

Military-Veterans Advocacy

Statement for the Record in Support of:  
Various Pending Legislation

Submitted to the United States House Veterans Affairs Committee,  
May 5, 2021



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Commander John B. Wells, USN (Ret)  
Chairman

## **Introduction**

Chairman Mark Takano, Ranking Member Mike Bost and other members of the Committee, thank you for the opportunity to present Military-Veterans Advocacy's views on pending legislation.

### **About Military-Veterans Advocacy**

Military-Veterans Advocacy Inc. (MVA) is a tax-exempt IRC 501(c)(3) organization based in Slidell, Louisiana that works for the benefit of the armed forces and military veterans. Through litigation, legislation, and education, MVA seeks to obtain benefits for those who are serving or have served in the military. In support of this goal, MVA provides support for various legislation on the State and Federal levels as well as engaging in targeted litigation to assist those who have served. We currently have over 1500 proud members and our volunteer board of directors litigates, legislates, and educates in support of veterans. MVA analyzes and supports/opposes legislation, assists Congressional staffs with the drafting of legislation and initiates rulemaking requests to the Department of Veterans Affairs. MVA also files suits under the Administrative Procedures Act to obtain judicial review of veterans' legislation and regulations as well as *amicus curiae* briefs in the Courts of Appeal and the Supreme Court of the United States. MVA is also certified as a Continuing Legal Education provider by the State of Louisiana to train attorneys in veterans' law.

MVA is composed of five sections: Blue Water Navy, Agent Orange Survivors of Guam, Veterans of Southeast Asia, Veterans of the Panama Canal Zone and Veterans of Okinawa. We are a member of the TEAMS Coalition and the Radiation Exposure Compensation Act Working Group. MVA works closely with Veterans Service Organizations including the United States Submarine Veterans, Inc., the National Association of Atomic Veterans, the Association of the United States Navy, Veterans Warriors, and other groups working to secure benefits for veterans.

MVA has not received any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing, and a disclosure of whether the witnesses is a 4 fiduciary (including, but

not limited to, a director, officer, a. MVA Chairman and signatory herein is also the Secretary of the Association of the United States Navy which may have an interest in the subject matter of the hearing.

**Military-Veterans Advocacy's Chairman, Commander John B. Wells  
USN (Ret.)**

MVA's Chairman, Commander John B. Wells, USN (Retired) has long been viewed as a technical expert on herbicide exposure. A 22-year veteran of the Navy, Commander Wells served as a Surface Warfare Officer on six different ships, with over ten years at sea. He possessed a mechanical engineering subspecialty, was qualified as a Navigator and for command at sea and served as the Chief Engineer on several Navy ships.

Since retirement, Commander Wells has become a practicing attorney with an emphasis on military and veteran's law. He is counsel on several pending cases concerning herbicide and other toxic exposures. Commander Wells was the attorney on the *Procopio v. Wilkie* case that extended the presumption of herbicide exposure to the territorial sea of the Republic of Vietnam, which laid the groundwork for the Blue Water Navy Vietnam Veterans Act. He has initiated lawsuits on behalf of MVA to further extend the presumption and to cover veterans in Thailand, Guam, American Samoa, and Johnston Island. He also initiated judicial review of the Appeals Modernization Act which is pending at the Court of Appeals for the Federal Circuit. Since 2010 he has visited virtually every Congressional and Senatorial office to discuss the importance of enacting veterans' benefits legislation. With the onset of covid, Commander Wells has conducted virtual briefings for new Members of Congress and their staffs.

**HR 1273, Vietnam Veterans Liver Fluke Cancer Study Act.**

MVA heartily supports HR 1273. HR 1273, Vietnam Veterans Liver Fluke Cancer Study Act. This bill will direct the Secretary of Veterans Affairs to study and report on the prevalence of cholangiocarcinoma in veterans who served in the Vietnam theater of operations during the Vietnam era. It is generally accepted that herbicide was used not just in Vietnam, but throughout the entire theater of operations. Using an expanded sample will help document the long-term effects of the herbicide during the Vietnam War.

### **HR 1355 K2 Veterans Care Act of 2021**

This bill will provide health care and benefits to veterans who were exposed to toxic substances while serving as members of the Armed Forces at Karshi Khanabad Air Base, Uzbekistan. Troops stationed at "K2" were exposed to high levels of radiation from yellowcake uranium residue at the Uzbek base. It is estimated that the radiation levels were 7-9 times the times the normal background radiation. We estimate that 10,000 military members were exposed - many of whom have developed rare cancers associated with radiation exposure. MVA supports this legislation but notes that it could be merged with the S. 927/S. 952.

### **HR 1585 Mark Takai Atomic Veterans Healthcare Parity Act of 2021**

This bill will provide for the treatment of veterans who participated in the cleanup of Agnatic Atoll as radiation-exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs. It is time to move this bill off dead center and provide these veterans their earned benefits while they are still alive. MVA supports this bill.

