

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Richard P. Matsch

Civil Action No. 11-cv-02584-RPM

KEVIN STRINGER
RYAN O'NEILL;
JOAQUIN MARTINEZ;
CHRISTOPHER ANDERSON; and
WILLIAM LEGER, III, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

ORDER FOR REMAND

Pursuant to this Court's order dated December 13, 2013 and the judgment entered on that date, the administrative decision denying Plaintiff Ryan O'Neill's application for benefits under the Servicemembers' Group Life Insurance Traumatic Injury Protection Program ("TSGLI") was vacated and the matter of Plaintiff O'Neill's application was remanded to the United States Army for further consideration, with the requirement that the Army to provide "an opportunity for the claimant to respond to any asserted deficiencies in the documentation previously provided by submitting any additional relevant materials." (#88).

In light of that ruling, the Defendant proposes a voluntary remand of the claims of all other plaintiffs in this action and the coordinated civil actions, so it can reconsider those decisions in light of this Court's guidance. Plaintiff Kevin Stringer and Plaintiff Raul Garcia-

Perez (a plaintiff in Civil Action No. 12-cv-00876-RPM) do not oppose remand and preserve their right to assert claims for attorney's fees under the Equal Access to Justice Act. Plaintiffs Joaquin Martinez, Christopher Anderson, William Leger III, and those plaintiffs in the coordinated actions who are represented by attorney William Muhr oppose the Defendant's proposal and suggest that this Court should proceed to conduct judicial review of their claims without further submissions from them. That proposal is rejected.

Upon consideration of the Defendant's proposal for remand and the Plaintiffs' responses, it is

ORDERED that the administrative decisions denying TSGLI benefits for Plaintiffs Kevin Stringer, Joaquin Martinez, Christopher Anderson, and William Leger III are vacated and these matters are remanded to the United States Army for further consideration, in light of the guidance provided by this Court's order dated December 13, 2013. It is

FURTHER ORDERED that this order for remand does not affect the motion for attorney's fees filed by Plaintiff Ryan O'Neill on January 13, 2014 (#92). The Defendant shall respond to Plaintiff Ryan O'Neill's motion for attorney's fees on or before March 7, 2014.

Date: January 22, 2014

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge