicides” were the responsibility of the Department of Defense not the AFPMB. Therefore records from the AFPMB on pesticides, if provided, would be moot. Furthermore you have 50 pages of proof in Ex. 20 that the Department of State and the Department of Defense through the US Embassy in Bangkok were responsible for perimeter defense of the base. The AFPMB had no jurisdiction over disposition of “tactical herbicides” in defense of the base perimeter.

It should be note here that the term “tactical herbicides”, which the VA uses to describe herbicides used in Vietnam, is a term invented by Alvin Young. There was no such combination of words until Alvin Young used them in his 2006 report.

A contemporary manual of the Vietnam era named the “Tactical Employment of Herbicides” is apparently what Alvin Young is referring. No where in this Army Field Manual of 1971 refers to the term “tactical herbicides.” Rather the discussion is about commercial herbicides used as a tactical means of defense. See Ex. 23 the title page of the 1971 Field Manual and important pages labeled Ex. 24 and 25 discussed below.

In this Manual it is stated:

1) On page 1-1: “Defoliation of vegetation bordering and overhanging roads, paths, trails, waterways, and railroads enhances security around friendly base camps, airfields, ammunition dumps, ports, along railroads, waterways, and other location by providing defensive fields of fire reducing possible ambush site.” (Remember U-Tapao was indeed attacked on or about January 11, 1972 and one sapper was killed.)

2) On page 2-2 of this same manual it is stated: “various commercial (my emphasis) chemical compounds used as herbicides have been adopted for use in military operations. Authority to use these chemicals must be obtained through proper channels as explained in Chapter 4. (Base Commanders are given this authority through the Department of State – my note). Herbicides described below are nicknamed ORANGE, BLUE and WHITE...”. Then under section 2-2, ORANGE is defined as 50:50 mixture of 2,4-D (n-butyl-2,4-dichlorophenoxyacetate) and 2,4,5-T (n-butly-2,4,5-trichlorophenoxyacetate). Therefore these commercial herbicides were used as a tactical defense employment. There was no such thing as “tactical herbicides” used in Vietnam and “commercial herbicides” used in Thailand. These herbicides were one and the same. Alvin Young appears to have invented the term “tactical herbicides” to deny ill Thailand Veterans their rights as veterans.

Note in the Agent Orange Act of 1991 it does not require the exposure to “tactical herbicides”, but “to an herbicide agent containing dioxin or 2,4- dichlorophenoxyacetic acid.”

In the Alvin L. Young Collection on Agent Orange in a letter to Mrs. Cleary (ID # 318) believed to be written during the Vietnam War, he himself states that “two herbicides known as 2,4-D and 2,4,5-T – are used extensively in most countries of both the free world and the communist bloc for selective control of undesirable vegetation.” He goes on to state that two chemicals, 2,4-D and 2,4,5-T are now in regular use for weed control in Asian countries such as Burma, Thailand,” (my emphasis). Therefore Alvin Young, in his own words stated that the components of Agent Orange were used in Thailand. This document from Alvin Young was submitted in my April 1, 2010 testimony to the DRO.

It should be noted that Alvin Young was compensated by the DOD, Dow Chemical and Monsanto in his work on herbicides – always telling us of that these herbicides were essentially harmless. I do not believe he can be considered an impartial, objective observer when his funding entities are trying to prove these herbicides were harmless.

12) Department of State Directives

As noted the Department of State Directives are voluminous so I have place them in a separate section of the Blue Notebook – the white middle tab labeled “State Department Cables – Base Defense. As discussed in the CHECO report these directives from the State Department are added proof that the State Department was involved. The implication is that herbicide defoliation was used and permission from the Thai Embassy was obtained as required by law through the Department of State.

I know these State Department Directives are voluminous. You may not have time to read all of them but the depth and length of these directives show the need for high level, State Department approval Thailand Base perimeter defense. They are noted as Ex. 20 Pages 1 through 50. In Summarizing these memos note the following. In these Directives you will find:

a) There are References to clearing the fields to detect the enemy and provide lines of fire. This implies herbicide defoliation was used. For example, see Ex 20, page 4 where it is stated “F. Clearing Trees, underbrush and grass along the perimeters to deny possible cover to potential attackers and to provide clear fields of fire to base defenders.”

b) On page 12 of this exhibit it is noted that the August 21, 1968 Department of State Directive states that “73 Augmentees from Base Personnel” will be used for base perimeter defense. This confirms the statement of MSgt LeonGuerrero who in his witness statement of July 19, 2010 stated that (See Ex. 4, page5 in Blue Notebook): “The base policy is for all incoming personnel in the grades of E-4 and below to undergo training as a Security Force Augmentee. After the completion of such training, they are required to perform one week of duty with regular security personnel patrolling the base boundaries.”

As an E-4 I did serve as a Security Force Augmentee – and this is now verified by MSgt LeonGuerrero who personally knew me and the Department of State Directive of August 21, 1968.

c) Please see Page 48 which reveals that a cable telegram from Bangkok, Thailand is still restricted. Is this the cable that specifically mentions herbicides?

d) Michael Bracey, the archivist, has summarized some of the State Department Cable messages on pages 49 thru 51.

e) Finally, On page 52 Michael Bracey gives his Affidavit of his work. In this exhaustive archival research he only was able to look at declassified information so these documents could be the most complete list you will have of unclassified documents from the State Department concerning Thailand base security. As noted in his Affidavit he could only investigate declassified information so there could still be other classified documents that we could not obtain. I believe this shows I have done my due diligence to discover all the information that is available to me as a Thailand Veteran.

