

CAMP LEJEUNE WATER CONTAMINATION LITIGATION
ELECTIVE OPTION ANALYSIS

The Navy and Justice Department announced a new settlement offer to qualifying Camp Lejeune claimants on September 6, 2023. Known as the “Elective Option” or “EO,” the offer allows claimants to receive a payout faster than having to fight the government in court for what could be years with no guarantee of success. To better understand what the EO means for those injured by the contaminated water at Camp Lejeune, we analyzed several law firms’ combined client data (*with permission*).

In a data set of
11,237
Camp Lejeune clients,

5,260 (46.8%)
met the EO latency
and onset criteria.

Are claimants living on borrowed time?

Average age of
qualifying individuals

 **62.6**

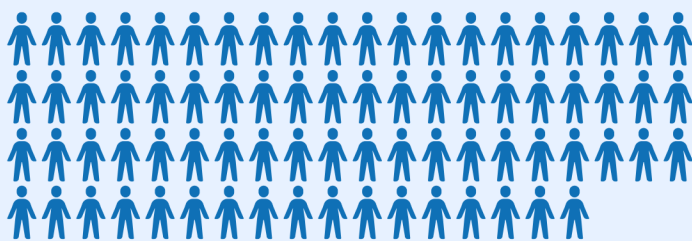
 **50.3**

Average age of death for those
with wrongful death claims
related to the contamination

**1,423
(12.6%)**
also met the EO injury
criteria, thereby
qualifying for an EO
settlement.

Of the EO-qualifying claimants:

1,097 do not meet the ATSDR-defined
exposure criteria.



Average EO settlement offer for
individuals in this group with Tier 1
disease: \$250,000

326 meet the ATSDR-defined
exposure criteria.



Only 22 (6.7%)
qualify for the top
settlement amount
of \$450K.

Average EO settlement offer for
individuals in this group with
Tier 1 disease: \$238,651

CONSIDERATIONS:

If Clients Decline EO:

- Will need to prove exposure outside of ATSDR standards (did not live at Tarawa Terrace or Hadnot Point or work at Holcomb Blvd. during recognized stress periods)

If Clients Accept EO:

- VA benefits unaffected
- No VA offset or lien applied
- Less evidentiary requirements
- Money paid quickly

If Clients Decline EO:

- Have the option to continue on administrative path under CLJA and/or file case in EDNC

Why did 5,977 claimants (53.2%) fail to qualify for the EO?

These claimants
met the EO
diagnosis
requirement, but
failed the onset
& latency test.



4% fail because
diagnosis
occurred after
12/10/22.

70% fail because
diagnosis/first
treatment happened
outside of 35 years.

26% fail because
diagnosis/first
treatment happened
inside of two years.



THE BOTTOM LINE:

The EO may be the best choice for some individuals; however, it will not bring relief to a substantial amount of claimants. SimplyConvert estimates the EO to be the most beneficial option for around 10% of the overall Camp Lejeune claimant population. Attorneys will need to closely examine each client’s situation to advise on which path is in the client’s best interest.