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“BURN PIT” WHISTLEBLOWER FILES SUIT AFTER SEXUAL ASSAULT AND FORCED DISCHARGE

Military-Veterans Advocacy has filed suit August 1, 2014, in the United States Court of Federal Claims on behalf of former Navy Environmental Health Officer, Lieutenant Commander Celeste Santana who strongly argued against the unrestricted use of open air burn pits in Afghanistan. Santana was responsible for the environmental health and safety of American Marine forces at Camp Leatherneck and outlying forward operating bases (FOBs) in Afghanistan.

After raising concerns about water purity and bottled water storage procedures, Santana apparently ran afoul of her superiors. Her subsequent efforts to curb the use of open air burn pits at Camp Leatherneck and subordinate FOBs led to further ire. She drew criticism by reporting her concerns to higher authority and for demanding to see the Commanding General. While on a routine mission to FOB Fiddler’s Green in 2009, she awoke to find that she was being sexually assaulted. An investigation by the Naval Criminal Investigative Service (NCIS) was closed due to the “lack of logical leads or suspects.” The Camp Pendleton NCIS office, responsible for the investigation into activities occurring with the Fiddler’s Green unit refused to cooperate with the investigation.

Shortly after the sexual assault, LCDR Santana was relieved of her duties. She was told that she was “uncooperative” and created a “hostile” environment. She was returned to the United States where she was immediately relieved of all other duties and threatened with a psychiatric exam. After receiving an adverse fitness report, she was not elected for promotion to Commander. Although she was within three years of retirement, he was not selected for continuation on active duty - the only officer of her grade and experience who was not selected. As a result she was forced to leave the service, two years and eleven months shy of retirement.

Military-Veterans Advocacy Executive Director John B. Wells, a retired Navy Commander, called Santana a “true hero” who lost her career while trying to protect the health of the Marines assigned to Afghanistan.

Significant evidence has come forward to connect exposure to open air burn pits with breathing problems including asthma, pneumonia, bronchitis and other lung diseases. This was confirmed in a 2010 report by the General Accounting Office in October of 2010. The report was also critical of DOD practices in both Iraq and Afghanistan, noting that the Department of Defense had failed to properly monitor the emissions from the burn pits or implement source reduction processes’ designed to alleviate or mitigate the harm to American military forces and the indigenous population. Camp Leatherneck was specifically singled out for burn pit criticism

in a July 11, 2013 report by the Office of the Special Inspector General for Afghanistan Reconstruction.

“Burn Pits are the Agent Orange of the 21st Century,” noted Wells, who is also an advocate for Agent Orange legislation. “The Departments of Defense and Veterans Affairs are ignoring the health risks to the troops, just like they ignored the health risks of Agent Orange during the Vietnam War. When LCDR Santana tried to force the issue she was sexually assaulted, her medical records were altered and she was forced out of the Navy with a loss of her pension.”

Burn pit whistle blowers are often pressured and threatened. On March 13, 2013, Dr. Steven S. Coughlin testified before the House Veterans Affairs Committee that he was threatened if he did not ignore evidence connecting burn pit exposure to breathing difficulties. He further noted that VA official manipulated the review of material to provide a result more favorable to the government.

“The alteration of evidence within the VA is unfortunately a common practice,” Wells went on to say. We have seen it with the wholesale denial of benefits for the Blue Water Navy veterans and the C-123 veterans, as well as backlog and medical wait time documents. It is time to put a halt to this practice. This is one of the reasons why we have filed suit.”

The law suit calls for LCDR Santana to be returned to active duty with full pay and benefits, removal of the adverse fitness report and a fair opportunity to be selected for promotion to Commander.

For interviews, contact John B. Wells, 985 641-1855 or 985-290-6940. Email JohnLawEsq@msn.com For more information about Military-Veterans Advocacy see www.militaryveteransadvocacy.org