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Fairchild C-123K
"Provider"

1972-1982

Government Misconduct re: *Docket 06-42-315*
Veteran Aaron Olmstead (23 Aug 2007), Judge S. Cohn

United States Air Force Withheld Evidence of Agent Orange Exposure

Major Wesley T. Carter, USAF Retired
Medical Service Corps

2349 NW Nut Tree Lane
McMinnville OR 97128
13 July 2011

The Honorable Eric K. Shinseki
Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Honorable James Terry, Judge and Chairman
Board of Veterans' Appeals
811 Vermont Avenue, North West
Washington, DC 20420

Dear Mr. Secretary and Your Honor,

On 23 August 2007 Judge Stephen Cohn denied service connection to the late veteran Lieutenant Colonel Aaron Olmstead (*Docket No. 06-42 413*, also referenced as *C28 107-548*, attached). An injustice occurred because evidence for Colonel Olmstead's claim was withheld from him.

Judge Cohn cited the veteran's failure to offer "competent evidence that the veteran was exposed to herbicides during service." Referring to Colonel Olmstead's claim that C-123K/UC-123K "Provider"* airplanes which Olmstead flew were contaminated with Agent Orange, Judge Cohn continued:

"While these planes may be of the type that were used in Vietnam to dispense Agent Orange from 1962 to 1971, there is no evidence that any of the planes on which the veteran flew dispensed Agent Orange in Vietnam or that there was any residual Agent Orange on the aircraft the veteran served on. Further, the veteran has not submitted any evidence that any of the planes on which the veteran served on. Further, the veteran has not submitted any evidence substantiating his contention that there was any residual Agent Orange material on the aircraft he served on. His assertion, standing alone, is not sufficient to show he had actual exposure to Agent Orange, years after it was used in Vietnam."

I bring to the Secretary's and the Chairman's attention the fact that, while the Department of Veterans Affairs and Attorney Steven D. Reiss, DVA counsel in the appeal, and Judge Cohn certainly did not know of it (although it would have taken them only minutes on the Internet to uncover), the evidence from official military documents missing for Colonel Olmstead's just, and likely successful appeal was well known to the Department of Defense and the Department of the Air Force. It was

well-known and the subject of decades of frequent correspondence between Air Force company-grade officers, field grade officers, general officers, and senior civilian officials, members of the Judge Advocate General Corps, the Medical Corps and the Biomedical Sciences Corps, as well as the Agent Orange Consultant to the Office of Secretary of Defense, and attorneys from the General Services Administration.

This evidence was withheld from the veteran, his counsel and Judge Cohn, by both deliberate action and failure to act, by the Air Force the GSA, and senior officials within the Office of Secretary of Defense. This evidence, necessary to satisfy the veteran's proof of eligibility and cited by Judge Cohn as the reason for denial, was abundantly existent prior to Colonel Olmstead's application and appeal. I would like to offer to you gentlemen proof of my statement in the following pages, in a generally chronological order.

Because such evidence was well-established by the Air Force itself, and was also known and used by other agencies such as the General Services Administration (see *GSBCA 14165*, 22 Sept 2000), it is clear that a profound miscarriage of justice has occurred to Colonel Olmstead and probably other veterans in similar circumstances. The government had its own experts' tests, conducted over many years by many different agencies, readily available but took active measures to prevent availability of this evidence to Colonel Olmstead.

Further, as the Department of Veterans Affairs has a duty to assist veterans in preparation of their claims, any knowledgeable service officer (or court officer) could easily have Googled this information (which began to be made public in the late 1990's) to provide Colonel Olmstead the proofs needed. This is perhaps what Congress had hoped for in establishing such a requirement to assist. Assisting veterans is not my profession, but it took me as a non-professional lay person under an hour to Google everything necessary to establish Colonel Olmstead's exposure to the specific aircraft tail numbers which the veteran flew and which known to the Air Force to be, in the words used by Air Force test laboratories' C-123 toxicity reports, "heavily contaminated, extremely dangerous, extremely hazardous, extremely contaminated."

