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## SNELL & WILMER CALIFORNIA ASSOCIATES REPRESENT VIETNAM WAR VETERAN

**ORANGE COUNTY (April 1, 2020)** – Snell & Wilmer is pleased to announce the resolution of a pro bono appeal of the Department of Veterans Affairs' (the VA) denial of Dr. Jack ReVelle's veterans' benefits. Our team of attorneys began working on this appeal nearly four years ago, and in February 2020, the final decision was rendered, granting Dr. ReVelle his benefits.

Dr. ReVelle, a commander in the Air Force, served his country during the Cold War and was deployed in the Vietnam War. Dr. ReVelle claimed to have been exposed to significant levels of ionizing radiation during his service, including during the Goldsboro Broken Arrow incident of 1961. There, Dr. ReVelle led his team on an eight-day recovery effort to locate and disarm two lost MK-39 thermonuclear warheads that were ejected from a B-52 bomber plane. After finding the nuclear pit of one of the bombs in a muddy hole, Dr. ReVelle bravely descended into the hole to retrieve the warhead in a heroic effort to prevent it from detonating. Without wearing protective gear other than a pair of gloves, Dr. ReVelle climbed down the ladder, grabbed the nuclear pit and hugged it to his chest for at least fifteen minutes as he climbed the wooden ladder to bring the nuclear pit to a safe location.

After the mission in 1961, Dr. ReVelle continued to serve his country for nearly seven more years. He was promoted to the rank of a Major and was awarded the Bronze Star Medal while stationed in the Republic of Vietnam and the Joint Service Commendation medal for his work in quality assurance with the Defense Nuclear Agency in the Pentagon. In 1969, Dr. ReVelle was honorably discharged from service. He went on to earn a PhD in Industrial Engineering and Management from Oklahoma State University and pursued a career as a consultant statistician to manufacturing, residential construction and service organizations throughout North America, Europe, Australia and China.

Approximately, 48 years after this service, Dr. ReVelle was diagnosed with a rare form of blood cancer called Myeloid Dysplastic Syndrome (MDS), which is a precursor to leukemia. To temporarily treat his MDS, Dr. ReVelle required regular blood transfusions and the use of expensive prescription medications. Both his hematologist and oncologist believed this disease was likely the result of exposure to ionizing radiation during his time in the military, which led him to seek legal assistance at [Orange County Public Law Center \(PLC\)](#). Dr. ReVelle and the PLC then filed a claim with the VA for service-connected disability in 2014. The VA denied his claim.

In the summer of 2016, the PLC placed Dr. ReVelle's case with Snell & Wilmer. Snell & Wilmer's then Summer Associate [Amina Mousa](#) took on Dr. ReVelle's case, assisting him in filing a Notice of Disagreement to the VA and requesting that they reconsider its denial. Two years later, the VA rendered its decision, again denying his claim.

Mousa, now a fully-accredited attorney, filed an appeal to the Board of Veterans Appeals (BVA) with assistance from [Justin Mello](#), [David Rao](#) and [Daniel Seabolt](#). In April 2019, Mousa presented oral arguments before the veterans' law judge, highlighting the VA's errors in denying Dr. ReVelle's claims. Among other things, Mousa argued that Dr. ReVelle was exposed to ionizing radiation on multiple occasions during his service and the radiation dose estimates prepared by the VA were inaccurate. She further argued



Amina Mousa, Daniel Seabolt  
David Rao, Justin Mello

that the Air Force failed to provide an adequate rationale as to how it determined the dose estimates provided. Mousa also argued that Dr. ReVelle's exposure to Agent Orange may also have caused his MDS and that the VA improperly denied Dr. ReVelle's claim on the basis that MDS is not a disorder presumed to be caused by Agent Orange. Mousa emphasized the weight of the evidence supporting Dr. ReVelle's claims, including evidence from treating hematologists and oncologists who opined that Dr. ReVelle's cancer was as likely to be caused by his exposure to ionizing radiation as it was not, lay statements from fellow service members corroborating Dr. ReVelle's accounts of the incidents, and multiple medical studies supporting the conclusion that Dr. ReVelle's MDS may be caused by ionizing radiation or Agent Orange exposure.

In February 2020, the BVA rendered its decision granting Dr. ReVelle's claim and concluded that after "[c]onsidering the evidence of record in light of the applicable legal authority, to include the benefit-of-the-doubt doctrine, the Board finds that service connection for MDS is warranted." Unfortunately, Dr. ReVelle passed away on January 26, 2020, just three weeks before the decision was rendered. His wife, Brenda ReVelle, will be pursuing the benefits on his behalf.

#### **About Snell & Wilmer**

Founded in 1938, Snell & Wilmer is a full-service business law firm with more than 450 attorneys practicing in 15 locations throughout the United States and in Mexico, including Los Angeles, Orange County and San Diego, California; Phoenix and Tucson, Arizona; Denver, Colorado; Washington, D.C.; Boise, Idaho; Las Vegas and Reno, Nevada; Albuquerque, New Mexico; Portland, Oregon; Salt Lake City, Utah; Seattle, Washington; and Los Cabos, Mexico. The firm represents clients ranging from large, publicly traded corporations to small businesses, individuals and entrepreneurs. For more information, visit [www.swlaw.com](http://www.swlaw.com).

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