### **HR 1972 Fair Care for Vietnam Veterans**

MVA strongly supports this bill. This bill will expand the list of diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in the Republic of Vietnam to include hypertension. Hypertension has been identified by the National Academy of Science, Engineering and Medicine (NASEM) as associated with exposure to Agent Orange and other herbicides. It is certainly epidemic throughout the veteran's community. It is time to force the VA to comply with the science as confirmed by NASEM

### **HR 2268** **Keeping Our Promises Act**

HR 2268 will ensure that certain diseases are covered by the presumption of service connection relating to the exposure to herbicides by certain veterans who served in the Republic of Vietnam. Since the expiration of the stud provisions of the Agent Orange Act of 1991, the VA has taken an intransigent approach to the findings of the National Academy of Science, Education and Medicine reports on Agent Orange. This bill will move their findings to the forefront and force the Secretary to

provide benefits.

**HR 2127 TEAM Bill**  
**HR 2372 Warfighters Bill**  
**HR 2368 COVENANT Bill**

MVA consolidates their comments for both HR 2127 and HR 2372 because they are both solutions to an important problem – that of burn pits. While the bills somewhat overlap, there are strengths to each bill that require passage of both bills – and the merger of the two. Additional provisions of the COVENANT Bill, if any, should be merged with HR 2127 and HR 2372.

Although the bills address all toxic exposures, they are primarily brought to the forefront because of Open-Air Burn Pits. These burn pits were endemic throughout the Iraq/Afghanistan theaters but were also used in other areas including the Continental United States.

The MVA Chairman represents the estate of a burn pit victim, LCDR Celeste Santana, who was an Environmental Health Officer at Camp Leatherneck Afghanistan in 2009. She took daily air samples at the rim of the burn pit and reported to the Base Commander and the Marine Corps General Officer that harmful levels of toxins were being discharged into the air. Cashiered for her repeated protestations, she eventually developed multiple myeloma and passed away in 2018.

Petty Officer Lauren Price, the founder of MVA partner Veteran Warriors, served in Iraq. Mobilized as part of Operation Enduring Freedom she was also exposed to burn pits and was medically retired from the Navy. She developed cancer and after a decade long struggle and succumbed to this toxic wound in March of 2021.

These two brave women are examples of the tens of thousands of veterans who have sickened and sometimes died as a result of exposure to open air burn pits. Although combat operations have ended in both areas, we have still not recognized the self-inflicted wounds caused by burn pits. As with Agent Orange, sick and dying veterans now come a decade later to beg for their earned benefits.

In 2010, the Government Accountability Office reported to Congress that: “the military has relied heavily on open pit burning in both conflicts, and operators of burn pits have not always followed relevant guidance to protect servicemembers from exposure to harmful emissions.” GAO Report 11-63, *DOD Should Improve*

*Adherence to Its Guidance on Open Pit Burning and Solid Waste Management* (2010) (Report Highlights). The report went on to note that each soldier generated 10 pounds of solid waste per day and that much of this, including toxic plastics, were burned in the open-air burn pits. Despite this finding, the Institute of Medicine failed to find enough evidence to connect burn pits and lung diseases. IOM (Institute of Medicine). 2011. *Long-term health consequences of exposure to burn pits in Iraq and Afghanistan*. Washington, DC: The National Academies Press. The reason for this curious finding became readily apparent during the testimony of Dr. Steve Coughlin before the House Veterans Affairs Committee. [Dr. Steven S. Coughlin | House Committee on Veterans Affairs](#) Dr. Coughlin revealed that while working for the Department of Veterans Affairs, he was ordered to suppress any evidence showing a causal connection between burn pits and breathing disorders.

Notably, the Special Inspector General for Afghanistan Reconstruction (hereinafter SIGAR) revealed that: “[a]lthough DOD knew about the risks associated with open-air burn pits long before contingency operations began in Afghanistan, it was not until 2009 that U.S. Central Command (CENTCOM) developed policies and procedures to guide solid waste management, including requirements for operating, monitoring, and minimizing the use of open-air burn pits.” SIGAR, *Final Assessment: What We Have Learned From Our Inspections of Incinerators and Use of Burn Pits in Afghanistan* (February 2015) at 1. The SIGAR Report went on to confirm the service member complaints of a connection between health risks and burn pits, noting that: “Recent health studies have raised concerns that the particulate matter and toxic smoke contaminated with lead, mercury, dioxins, and irritant gases generated by open-air burn pits could negatively affect an individual’s organs and body systems, such as the adrenal glands, lungs, liver, and stomach.” *Id.* Often called the Agent Orange of the 21<sup>st</sup> Century, the damage to American and Allied service members by this toxic waste pollution is still being assessed. Unfortunately, while it is being assessed, people are dying.

HR 2127, in an effort to stem the bleeding, provides medical coverage to victims of toxic exposure. One strength of this bill is does not have a beginning date. HR 2372 on the other hand only covers veterans who served after August 2, 1990. All three bills cover a wide range of toxic exposures including radiation, PFAS, asbestos, depleted uranium, and herbicide. The legislative history should reflect that bill does not apply just to burn pits but to all forms of toxic exposure.

