

RECEIVED JUN 12 2013

Kathy F. Smith

June 10, 2013

Mr. Paul Felser
Felser Law Firm, P.C.
Post Office Box 10267
Savannah, GA 31412

Re: Alan Dean Smith/COB Claim

Paul:

I received your latest correspondence and the documentation you received under the FOIA from the Department of the Army. As I expected, this information does not seem to be any help nor includes anything other than what I obtained from the National Archives.


After we talked on the phone in mid-May, I made an attempt to contact Alan's former Ft. Bliss firefighters. I was unsuccessful. However, I did engage in an on-line conversation with a member of the Firefighters Association Union. From this I determined there would be no way to obtain "incident reports" as these are kept for only a short period of time. There are no other files or file names that may be available beyond his personnel file. I was also advised there is not a presumptive law in place for federal firefighters so I would have to specify the exact incident which I claim as the cause of his lung cancer. This would be impossible.

The only recourse I see available would be to join a class-action lawsuit involving the Charleston Naval Base/Shipyard asbestos claims. I would also have to prove that Alan fought fires at the Shipyard which would again be impossible as there are no incident reports to substantiate the claim.

I am unable to send additional funds to my account with your office. The \$1,000 I provided in April 2012 did not generate anything of value to this case and I do not have money to spend on chasing more dead-ends.

I can never fully express my appreciation for your representation and successful reversal of the original OWCP ruling. It meant everything to Alan to know this was done just weeks before he died.

Sincerely,



Kathy F. Smith