1972 - 1982

Colonel Olmstead flew the C-123K while assigned to the 731st Tactical Airlift Squadron, Westover AFB, Ma, between the years 1972 and 1982, at which time all the aircraft were deemed surplus and retired to Davis-Monthan AFB's "Boneyard", with a handful diverted to aviation museums. The veteran's squadron had a total of 25 different C-123K assigned, usually sixteen at any one time.** The most famous of the aircraft in the 731st inventory was Tail Number 362 "*Patches*", flown to

the National Museum of the Air Force in 1982, and which, along with Colonel Olmstead and on the same missions, I flew as a flight instructor and later, Stan/Eval flight examiner. In the ranking of professional military and aeronautical competence, a Stan/Eval flight examiner is considered by the Air Force as one of the most knowledgeable, responsible and expert flyers within the service in his particular crew position.

1993

In 1993 the Museum sought to bring *Patches* indoors and ordered required environmental tests as it was known that the plane had been used in Vietnam for spraying Agent Orange. The Air Force test results, completed by the base and contracted expert firms, reported the aircraft “heavily contaminated” at which point the aircraft was sealed to prevent unsafe access by the staff and the public. The National Museum of the Air Force would eventually spend over \$50,000 with a specialty decontamination firm to reduce the level of dioxin contamination so that limited staff and visitor appearance, on special occasions, might be allowed. *Patches* remains, however, behind rope barriers to restrict the public from contact with it, and in the Vietnam-era portion of the facility.

Specific, deliberate, and eventually, deceptive actions were taken by individuals in the Air Force as various tests were circulated in different commands as testing was completed on *Patches* and the other C-123K/UC-123K Providers and over the years as the fleet moved towards its “final solution”.

1994

Air Force officials outside the Office of Environmental Law and outside Davis-Monthan Air Force Base also knew about dioxin contamination of the aircraft’s contamination lingering from the last spray mission over Vietnam. Including the Armstrong Laboratory, which on 19 Dec 1994 provided a memorandum to medical officials at Wright-Patterson AFB concerning *Patches*. Their testing of *Patches* resulted in a series of “swipe samples” every one of which was positive for the presence of dioxin. Subsequently a qualified commercial testing laboratory was contracted to analyze further swipe tests. One description of those test results was offered that said one year of working 250 days in and around the aircraft would be acceptable only as a lifetime measure. The commercial lab confirmed the base test results with the conclusion that the aircraft was “heavily contaminated with PCDDs.” The lab’s experts joined with base health officials and recommended access to *Patches* only by personnel wearing protective Tyvek coverall hazmat suits, full-faced high efficiency particulate air filters followed by decontamination. In general, it further

recommended safety and environmental precautions similar to controls implemented during an asbestos removal project.

I am sure the Secretary and Judge Terry are aware that Colonel Olmstead and all of the rest of us assigned to the 731st TAS and the 74th AES wore only standard Nomex flight suits during the hundreds of hours we flew the Provider and the thousands upon thousands of hours we spent working on the airplane on the ground, loading it, unloading it, conducting static training, eating our flight lunches, orienting new crews, hosting air shows, dropping paratroops and cargo, repairing it, and on occasion, during tactical deployments, even frequently sleeping on the floor of it overnight.

Aircrews did not wear respirators. Aircrews did not decontaminate...some ground personnel suggest we rarely bathed. We did not know that several of our aircraft, although identified in base-level documentation as having been previously used in Vietnam for Agent Orange and Operation Ranchhand, remained contaminated. Certainly we did not know that our airplanes would, twenty years later, continue to test so toxic as to be described by Colonel Wade Weisman, Staff Toxicologist at Armstrong Labs/Brooks AFB, as “heavily contaminated.”