MVA also welcomes the requirement that the Secretary respond within 60 days to the recommendations of the National Academy of Sciences, Engineering and Medicine (NASEM) to add diseases to the presumptive coverage list. As the

Committee knows, the VA has taken the approach of stonewalling these recommendations. That led to the inclusion of three herbicide presumptive diseases in the 2021 National Defense Authorization Act (NDAA) and the need to cover an additional presumptive as evidenced by Congressman Harder's HR 1972, which MVA also supports.

Including a Toxic Exposure Research Committee along with its annual report to Congress, is an important provision of this bill. MVA has proposed similar legislation with broader scope in the past, however we believe that this Commission is an important step towards reaching the goal of identifying toxic exposure in its early stages and implementing preventative measures. This approach will save lives and be more economical than the current "catch-up" we are playing now. MVA does suggest DOD involvement as necessary to ensure that problems associated with toxic exposure are detected and corrected.

The weakness of HR 1927 is that it only provides for medical care and not compensation. HR 2372 corrects this deficiency by also provided for disability compensation and survivor benefits. This is necessary since veteran victims are often forced to leave the work force decades before the average American. Often spouses are also required to quit employment to act as caregivers. This results in a lower standard of living for the veteran victim and his family. Compensation will help alleviate this predicament.

One of the strengths of HR 2372 is the use of deployment awards to define eligibility to toxic exposure. This successfully narrows the focus to those who served in areas where toxic exposure was prevalent. The bill also provides a wider list of diseases than HR 2127, but more important, allows for an expanded ability to make changes. While HR 2127 requires the Secretary to respond to recommendations from NASEM, HR 2372 expands the list of "interested parties" to include veterans' service organizations, other veterans' groups, collective bargaining agents, medical associations or state and local governments. This expansion just makes sense as does the requirement that the Secretary respond to Congress and in the Federal Register.

HR 2372 also strengthens the relationship and codifies requirements for cooperation between the Secretary and NASEM. The relationship between the two worked well under the original Agent Orange Act and HR 2372's provisions work to restore that relationship for more recent toxic exposure issues.

Our allies in Australia have often taken a proactive approach to toxic exposure. It was the Australians who detected the exposure of Blue Water Navy to herbicides

by tracking the health of all their veterans and thereby discovering clusters of diseases and disabilities quickly. At best, the United States has been reactive, not proactive when it comes to the identification of victims of military toxic exposure. This needs to change. These bills are important first steps in making that change and they have the wholehearted support of MVA and our members.

This should not be a case of choosing one bill over the other. They complement each other well. MVA urges the Committee to merge all three bills into one emphasizing the strengths of each.

### **HR 2436 Veterans Burn Pits Exposure Recognition Act of 2021**

MVA supports this legislation however notes that it could be merged with the TEAM and Warfighters bills.. This bill will concede exposure to airborne hazards and toxins from burn pits under certain circumstances. It has long been said that burn pits are the Agent Orange of the 21<sup>st</sup> Century. Unfortunately, our combat forces put expediency over safety and utilized burn pits even when environmentally friendly incinerators were available. Today we see the best of our youth who willingly served in Iraq and Afghanistan wracked with cancers and lung disorders as a direct result of burn pits. We cannot undo the damage, but we can take care of our heroes, both medially and financially. We believe HR 2436 is a step in the right direction.

### **HR 2530 Enewetak Atoll Cleanup Radiation Study**

MVA supports HR 2530. The VA and DOD has stonewalled benefits for these suffering veterans for far too long. It is time to get to the bottom of the issue and provide medical treatment and compensation for these unsung heroes of Atmospheric Testing.

### **HR 2580 Palomares Veterans Act of 2021**

This bill will provide for annual cost-of-living adjustments to be made automatically by law each benefit for those veterans who engaged in cleanup in and around Spain as a result of the tragic mid-air collision and the release of four thermonuclear bombs. Although there was no nuclear detonation, there was radioactive leakage resulting in radiation sickness by veterans involved in the decontamination. MVA heartily supports this bill.



**HR 2742 PFAS Registry Act of 2021**  
**HR 28256 Fort McClellan Health Registry Act**

MVA supports the establishment of both registries.

**Conclusion**

MVA is impressed by the wide range of bills pending before the Committee. On behalf of our membership, we would like to extend our thanks to the Chairman, Ranking Member, and remaining Committee members for the opportunity to comment on this legislation.

A handwritten signature in black ink, appearing to read "John B. Wells", is centered on a white rectangular background.

John B. Wells  
Commander USN (retired)  
Chairman

# JOHN BENNETT WELLS

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## EDUCATION:

Duquesne University School of Law, Pittsburgh Pa. J. D. conferred June, 1994,  
Activities: *Duquesne Law Review*, *Duquesne Business Law Journal*, *Juris Magazine*.

Prospective Commanding Officer's School, Commander Naval Reserve Force, NewOrleans,  
LA, December 1989.

Prospective Executive Officer's School, Surface Warfare Officer's School Command,Newport RI,  
October-December 1987.

