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THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1200

27 March 1998

MEMORANDUM FOR: SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE

SUBJECT: Policy Guidance for Civilians Seeking Evaluation/Treatment for Gulf War Illnesses

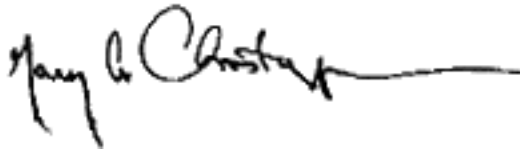
Congressional inquiries regarding constituents who were either DoD contractors or DoD stateside civilians reporting symptoms related to the Gulf War has prompted the Office of the Special Assistant for Gulf War Illnesses to request policy guidance regarding the evaluation and treatment of DoD civilian contractors and DoD stateside civilians under the Comprehensive Clinical Evaluation Program (CCEP).

The Federal Employees Compensation Act (FECA), 5 U.S.C. 81101, *et seq.*, calls for medical coverage and compensation for DoD civilian employees with injuries and occupational illnesses incurred in the performance of employees' duties. Regarding medical coverage, agency responsibilities under the FECA program may be carried out by payments to civilian health care providers or by providing health care services directly in government facilities. By memorandum of September 22, 1994, USD(P&R) extended CCEP eligibility to DoD civilian employees who served in-theater.

Civilian contractor employees are not covered by the FECA. For these personnel, injuries and illnesses incurred incident to employment are covered by State workers compensation laws which establish obligations of employers to provide medical care and compensation. No provision of federal law entitles contractor employees to care in the Military Health System. However, under 10 U.S.C. 1074(c), the Secretary of Defense and the Secretaries of the Military Departments have authority to extend by regulation eligibility for health care services to persons not eligible by statute if such action would further an authorized Department of Defense interest. This is commonly referred to as "Secretarial designee" authority.

The DoD civilians and contract employees supported the war effort in theater and at home. A few of these civilians, less than 50 constituents, have reported an experience common with some of our Gulf War veterans: symptoms they have experienced since the war and uncertainty about potential exposure to harmful substances. The absence of a clear universal case definition for these diverse symptoms has provided neither closure nor peace of mind for these individuals. Their participation supported the leadership and morale of the active duty members during the Gulf War. Therefore, these individuals should be given consideration on a case by case basis by the Service Secretaries for the purposes of evaluation and diagnosis in the CCEP under the 'Secretarial

designee' procedure. The criteria to determine case-by-case review are contained in the attachment.



Gary A Christopherson
Acting Assistant Secretary of Defense

Attachment:

As stated

cc:
Deputy Special Assistant for Gulf War Illnesses

HA Policy 98-026

Criteria for Case-by-Case Consideration of DoD Contract Employees who Served in Support of Operation Desert Storm and Operation Desert Shield

Secretarial designation status should be granted for purposes of evaluation and diagnosis in the Comprehensive Clinical Evaluation Program (CCEP) to civilian employees who believe they have health problems caused by their service in support of Operation Desert Storm/Shield (ODS/S) and who meet the following criteria:

1. Civilian contract or employees who served directly with the deployment forces and can furnish official documentation of such service.
2. Civil Service employees or civilian contractor employees who handled materials from deployment forces as a condition of employment and furnish official documentation of such handling.

Note: The availability of Secretarial designee authority for CCEP eligibility is separate from CCEP eligibility established by USD(P&R) September 22, 1994, for DoD civilian employees who served in theater.

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Last update: 8/4/1998