But the Air Force, at this point in time of December 1994, **did** know and did begin to increase its body of knowledge concerning C-123 toxicity and **did** begin to surface in the number of officers who knew of the toxicity. Officers of professional corps (Biological Service Corps and Medical Corps) **did** know, and **did** inform officials in many different facilities.

For some reason, however, no alert, no health safety advisory or other guidance, and no information at all about dioxin was ever provided to the aircrews who flew the aircraft in 1972-1982, before this testing...and those aircrews included flyers like me and like Colonel Olmstead. Colonel Olmstead, who piloted the Provider between 1972 and 1982, twelve years before any testing was done (and at a point in time where the half-life of dioxin not yet degraded by more than 50% the toxin to the still “heavily contaminated” levels tested in 1994), flew aircraft which he did not know at the time were contaminated, which the Air Force knew by 1994 to be contaminated, and which Colonel Olmstead believed to be contaminated when he applied in good faith for service connection for Agent Orange-presumptive illnesses, only to have his appeal denied in 2007.

1996

The Air Force continued to accumulate test results once the initial toxicity discovery was made in 1994, all of which continued to describe the stored C-123K/UC-123K at Davis-Monthan as contaminated with

Agent Orange residue and dioxin. Air Force correspondence between bases and MAJCOMs continued to describe the aircraft as “contaminated” and as having “Agent Orange” present. On 5 Dec 1996, Mr. Ralph Schoneman, Executive Director of HQ AMARC, informed HQ/AFMC via memorandum “*Subject: Disposition of Dioxin Contaminated C-123 Aircraft*”, that “our current inventory of C-123s is 21. Eighteen are the contaminated aircraft in question.” He further informed HQ/AFMC that two of the contaminated aircraft had been loaned to museums in Wisconsin and Arizona, via an appended note titled “*Disposition of Dioxin Contaminated C-123K Acft*”. Actually, four aircraft were distributed to museums.

Brigadier General D. Haines, AFMC Director of Logistics, in his “for information only” response staff summary sheet dated 30 Oct 1996, raised questions about “legal liabilities associated with dioxin and if there are any acceptable clean-up criteria/procedures which would make it possible for the aircraft to be sold.” General Haine’s staff prepared a talking paper attached to his staff summary sheet noting that in August 1996, “AMARC provided funding to have swipe test samples taken from all C-123s. These were taken by D.O. Consulting and ALTA Corp on 17 aircraft. All samples tested positive for traces of dioxins.”

As the Secretary and the Judge already know, here is no safe threshold for dioxin...any measurable amount is unsafe. A reasonable conclusion, more likely than not, is that most if not all of the C-123K aircraft flown by Colonel Olmstead and other veterans of the 731st TAs, 74th AES and 901st OMS were Agent Orange/dioxin contaminated.

In response to General Haines’ correspondence, on 31 October 1996, the Office of the Command Surgeon HQ/AFMC prepared a memorandum from its Bioenvironmental Engineering Services Division (Major Lyn Gemppole, BSC), discussing “the basic problem of potential Dioxin contaminated from pesticide application in 1960-1970 time frame,” her obvious errors being dioxin was distributed in Agent Orange, an herbicide, and Ranch Hand continued into 1971. The memos attached to her memorandum to General Haines states “Unfortunately, it appears that there may be no successful methods to completely remove dioxin from aircraft.”

Unable to attend a meeting scheduled for 31 Oct 1996 at HQ/AFMC, Major Ursula Moul, Assistant Staff Judge Advocate Directorate of Environmental Law, advised her correspondent of her schedule conflict and stated that:

“different offices now state a concern about whether we have notified the purported purchasers of these aircraft of possible contamination. I do not believe we should alert anyone outside of official channels of this potential

problem...our potential liability is just too great, particularly when so few facts are known.

Her memorandum suggesting Walt Disney Films not be notified about their purchase of dioxin-contaminated C-123K aircraft (for movies) was noted "Concur" by Colonel John Abbott, Director of Environmental Law.

On 30 Dec 1996, the Office of the Staff Judge Advocate, Air Force Material Command, in a memorandum for Brigadier General Harris, AFMC/LG, Brigadier General Olan Waldrop, Staff Judge Advocate, wrote:

"the political risks, cost of litigation, and potential tort liability of third parties make FMS disposal of contaminated aircraft imprudent".

1997

On 8 Jan 1997 Major Ursula Moul, AFMC Office of Environmental Law Associate Judge Advocate, received a letter prepared by Ms Peggy Lowndes, Director of AMARC Property Management Division, informing Major Moul of inadvertent disposal of two surplus C-123K aircraft had been released for resale to Walt Disney Studios. Major Moul was told "that to the extent that the planes pose a genuine health or environmental threat, GSA of course is concerned that appropriate steps be taken to prevent any adverse impact." Ms Lowndes also made Major Moul aware that at least four contaminated C-123K aircraft had been discovered as loaned to air museums around the country, including *Patches* for the Air Force Museum. Earlier reports had mentioned only three.

In 17 Mar 1997 Major Moul wrote a prospective civilian purchaser of the surplus aircraft involved in *GSBKA 14165*, maintaining:

"Based on laboratory tests, we know that at least one of the several C-123 aircraft at (AMARC) at Davis-Monthan AFB, AZ, is contaminated with dioxin. Based on our comparison of tail numbers with mission records, we also know that at least three of the aircraft under your contracts with the GSA were used in Southeast Asia. More importantly, all of the aircraft under your contracts contain spray apparatus which indicates their use in defoliation operations and possible dioxin contamination.

The potential for human harm from dioxin contamination from these aircraft can be great, regardless of the use to which these aircraft may ultimately be put. There are currently no established state or federal remediation goals or acceptable clean-up levels with regard to dioxin."

We are confident that you can understand our overriding concern for safety and our inability to risk endangering human life."

Surplus aircraft at Davis-Monthan AFB's "Boneyard" are generally disposed of through resale, parting out, museums, transfer to other agencies and transfer to foreign governments. On 5 Oct 1997, advised by GSA and by AFMC of the dioxin problem, Colonel Howard Creek, Vice Commander of Headquarters, Air Force Security Assistance Center prepared a memorandum for SAF/IA, entitled *Potential Dioxin Contaminated UC-123K Aircraft Transferred Under the Military Assistance Program (MAP)*. He stated:

"The number of contaminated aircraft sold or transferred to foreign governments was noted by tail number and country, with the mention "may have been contaminated by residual pesticides/herbicides (including substances such as 2, 4-D, 2,4,5-T, and dioxin. Some of these aircraft may still be in use today and could represent a health hazard to their operators. We believe recipient countries should be informed; however, such a pol-mil decision best rests with your office. To date, this information has not been shared with either country or SAO personnel.

We believe the following countries may have received suspect aircraft: El Salvador, (South) Korea, Taiwan, and Thailand. Our sketchy records indicate that a number of the aircraft may have originally been targeted for Cambodia but were redirected to Thailand.

The issue came to HQ AFMC's attention upon the General Service Administration's (GSA) attempt to sell a number (*sic*) C-123 aircraft located at AMARC."

He concluded, stating that AMARC was being directed to relocate all remaining surplus C-123 aircraft to a fenced yard and sealed for long-term storage, and marked "hazardous materials...escort required."

1999

In January 1999, civilian employees of AMARC complained of possible chemical exposure while working on the stored C-123K and learned that the aircraft had earlier been tested positive for dioxin. Unable to reach resolution to their request to have Agent Orange exposure documented on their records, the employees, acting through their bargaining organization, filed an IG complaint, the resolution of which I was not provided when I was provided the documents via FOIA. It is mentioned here because the complaint was forwarded to the Office of the Air Force Surgeon General on 9 February 1999, with an instruction by Mrs. Judy Knight to Davis-Monthan SG to address the employees' concerns. Thus, the contamination of the C-123K was escalated to just below the office of Chief of Staff of the Air Force, a level of authority and responsibility which veterans might have expected to generate effective health and safety responses.

2000

On 22 September 2000, in *GSBCA 14165*, the General Services Administration and the Air Force together after great efforts successfully reversed the contracted sale of some surplus C-123K/UC-123K fearing the issue of dioxin residue because toxicity tests had been provided to the contracting officials. Together, they had submitted to Judge M. DeGraff multiple Air Force tests, including those done by the respected Armstrong Labs at Brooks AFB, which documented positive toxicity tests on the stored aircraft for presence of dioxin, even considering dioxin's surface half-life effects as much as twenty years following the last Agent Orange spray missions. The government, in *GSBCA 14165*, insisted the aircraft were too dangerous to be resold, scrapped, or used in any way. Judge DeGraff found for the government, agreeing "clearly the government ought not to have stood idly by and continued with the contract if unacceptable damage to the environment were [sic] foreseen."

From this, it should also be clear to BVA and DVA that if such toxic aircraft presented unacceptable damage to the environment due to dioxin those toxic aircraft were certainly far, far more dangerous to the aviators like Colonel Olmstead who flew them for the decade 1972-1982.

The C-123K itself was the environment in which Colonel Olmstead and aircrews like us lived and worked.

2003

On 31 July 2003, Mr. G. Cornell Long, Chief Health Risk Assessment Branch of the Air Force Institute for Operational Health (AFMC), generated a memorandum for OO-ALC/LCD, Attn Mr. Pitcher, subject "*Consultative Letter, IOA-RS-BR-CL-2004-0031, Cost Estimate for Sampling of C-123s for Dioxin.*" Mr. Long summarized the long history of the C-123 contamination issues, and made the point that his organization "identified several uncertainties in the analysis including unknown levels of contamination for individual planes" and the fact that "herbicide analysis was performed rather than dioxin analysis which may **underestimated** the actual amount." (emphasis added)

2009

Finally AMARC was pressured by a potential \$3,000,000,000 fine from regulatory agencies as well as the lingering worries about concluding the saga of the Provider. AFMC, Hill AFB, Utah and AMARC considered several alternates and requested the service of Colonel Alvin Young, PhD, USAF Retired and Consultant on Agent Orange, Office of the Secretary of the Air Force. On 26 June 2009 he submitted a memorandum titled "Decision Memorandum for Contaminated UC-123K Aircraft" to Mr. Jim

Malmgren of the 505th ACSS, Hill AFB, Utah. Dr. Young discussed the contaminated nature of the aircraft and their history, and stated:

“Recent actions by the National Institute of Environmental Health Sciences (NIEHS) and the US Environmental Protection Agency (EPA) have established that no level (zero tolerance) of TCDD should be considered safe. Moreover, the recent worldwide publicity associate with Agent Orange means that any continuing contamination reported in these aircraft will likely draw rapid and intense media coverage.

(He then describes an Agent Orange article by Prof. Ben Quick in *Orion Magazine*)

Although the *Orion Magazine* story received little media coverage, any new publicity on the aircraft may trigger a “storm” of articles that will eventually involve the health effects of previous aircrews and mechanics.

(By “aircrews”, he means Colonel Olmstead, me, and the members of our squadrons...we are the “previous aircrews” he refers to)

The Department of Veterans Affairs (DVA) now provides “presumptive compensation” (*sic*) for exposure to Agent Orange and other tactical herbicides (a term Dr. Young invented as an alternate to the public’s discomfort with “Agent Orange”) used in Vietnam. This “presumptive compensation” (*sic*) is no longer focused only on Vietnam veterans, but veterans who can claim exposure in other situations, e.g. testing of the herbicides or aircraft spray systems involving the tactical herbicides in CONUS and OCONUS locations. What this means is that a whole new class of veterans may claim that their exposure was due to the fact that they were members of aircrews or mechanics associated with the contaminated aircraft that returned (Dr. Young’s underlining) from Vietnam and are now located at Davis-Monthan AFB. The DVA provides presumptive compensation (*sic*) for such common conditions (in older men) of diabetes and prostate cancer, regardless of cause and effect.”

Concerning the projected media “storm”, Dr. Young recommended the immediate destruction of the remaining aircraft:

“particularly if this action is selected on the basis that these are old aircraft and have been in storage for many years. Because the destruction of these aircraft will likely involve some publicity, the media specialists at both Hill and Davis-Monthan AFB should be involved in discussion of the actions and should prepare carefully-worded statements for the media, if any inquiry should occur.”

Subsequently, various versions of the Hill AFB press release were approved only when prepared with words like “Agent Orange” and “contaminated” replaced with “herbicide” and old Vietnam-era airplanes”. This misleading word-smithing to make language itself

reflect a completely different situation than had occurred would offend any ethics, historical, environmental or journalism expert outside the military.

2011

In May 2011 veterans from the 74th AES and 731st TAS approached the Toxicology Department of Oregon Health Sciences University (OSHU) at the suggestion of the Oregon Department of Public Health. The question was asked, “given the multiple Air Force tests, are they to be considered generally accurate? Further, if accurate, does that mean the Reservists who flew the C-123K have been exposed to Agent Orange/dioxin, as the VA would define such exposure?” The response from OSHU was “most likely” regarding the flyers’ exposure, and they confirmed (as best can be done from report summations only, the conclusions of the Air Force various toxicology reports.

One experienced military aviator, after reading Hill’s final version of the press release after Dr. Young’s suggestions were inserted, wrote in an email posted 10 July 2011 that such a description about destroying dioxin-contaminated aircraft is the same as Hill trying to describe an aircraft crash as a “rapid airframe disassembly process.” Indeed, that kind of a press release following an actual crash would be labeled by any responsible public official or journalist...by any student of the English language...as a lie and deceptive in the extreme. The actual news, the legitimate truth to be dealt with by the press release was the shredding and smelting (for the first time ever) of dioxin-contaminated aircraft. The final wording was so evasive no member of the media...indeed, of the general public...should ever rely on the honesty and forthrightness of the 505th Public Affairs. “Bureau-speak, double-speak, prevarication” would be fair descriptions of this press release.

On 12 July 2011, Dr. Young, retired Air Force colonel and Agent Orange Consultant to the Office of Secretary of Defense, discussed media attention on his Agent Orange views in an email which the recipient released to the public:

"A sad commentary for blaming me. The Air Force did the right thing for the right reason in destroying those aircraft. It would have been a benefit to the tax payer to have sold those aircraft, but we all knew in time that the Air Reservists would seek presumptive compensation, and those aircraft would become the center of a social (not scientific) controversy, and never be used. The link just about says it all. The only reason these men prepared such a story is that they are hoping they can cash in on " tax free money" for

health issues that originate from life styles and aging. There was no exposure to Agent Orange or the dioxin, but that does not stop them from concocting exposure stories about Agent Orange hoping that some Congressional member will feel sorry for them and encourage DVA to pay them off. I can respect the men who flew those aircraft in combat and who made the sacrifices, many losing their lives, and almost all of them receiving Purple Hearts, but these men who subsequently flew them as "trash haulers", I have no respect for such free loaders. If not freeloading, what is their motive?

Conclusion:

Lieutenant Colonel Aaron Olmstead was the subject of an obvious injustice, one which was easily prevented by Air Force personnel not concealing vital health information from him. The information vital to this veteran's appeal to the BVA was not known to him because military JAG officers had recommended it stay within "official channels only."

Lieutenant Colonel Aaron Olmstead flew the C-123K aircraft while assigned to the 731st TAS, which flew a total of 26 aircraft, eleven of which have been confirmed to have been Agent Orange spray aircraft, and others *may* have been.* His application for service connection and the appeal results show no BVA challenge to this.

Lieutenant Colonel Aaron Olmstead flew the squadron's C-123K aircraft, including *Patches*, most of which have been researched by HQ AFRC and with other veterans' flying records. The Oregon Health Sciences University Department of Toxicology, in reviewing the Air Force's own test data to answer the question "was the aircrew exposed" responded, "most likely." The fleet's contamination was known to field grade officers, general officers, officers in the professional corps, JAG officers, GSA attorneys and contractors, beginning in 1994, but in 1996 a JAG officer, Major U. Moul, arranged that the toxicity information about the aircraft fleet "be kept in official channels." That step was reinforced over the years as more and more tests confirmed the dioxin contamination.

Eventually, AMARC arranged with the support of Dr. Alvin Young (indeed, even cited him as 'Agent Orange Consultant to the Office of Secretary of Defense and the authority" and approval source for making the decision) to shred the aircraft and melt the remains into scrap metal ingots. In the history of AMARC, such a procedure had never been done before, and special steps were taken so the press release (ready in case of any inquiry but not distributed without such a request) dealt with the destruction using misleading words to avoid the central topic...the topic concerning Colonel

Olmstead, and flyers like him, the proven Agent Orange toxicity of the C-123K aircraft we were assigned to fly between 1972-1982.

Lieutenant Colonel Aaron Olmstead and Air Force Reserve aviators and war veterans like him were and are held in disdain by Dr. Alvin Young, Agent Orange Consultant to the Office of Secretary of Defense as shown in his written correspondence when he approved the C-123K destruction scheme and by more recent 12 July 2011 electronic communications. He holds them in disdain by referring to them in correspondence with Hill AFB officials injured and ill Reservists who turn to the Department of Veterans Affairs with requests for consideration for service connection. Although Colonel Olmstead's case concluded four years earlier, Dr. Young was at that time in a position of great public trust. He occupied for the decades of his military and post-military civilian career key positions of great public trust...and of policy impact.

The impact of this member of the senior executive service upon BVA's and OSD's treatment and respect towards veterans cannot be adequately measured, but it most certainly negative and should not have been a part of his professional perspective at any time in his military or civil service careers. This is especially true concerning his senior positions while both Colonel Olmstead and I were serving as Air Force Reservists as well as during our deployment for Desert Shield/Storm.

In his counsel to the Secretary of Defense, with this kind of attitude, Dr Young's misunderstanding and prejudice about Air Force Reservists and their proven (and known to him) Agent Orange exposure during the years 1972-1982 brought great harm to a key component of the Total Force. It is that decade and the Air Force's treatment (or *non-treatment*) of the veterans following the retirement of the fleet which is of concern to BVA and DVA in this paper. Dr. Young had a profound impact on the eventual treatment of veterans and military retirees, helping form a great deal of the policy OSD followed in considering the entire subject of Agent Orange.

Dr. Alvin Young impacted the Department of Veterans Affairs and the entire Department of Defense with his own prejudices about Agent Orange and so-called "freeloading Air Force Reservists" (*his email, 12 July 2011*) He includes by inference those Reservists in the 731st TAS who flew B-52s, U2s, AC-130s, F4s and other combat aircraft during Vietnam, as well as those who flew in combat during subsequent conflicts up to Iraq and Afghanistan.

The late Colonel Aaron Olmstead (and now, his widow Mrs. Olmstead) was poorly treated by the government which failed to produce documents perfectly adequate to prove Olmstead's claim for service connection. The Air Force, did not do so, and they kept the veteran unaware of the existence of the tests and the test results, all conducted over two decades before the

veteran's claim was presented. Although supportive materials were available on the Internet, no representative of the Department of Veterans Affairs located them to provide to Colonel Olmstead. General officers and JAG officers acting at the time of the reports being circulated within the Air Force recommended that such information stay "in official channels only" and apparently, there it rests still. As one of the most qualified individuals in the C-123K (for my crew position), I was never informed by the Air Force of this environmental risk to my health, and the health of my fellow flyers, since my very first orientation flight in 1974 when I was told of the C-123's previous spray missions. I don't believe any C-123K aviators have ever been given such an alert.

Bad faith, bad acts and poor judgment by federal government agencies should not be allowed to bar an honorable, long-serving veteran from recognition by his country, and allowed by the VA to prevent the earned award of his service-connected illness ratings, especially in this situation where the only challenge from Judge Cohn was the demand for proof of the aircraft's contamination...proof which acts of the Air Force made certain would remain hidden from the veteran and from Judge Cohn.

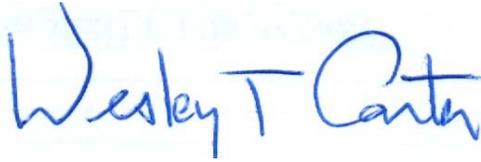
On behalf of the surviving veterans in similar situations, I ask that you two gentlemen consider this situation and resolve it, then forward the settlement owed Mrs. Aaron Olmstead.

Further, I request that you require the Air Force to justify its decision not to provide health alerts to its aircrews who had flown the C-123K once the contamination was proven. It is a systemic failure of significant impact when there are tests proving an entire fleet airplane to be toxic to the point personnel can not enter without hazmat protection.

I ask that you consider decision of her award backdated as early as possible, hopefully as early as Colonel Olmstead's disability could reasonably had been known. Such a decision is well-justified in setting a date earlier than Olmstead's initial application is because had the veteran known of the health risk, he would have been able to discern prevention options and would most certainly have addressed risk factors. It is more likely than not that Colonel Olmstead would have applied for service connection much sooner than he actually did.

I ask that that veterans with documentation establishing their honorable service in the squadrons associated with the C-123K have the VA recognize that service as proof of Agent Orange exposure, so "boots on the airplane" will suffice for presumption of Agent Orange exposure. Attending such a decision would be the understanding that the remaining obligation for those veterans claiming Agent Orange exposure would be proof of one of the AO-presumptive illnesses.

Respectfully,



Wesley T. Carter, Major, USAF Retired***

Attachments

*439AW and AFRC historical records, researched and confirmed by HQ AFRC July 2011.

**Fairchild Aviation built the C-123 aircraft, most of which were modified by the addition of two J85 jet engines to become the C-123K. With the addition of spray tanks and apparatus, the aircraft were changed to the UC-123K designation...usually. When the spray equipment was removed, the designation was changed back to a C-123K...usually. Because the Air Force final report on the destruction of the remaining aircraft makes the point that the Air Force itself lost track of which were and which weren't Agent Orange spray aircraft, AMARC finally and officially decided to consider them all as spray aircraft, and treat them all as contaminated aircraft. Therefore for this report the designation C-123K or UC-123K will be used interchangeably.

***I served for seven years as an Army field medic, transferred to the 146th AME, California Air National Guard to begin training as an Aeromedical Evacuation Technician. I moved to Massachusetts and joined the 74th Aeromedical Evacuation Squadron, and qualified as the squadron Stan/Eval flight examiner. In 1980 I was selected for commissioning under the Deserving Airman Commissioning Program and was assigned as Executive Support Officer, 439th AW. In 1982 I sought and was qualified for recommissioning as a Medical Service Corps officer and transferred back to the 74th AES (now 439th AES), returning returned to ACM flight status. I volunteered for and was selected for activation during Desert Shield and deployed to the AOR during Desert Storm. I was injured in the AOR and, following multiple surgeries at Bethesda Naval Hospital while on active duty, was medically retired due to cervical, shoulder, lumbar and other injuries. I have a VA 100% disability rating.

I do not recall meeting Lieutenant Colonel Aaron Olmstead, or his family but we would have had friends in common in the two squadrons. Various flight orders and Form 5s show we flew together.