Nuclear Weapons Employment, Fleet Training Center, North Island CA, May 1981.

Sealed Authentication System School, Fleet Training Center, North Island CA, May  
1981.

Department Head School, Surface Warfare Officer's School Command Newport RI, Sep1980-  
April 1981.

Amphibious Warfare Planning, Amphibious Warfare School, Little Creek VA, October  
1976.

Introduction to Amphibious Warfare, Amphibious Warfare School, Little Creek VA,October  
1976.

Basic Anti-Submarine Warfare, ASW School, Newport RI, August 1976.

Combat Information Center Officer School, Fleet Combat Direction Training Center,Dam Neck  
VA, March 1975.

1200 psi Main Propulsion Assistant School, Navy Destroyer School, Newport RI, April-June 1974.

Boiler Feed Water Test and Treatment Certification/Recertification, Navy Destroyer School,  
Newport RI, 1974 and 1976, Fleet Training Center Pearl Harbor HI 1982, Fleet TrainingCenter, Norfolk  
VA 1987.

Navy Officer Candidate School, Newport RI 1972-1973.

Sangamon State University, Springfield, Ill., B. A. Degree conferred March, 1973 Lincoln Land

Community College, Springfield, Ill., No degree 1969-1971.

### EMPLOYMENT HISTORY

**2013 - Present.** Pro bono Executive Director, Military-Veterans Advocacy, Inc., (MVA) (2012-2019) and Chairman of the Board (2019-present) a non-profit 501(c)(3) organization dedicated to advocating for active duty and military members. This organization provides legal services, education and defense to members of the armed forces, counseling, education and assistance to veterans in obtaining veterans benefits and advocating for legislation on the federal, state and local level to benefit veterans. MVA also defends the religious rights of members of the armed forces. As Executive Director, met with various Congressional staffs on legislation beneficial to service members and veterans. Advocated for the adoption of the Blue Water Navy Vietnam Veterans Act and the Toxic Exposure Research Act. Completed an analysis of the proposed Military Justice Act of 2016 for Congressional committees. Prepared analysis on the Veterans Affairs appellate backlog problem. Initiated additional federal court litigation to protect the rights of those who serve or have served in the armed forces. Litigated in various federal courts resulting in the recognition of benefits for tens of thousands of military veterans. Worked with other veterans' groups to promote awareness of military and veterans issues. Presented Continuing Legal Education seminars on veterans' law for attorneys. Assisted with the formation of Toxic Veterans Coalition and Operation Stand Together. Conducted fundraising drives and addressed interested groups on matter concerning the organizations' goals. Frequent interviewee on radio, television and in the print media. Testified before the Veterans Affairs Committee of the United States Senate and the Veterans Affairs Committee of the United States House of Representatives. Conducted seminars for veterans and service organizations and Continuing Legal Education courses for attorneys. Submitted written testimony to both the House and Senate Veterans Affairs Committee. Instrumental in establishing a local Veteran's Treatment Court.

**2010 - 2013.** As pro bono Director of Legal and Legislative Affairs for the Blue Water Navy Vietnam Veterans Association, a 501(c)(3) nonprofit corporation, reviewed all legal documents on behalf of the Association and recommended appropriate action to the Executive Director. Worked with the corporate board to develop strategies for federal legislation to promote veterans coverage of Agent Orange exposure by Navy veterans during the Vietnam War. Represented the Association in personal contacts with United States Senators, Members of Congress and their staffs in drafting and encouraging the adoption of appropriate legislation. Met with the permanent majority and minority Veterans Affairs Committee staffs in both Houses of Congress to advance legislation. Worked with various staffs to draft and introduce S. 1629 and HR 3612 in the 112th Congress and HR 543 and HR 1494 in the 113<sup>th</sup> Congress. Represented the Association in meetings with the Department of Veterans Affairs and various veterans groups including the American Legion, The Military Coalition and Fleet Reserve Association. Testified before the Institute of Medicine, the House Veterans Affairs Committee and provided

presentations on the Blue Water Navy Vietnam Veterans Association and other veterans issues to numerous groups including events sponsored by the Louisiana Bar Associations and the John Marshall School of Law.

**1994 - present.** Sole practitioner in the Law Office of John B. Wells based in Slidell, Louisiana. Represents military clients of all services in courts-martial trials and before administrative bodies including records correction boards and veterans courts. Represented veterans at all levels of the process including the Board of Veterans Appeals and the Court of Appeals for Veterans Claims.

Acted as counsel for military members and veterans in various federal courts and other federal adjudication proceedings including the Merit Systems Protection Board, the EEOC and military tribunals. Defended clients before state courts in St. Tammany, St. Bernard, Washington and Jefferson Parish. Member of the Conflicts Panel for the 22<sup>nd</sup> Judicial District Court Indigent Defender Office pre-Katrina. Operates a successful civil and criminal practice in the 22<sup>nd</sup> and 24<sup>th</sup> Judicial Circuit and the Civil District Court as well as federal courts with emphasis on employment law, personal injury and federal tort claims.

**1989-1994.** Commanding Officer of the Navy and Marine Corps Reserve Readiness Center. Pittsburgh PA and during 1992-1993 also the Commanding Officer of the Naval Reserve Center McKeesport, PA. Responsible for the training and administrative support for over 1000 reservists including the development of tactical and propulsion engineering courses. Provided training support to four smaller “feeder” Reserve Centers. Conducted officer training in all aspects of surface warfare. Supervised construction of new Center and consolidation with the McKeesport Center. Special court-martial convening authority for active duty and reserve personnel. Responsible for the manning requirements of the active duty staff and reserve units. Acted as contracting officer for small purchases and responsible for budget execution. Rank: Commander (O-5).

**1987-1989.** Executive Officer of the *USS Puget Sound* (AD-38), a Combat Logistics Force ship responsible for the repair and maintenance of other ships. While onboard, completed shipyard overhaul and refresher training. Deployed to the North Atlantic as part of a NATO exercise.

During this two month deployment was responsible for interfacing the ship with both United States and allied Navies and providing maintenance support for ships from national and allied Navies. The ship also deployed to the Mediterranean, the Indian Ocean and the Persian Gulf. Responsible for ship wide budget execution. Responsible for ship wide manning and the acquisition and training of qualified personnel prior to deployments. Supervised 40 officers and approximately 1150 enlisted personnel. Rank: Commander (O-5).

**1987.** Main Propulsion Assistant and for several months Acting Chief Engineer for the pre-commissioning crew of *USS Wisconsin*, (BB-64), a reactivated Battleship. Responsible for ship’s force training and the monitoring of the engineering rehabilitation of the Battleship. Acted as Chief Engineer until the assignment of the permanent officer. Transferred upon selection to Commander (O-5). Rank: Lieutenant Commander (O-4).

**1984-1987.** Naval Reserve Force Ship Coordinator for Commander Naval Surface Reserve

Force. Responsible for the operation and scheduling of nineteen ships of the Naval Reserve Force. Monitored manpower and training requirements and provided support as needed. Rank: Lieutenant Commander (O-4).

**1982-1984.** Chief Engineer of the *USS Worden* (CG-18), a missile cruiser. Responsible for the operation and maintenance of the ship's propulsion system, electrical distribution system, water distribution, damage control and auxiliary equipment (including the ship's distilling system). Provided support to the ship's combat systems. Deployed to the Western Pacific, Indian Ocean and North Arabian Sea. Responsible for departmental budget execution. Supervised five officers and approximately 140 enlisted personnel. Rank: Lieutenant Commander (O-4).

**1982.** Chief Engineer of the *USS Badger* (FF-1071), a frigate. Appointed Chief Engineer when predecessor detached for cause several weeks before the scheduled "Light Off Exam." Responsible for the operation and maintenance of the ship's propulsion system, electrical distribution system, water distribution, damage control and auxiliary equipment (including the ship's distilling system). Guided ship through successful "Light Off Exam" and "Operational Propulsion Plant Examination." Responsible for departmental budget execution and personnel management. Supervised three officers and approximately 80 enlisted personnel. Rank: Lieutenant Commander (O-4).

**1981-1982.** Operations Officer, of the *USS Badger* (FF-1071), a frigate. Prior to the shipyard overhaul coordinated the ship's operations and training schedule including operations and exercises with allied ships as part of the RIMPAC exercises and later with ships of the Royal Australian Navy. During the ship's overhaul acted as the ship's coordinator and responsible for the repair and rehabilitation of all equipment including propulsion engineering, auxiliary and combat systems. Responsible for departmental manning and budget execution. Supervised two officers and 40 enlisted personnel. Rank: Lieutenant (O3)/Lieutenant Commander (O-4).

**1978-1980.** Commanding Officer, of Naval Reserve Center, Huntington VA. Responsible for the training and administrative support for over 200 reservists including the development of tactical and propulsion engineering courses. Responsible for the manning requirements of the active duty staff and reserve units. Acted as contracting officer for small purchases and responsible for budget execution. Rank: Lieutenant (O-3).

**1977-1978.** Assistant Operations Officer, of the *USS Coronado* (LPD-11), an Amphibious Transport Dock. Responsible for assisting the Operations Officer in the support of amphibious operations and the scheduling of ship's exercises. Participated in national and NATO exercises during a Mediterranean deployment. Rank: Lieutenant (O-3).

**1977.** Chief Engineer of the *USS Coronado* (LPD 11) an Amphibious Transport Dock. Appointed Chief Engineer when predecessor asked to be relieved. Responsible for the operation and maintenance of the ship's propulsion system, electrical distribution system, water distribution, damage control and auxiliary equipment (including the ship's distilling system). Guided ship through successful "Operational Propulsion Plant Examination." Responsible for

departmental manning and budget execution. Reassigned as Assistant Operations Officer when predecessor's numerical relief reported aboard. Supervised 4 officers and approximately 70 enlisted personnel. Rank: Lieutenant (O-3).

