

Notice of Class Certification for Veterans of 1966 Nuclear Clean-Up at Palomares, Spain

Victor B. Skaar v. Robert L. Wilkie, Secretary of Veterans Affairs

United States Court of Appeals for Veterans Claims, No. 17-2574

If you participated in U.S. military operations at Palomares, Spain, after the January 17, 1966, B-52 crash that released plutonium dust and have a potentially radiation-related disease, you *may* be part of a class action lawsuit.

1. What is this lawsuit about?

This case is about whether the Department of Veterans Affairs (VA) has failed to use sound scientific evidence to decide claims for service-connected disability compensation for medical conditions potentially caused by exposure to ionizing radiation at Palomares, Spain.

2. Am I a part of the lawsuit?

You may be a class member if you have a medical condition that may have been caused by exposure to ionizing radiation at Palomares, if you EITHER

- (1) filed a VA claim for disability compensation related to Palomares in which VA obtained a radiation dose estimate in 2001 or later, or appealed a denial of such a claim, and have not yet received a decision; OR
- (2) have not yet filed a VA compensation claim for your Palomares-related medical condition but will do so in the future.

3. Am I required to do anything?

You are not required to respond to this notice. Even if you are a member of the class, you must file a claim to receive compensation. If you file or have filed a claim, you should meet all applicable deadlines for submission of evidence and appeals.

4. What happens next?

The Court of Appeals for Veterans Claims approved this case as a class action on behalf of a group of veterans. Next, the Court will decide if VA acted unlawfully. If the Court decides that it has, VA will not be able to use its current dose estimate methodology to decide your claim for Palomares-related benefits. Any final judgment entered in this case will be binding on all members of the class.

5. If I am a member of the class, do I have a lawyer?

The Court has named Michael J. Wishnie of the Veterans Legal Services Clinic at Yale Law School as the lawyer for the class. If you already have a representative before VA, that person is still your representative on your individual claim. If you are in the class, Mr. Wishnie represents you too, for free, but *only* as to the legal challenge in this lawsuit. You may contact Mr. Wishnie and his team with questions, including to find out whether you are a member of the class, at (203) 432-4800.