Note all of these State Department Directives were made before I arrived at U-Tapao and thus should have been in place when I arrived at U-Tapao Nov 4, 1969.

13) Time of Exposure to Herbicides

In the Remand there is reference to the fact that they work looking for herbicide use when I was at U-Tapao in 1969 and 1970. However, the herbicides were already in place when I arrived there. More importantly, the Compensation and Pension Bulletin of May 2010 and the M21-1MR manual states the herbicide exposure is granted if it is within the Vietnam Era time period which was defined as February 28, 1961 to May 7, 1975.

14) Other U-Tapao Perimeter Cases Decided in Veterans Favor

The following cases with their Citation numbers listed were U-Tapao veterans who were in the Maintenance and/or Supply jobs which placed them on the perimeter. Note that none were Security Personnel – but again worked in jobs like myself (a Ground Radio Maintenance Repairman) that required their presence on the U-Tapao perimeter. None had specific in country Vietnam Service. All had one or more of the herbicide related diseases:

Citation #	USAF Job Specialty
1235821	Material Delivery Specialist
1218235	Cook
1300611	Electrical Navigation Equipment Repairman
1302333	Fireman
1132875	Supply Specialist
1135233	Weapons Release Supervisor on B-52's

15) Military Working Dogs – My Witnesses at U-Tapao; Will Their Last Voices Ever be Heard?

Time and time again I have submitted evidence relating to the Military Working Dogs (MWD) of U-Tapao. This information has consistently been ignored. These dogs are the “sentinels of human disease” and/or the proverbial “Canary in coal mine.”

In previous information sent to you (See Ex. 5-2 in the Green Notebook) a control group was found consisting of Vietnam working dogs who had a 6.3% rate of cancerous seminoma after their duty in Vietnam. This is compared to only a 4.7% seminoma rate for continental based dogs. However, I obtained necropsy report for U-Tapao dogs and found that they had a rate of 10.8% seminoma. This would indicate that these U-Tapao dogs were exposed to more cancerous agents than the Vietnam dogs.

I have since learned that some of the dogs that were sent to U-Tapao to be put to death were actually dogs from other bases in Thailand. The revised data shows:

Dog Location	% of Seminoma
Continental US	4.7
Vietnam	6.3
U-Tapao, Thailand	7.8
Ubon/Don Maung, Thailand	20.0
Takhli, Thailand	25.0

This would imply that bases in Northern Thailand were sprayed more heavily because they were closer to enemy territory in Laos. However, the U-Tapao dogs still had a higher rate of cancerous disease than the Vietnam dogs. Thailand dogs probably had a higher incidence of this disease because the herbicides were sprayed directly into the

ground along the perimeter. Whereas in Vietnam it was done largely by aerial spraying and thus dissipation and less concentration resulted.

In the Green Notebook (Ex. 5-3), Dr. David Pinson, a Veterinarian and PhD commented that the incidence of seminomas in dogs in the US had a rate of approximately 0.5%.

16) Summary

When I presented my testimony to the BVA in Washington D.C. on May 2, 2012. My VFW service advisor, George Sheets, informed me that my task was to inform and prove to the BVA that I was on or near the perimeter while stationed in U-Tapao. The following were already proven facts and this continues to be my belief:

- 1) The DRO concluded that I have Non-Hodgkin's Lymphoma while giving testimony in my April 1, 2010 hearing – one of the 15 illnesses cause by herbicide exposure in Southeast Asia during the Vietnam War.
- 2) Herbicides were sprayed on all the perimeters of all the bases in Thailand including U-Tapao based on the CHECO report. This is written in the VA Compensation and Pension Bulletin of May 2010 and also the M21-1MR Manual.
- 3) The Memorandum of Record written by Alvin Young contradicts the VA conclusion stated above in item 2. Section 11 of this letter disproves Alvin Young's insinuation using his own words and the facts published during the Vietnam Era. "Tactical Herbicides" is an invented term that only appears after Young's December 2006 report.
- 4) Therefore it should be my only responsibility to prove that I was on or near the perimeter of the U-Tapao Base.

In Statement 2 above the Thailand Vet must then prove his exposure to herbicides of daily work duties (MOS), performance evaluations or other credible evidence. Although one of these criteria are sufficient, I have met all three of them.

Daily Work Duties (MOS): You have a total of 3 witness statements enclosed which state that **I worked on the perimeter**. Please see Ex. 4 page 1 and 2 in this report written by MSgt LeonGuerrero who personally knew me. You have 6 additional witness statements in the Green Notebook

Also see Ex. 4 page 5 and which explains that enlisted men with the rank of E-4 and below were to perform augmentee duty with the security police. This is also verified by the Department of State Cable (See Ex. 20 page 12)

Performance Evaluations: See Ex.12 page 2 which states that I worked on the Bob Hope Show which has been proven to be **on the perimeter**.

Other Credible Evidence: My barracks was **on and/or near the perimeter**. So I was exposed every single day even when I was asleep at night. Please see Ex. 15 and 16.

I believe I have supplied sufficient credible evidence to prove that I was on the perimeter at the U-Tapao Airbase during the Vietnam War.

Respectfully submitted,

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