**1976-1977.** Main Propulsion Assistant of the *USS Coronado* (LPD 11) an Amphibious Transport Dock. Responsible for the operation and maintenance of the ship's propulsion system, water distribution and some auxiliary equipment (including the ship's distilling system). Supervised approximately 70 enlisted personnel. Rank: Lieutenant (Junior Grade) (O-2) /Lieutenant (O-3).

**1974-1976.** Main Propulsion Assistant of the *USS Holder* (DD 819) a Destroyer. Responsible for the operation and maintenance of the ship's propulsion system, water distribution and some auxiliary equipment (including the ship's distilling system). Supervised approximately 60 enlisted personnel. Rank: Ensign (O-1)/ Lieutenant (Junior Grade) (O-2).

**1973-1974.** Program Assistant at the Navy Safety Center, Norfolk, VA. Co-ordinated traffic accident reports, analyzed data and traveled in support of shore safety programs. Rank: Ensign(O-1).

**1970-1972.** Clerical Employee, for the Illinois State Police District #9. Analyzed traffic accident data and provided information to the sworn officers. Co-ordinated the District's Traffic Information Planning System.

### **MILITARY QUALIFICATIONS**

Command at Sea (not assigned)

Navigator

Mechanical Engineering Subspecialist (based on significant experience)Surface

Warfare Officer

Tactical Action Officer Engineering

Officer of the WatchOfficer of the

Deck (underway)

Combat Information Center Watch Officer

Command Duty Officer,

### **SIGNIFICANT PUBLISHED CASES**

*Reyes v. Sazan*, 168 F.3d 158 (5<sup>th</sup> Cir. 1999).

*Lawrence v. McCarthy*, 344 F.3d 467, (5th Cir. 2003).

*Forbes v. United States*, 61 M.J. 354 (C.A.A.F. 2005).

*Strickland v. United States*, 69 Fed.Cl. 684 (2006)

*State of Louisiana v. Captain Robert Malone, JA, Louisiana Army National Guard*. 28 So.3d 1050, 2009-0060 (La.App. 1 Cir. 9/18/09)

*(N G) v. United States*, 94 Fed.Cl. 375 (2010).

*House v. United States*, 99 Fed.Cl. 342 (2011).

*Caldbeck v. United States*, 109 Fed.Cl. 519, 2013 WL 867879 (2013).

*Havens v. Mabus*, 759 F.3d 91 (D.C. Cir. 2014).

*Foster v. Mabus*, 103 F.Supp.3d 95, D.D.C., May 12, 2015.

*Procopio v. Wilkie*, 913 F.3d 1371 (Fed. Cir. 2019)

**ADMITTED TO PRACTICE BEFORE THE  
FOLLOWING COURTS**

Supreme Court of the United States

Supreme Court of the State of Louisiana

Supreme Court of the Commonwealth of Pennsylvania

Court of Appeals of the District of Columbia

United States Court of Appeals for the Fifth Circuit United

States Court of Appeals for the Federal Circuit

United States Court of Appeals for the District of Columbia CircuitUnited

States Court of Appeals for the Armed Forces

United States Navy-Marine Corps Court of Criminal Appeals

United States Army Court of Criminal Appeals

United States Air Force Court of Criminal Appeals

United States Court of Appeals for Veterans Claims

Department of Veterans Affairs

United States Court of Federal Claims

United States District Court for the Western District of Pennsylvania United

States District Court for the Western District of Louisiana United States

District Court for the Middle District of Louisiana United States District

Court for the Eastern District of Louisiana United States District Court for

the Northern District of Texas United States District Court for the

Southern District of Texas United States District Court for the District of

Columbia

### **PRESENTATIONS**

*Military Commissions*, Slidell Rotary Club, Slidell, LA June 2004

*Servicemember's Civil Relief Act*, Slidell Bar Association, Slidell, LA August 4, 2004

*Veterans Law*, Louisiana State Bar Association, Disability Benefits Seminar, Baton Rouge, LA February 18, 2005

*Nuclear Weapons 101 (Unclas)* Jericho Convention, Oakley Kansas September 15, 2007.

*Veterans Law*, Louisiana State Bar Association Disability Law Seminar, Baton Rouge LA March 12, 2008.

*Veterans Rights: The Rights of the Military Veteran*, Telecast by National Business Institute, March 12, 2008.

*Blue Water Navy Issues*. Institute of Medicine (IOM) Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides (Seventh Biennial Update), San Antonio TX June 19, 2008.

*Freedom of Expression, Rights and Remedies*, Foundation of Christian Military Ministries, Ft. Benning, Georgia, March 30, 2010.



*Blue Water Navy Vietnam Veterans and Agent Orange Exposure* Institute of Medicine, Board on the Health of Select Populations, Washington, D.C., May 3, 2010.

*Health Effects of the Vietnam War - The Aftermath*, United States Congress, House Committee on Veterans Affairs, Washington D.C., May 5, 2010.

*Agent Orange Benefits for Navy Veterans*, Bon Homme Richard Reunion, Baton Rouge, LA, September 10, 2010.

*Fighting for the Veteran: Understanding Service Connected and Non Service Connected VA Claims* Louisiana State Bar Association, *Navigating the Ocean of Disability Law*, April 1, 2011.

*Blue Water Navy Update*, John Marshall Law School Veterans Legal Support Center & Clinic, *Military Service and the Law: Issues of Justice and Dignity at Home and Abroad*, June 4, 2011.

*The Future of the Blue Water Navy Legislation*, American Legion Legislative Committee, American Legion Convention, Minneapolis, MN, August 27, 2011.

*Veterans Day Celebration*, St. Tammany Parish Veterans Memorial, November 11, 2012.

*Review of VA Responsiveness to Veterans*, Kiwanis Club, Mandeville, LA November 13, 2012.

*VA Claims Backlog*, Interview, Fox and Friends, Fox News Channel, April 2, 2013.

*Are US Vets Dying While Waiting for Benefits*, Fox and Friends, Fox News Channel, April 6, 2013,  
<http://video.foxnews.com/v/2281927482001/are-us-vets-dying-while-waiting-for-benefits/>

*Soldier punished for political beliefs*, Fox and Friends, Fox News Channel, June 9, 2013,  
<http://video.foxnews.com/v/2464941001001/soldier-punished-for-politics/>

*Interview by Sean Hannity*, Hannity Show, Fox News Channel, June 10, 2013,  
<http://video.foxnews.com/v/2470020153001/fnc-video/>

*Interview by Mike Huckabee*, Huckabee Radio Show, Media fire.com June 12, 2013,  
<http://www.mikehuckabee.com/cache/files/cdf51d4-e702-45db-9909-7591992c1477/John%20Wells.mp3>

*Interview by Mike Huckabee*, Huckabee Radio Show, Media fire.com, July 14, 2013  
<http://www.mikehuckabee.com/cache/files/862c9e1f-68f0-41ec-be67-97df915a7b2c/John%20Wells%207%2014%2013.mp3>

Interview by Mike Huckabee, Huckabee Radio Show, Media fire.com, August 21, 2013, [http://www.mikehuckabee.com/\\_cache/files/8cb1febf-931f-4050-9311-85e964b81c83/John%20Wells%208%2021%2013.mp3](http://www.mikehuckabee.com/_cache/files/8cb1febf-931f-4050-9311-85e964b81c83/John%20Wells%208%2021%2013.mp3)

*Comments on the Navy Yard Shooter*, Fox and Friends, September 18, 2013.

*Admissibility of Polygraphs in State and Federal Courts of Louisiana*, SlidellBar Association, January 2, 2014.

*Veterans Benefits Lag Behind Welfare*, Fox and Friends Weekend, February 8, 2014, <http://video.foxnews.com/v/3170986100001/veterans-benefits-lag-behind-welfare-payments/#sp=show-clips>

*Will vets and their families ever get justice?* Fox & Friends Weekend, May 18, 2014, [http://video.foxnews.com/v/3574118312001/will-vets-and-their-families-ever-get-justice/?#sp=s how-clips](http://video.foxnews.com/v/3574118312001/will-vets-and-their-families-ever-get-justice/?#sp=s%20how-clips)

Interview with J. D. Hayworth, America's Forum, on *Gray v. McDonald*, April 27, 2015, <http://www.newsmaxtv.com/live/show/AmericasForum/archive/?oid=ppMDlydDpYOUcVFg9QBut1m34srRO5jr>.

*Blue Water Navy Update*, USS Ponchatula Reunion, Ponchatula LA, May 15, 2015.

*Status of Blue Water Navy Legislation*, United States Navy Memorial, Washington, DC, May 23, 2015.

Interview with J. D. Hayworth, Newsmax Prime, *Blue Water Navy*, June 24, 2015, <http://www.newsmaxtv.com/shows/newsmax-prime/archive/?oid=dkbWt1dTq1hCI96Waw7zqbZjev1mWDwt>.

Webinar sponsored by Hill and Pontoon, *Will the VA Now Admit that You Were in BrownWater?* September 10, 2015, <http://www.hillandpontoon.com/blue-water-and-agent-orange/>

Testimony before the United States Senate Veterans Affairs Committee, *Examining the Impact of Exposure to Toxic Chemicals on Veterans and the VA's Response*, September 29, 2015, <http://www.veterans.senate.gov/hearings/exposures09292015>

Webinar sponsored by the Federal Bar Association, *Veterans Law Update*, November 12, 2015.

Interview by Ed Berliner, *Problems with VA*, The Hard Line, Newsmax TV, June 8, 2016, <http://www.newsmaxtv.com/shows/the-hard-line/archive/vid/BmeTUwNDE6D2bqFc5wJo5yvOMswgm4up/>

Testimony before the United States House of Representatives Disability and Memorial Affairs Subcommittee Legislative Hearing, April 5, 2017.

<https://veterans.house.gov/calendar/eventsingle.aspx?EventID=1667>

Presentation: *Fighting for the Veteran, How to Navigate the Minefield of VA Law*, Federal Practice Group, Washington DC, September 7, 2017.

Interview *Navy Veteran Declines Award at Saints Game Over Protest*, Fox and Friends, Fox News Channel, November 4, 2017.

[http://video.foxnews.com/v/5635216649001/?playlist\\_id=930909787001#sp=show-clips](http://video.foxnews.com/v/5635216649001/?playlist_id=930909787001#sp=show-clips).

Presentation: *Fighting for the Veteran, How to Navigate the Minefield of VA Law*, 22<sup>nd</sup> Judicial District Court Bar Association, November 10, 2017.

Presentation: Memorial Day keynote Speaker to various veterans groups, Bogulusa, LA, May 28, 2018.

Presentation: *The Blue Water Navy Saga*, Federal Bar Association Veterans and Military Law Section, University of Montana Law School, March 20, 2019..

Presentation: *How to Navigate the Minefield of VA Law: Introduction to Discharge Upgrades and VA Benefits*, Southeast Louisiana Legal Services, April 12, 2019.

Presentation: *Blue Water and Burn Pits*, Secretary of the Navy Retiree Advisory Council, Washington, DC August 14, 2019.

Presentation: *Blue Water Navy and the VA*, Military-Veterans Advocacy sponsored Continuing Legal Education, Tampa Florida, February 1, 2020.

Presentation: *Blue Water Navy and the VA - Agent Orange Benefits in the Wake of Procopio v. Wilkie and the Blue Water Navy Vietnam Veterans Act of 2019*, New York State Division of Veterans' Services, Virtual Presentation, April 28, 2020

Presentation: *Herbicide Exposure and the VA*, Military-Veterans Advocacy sponsored Continuing Legal Education, Alexandria VA, June 30, 2020.

Presentation: *Military Toxic Exposure - Self Inflicted Wounds*, Virtual Presentation, December 16, 2020.

### **PUBLICATIONS:**

*A Safety Valve for the Court-Martial System*, The Virginian Pilot, May 19, 2013.

*To solve the VA appeals problem, get rid of the hamster wheel, [The Hill](#), Jan 5, 2017.*

*The Perils and Pitfalls of Privatization of the VA, [The Hill](#), January 10, 2017.*

*VA leaving Navy veterans adrift in a sea of agent orange, [The Hill](#), January 22, 2017.*

*VA Appeals Bill strips due process from veterans , [The Hill](#), June 5, 2017.*

*It's Time for Congress and the VA to address victims of military toxic exposure, [The Hill](#), June 14, 2017.*

*In North Korea we must pray for peace but prepare for war, [The Hill](#), July 6, 2017.*

*Here Is Why I Turned down the NFL People's Health Choice Award, [The Hill](#), November 8, 2017.*

*We have a duty to take care of our veterans, but we're letting them die. [The Hill](#), November 16, 2017.*

*In defense of Secretary Shulkin - a great leader and problem solver. [The Hill](#), March 27, 2018.*

*On paper, Wilkie is the perfect candidate for VA secretary, but his qualifications go further, [The Hill](#). July 15, 2018.*

*It's time to provide benefits to Vietnam Navy veterans, [The Hill](#). July 30, 2018.*

*Veterans Have Been Deprived of Their Benefits for Two Decades, [The Hill](#). November 28, 2018.*

*As It Applies to Veterans, It is Time for PAYGO to Go, [The Hill](#). January 24, 2019.*

*Trump's Intervention on Military Justice System Was Lawful and Proper, [The Hill](#). December 11, 2019.*

## **ORGANIZATIONS**

St. Tammany Republican Party Executive Committee (2016-2020) Military

Officers Association of America (Life Member).

Judge Advocate's Association (Life Member).

American Legion Post 374, Slidell LA (2003-present).

Fleet Reserve Association (Life member).

Veterans of Foreign Wars Ozone Post 5735, Slidell, LA (Life Member).

United States Naval Institute (Life Member).

Vietnam Veterans of America (Life Member).

Association of the United States Navy (Life Member) (Board of Directors 2019-present).St.

Tammany Parish Government, New Direction 2025, Chairperson of the Implementation Committee. 1999-2001.

St. Tammany Parish Chapter Alliance for Good Government 1999-2013. Chapter Vice President 2001, Chapter President 2007-2011.

St. Tammany Parish Right to Life 2005-present. V-P 2008-2011. President 2011-2015.

East St. Tammany Parish Chamber of Commerce Public Policy Committee 1997-2019.

Commissioner, Louisiana Naval War Memorial Commission. 2016-Present.

American Bar Association 1994-2009.

Louisiana State Bar Association 1995-present.

Federal Bar Association 1996-present. (Veterans Military Law Section Board 2018-present).

St. Tammany Parish Government, St. Tammany Veterans and Military Advisory Council, 2012-Present, (Legal Advisor 2012-2016).

22<sup>nd</sup> Judicial District Court, Veterans Treatment Court, Mentor Coordinator 2017.

