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# Veterans dying from asbestos-related cancer win battle for compensation

Around 60 ex-serviceman will benefit from payouts announced after The Independent campaigned to overturn loophole

Jonathan Owen | Monday 29 February 2016 |  2 comments



Rhod Palmer, a Royal Navy veteran, at his home in Somerset; he was diagnosed with cancer last year and described the move as ‘a real breakthrough’ *John Lawrence*

Scores of veterans dying from asbestos-related cancer caused by

their time in the military are to receive a lump sum in compensation, following an Independent campaign to overturn rules that left them worse off than civilians.

Around 60 veterans diagnosed with mesothelioma many years after being exposed to asbestos during their time in service will benefit from the move, announced by the veterans minister Mark Lancaster. Some may only have months to live.

MPs, generals and the servicemen themselves have paid tribute to *The Independent's* campaign. Fred Minall, 74, from Northampton, who served as a mechanical engineer in the Royal Navy between 1957 and 1965 and was diagnosed with mesothelioma last year, said: "This news is marvellous and I could not have wished for better."

The announcement is a victory for the Royal British Legion and others whose concerns over the unfair treatment of veterans – who had been denied the six-figure compensation given to civilians with the same condition – were revealed by this newspaper late last year.



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## **Cameron urged to close asbestos loophole for veterans dying of cancer**

Former service personnel suffering illness or injury caused before 1987 cannot sue the Ministry of Defence for compensation, under current laws. This puts them in a worse position than civilian sufferers, who can sue the employers that exposed them to asbestos, or apply for government compensation.

Mounting pressure on the issue forced the Prime Minister to pledge personally to look into the matter in November last year. The following month the MoD made a major U-turn and decided to allow dying veterans who would previously only have qualified for a weekly pension to opt for a large lump sum. This would ensure their families would benefit from significant payouts before they died.



Organisations such as The Royal Navy and Royal Marines Charity, The Royal Navy and Royal Marines Widows' Association, and The Royal Naval Association are backing the calls for fairer treatment (Getty)

This was good news for some 2,500 naval veterans who are expected to die from mesothelioma in the future, from exposure caused decades ago when asbestos was commonly used to insulate pipes in the boiler rooms of ships.

But for reasons which remain unclear, the policy change only applied to those diagnosed on or after 16 December 2015. This ruled out veterans such as Rhod Palmer and Fred Minall, who spoke out about the issue last year.

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Mesothelioma is an aggressive form of terminal cancer which can

take decades to become apparent. Most sufferers have a life expectancy of only one to two years after they are diagnosed.

And there have been growing calls for the compensation scheme for veterans announced in December to be opened up to all former service personnel – some of whom have months to live.

Addressing MPs in Parliament, Mr Lancaster said: “I am delighted to confirm that this option of a lump-sum payment will be extended to veterans in receipt of a war pension for mesothelioma diagnosed before 16 December 2015.”

He added: “I have instructed the Veterans Agency to contact all those who we know of with immediate effect and I would hope that these payments will be made on or shortly after 11 April.” Mr Lancaster added: “I’m delighted to be able to stand here today and make this announcement; it’s absolutely the right thing to do.”

Under the new rules, which will come into effect next month, all veterans with mesothelioma will be able to take a £140,000 lump sum in compensation.

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“No amount of money will ever compensate sufferers and their families for a preventable death,” Rhod Palmer, 62, from Bruton, Somerset, told *The Independent*. The former commodore, diagnosed with the cancer last April, added: “However, it is a real breakthrough that the Government will treat all current and future sufferers of mesothelioma exposed to asbestos during their service under comparable terms as civilians.”

Fred Minall said: “This news is marvellous and I could not have wished for better... For a small group of people to be sidelined in the way in which they were by the MoD is beyond my comprehension and I can only thank most sincerely the ethics and morality of Mr Lancaster for acknowledging the unfairness of the situation and for speedily resolving the matter.”



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Chris Simpkins, director general of the Royal British Legion, said: “We are gratified that good sense has prevailed and that the Government has extended eligibility to those people who –

through no fault of their own – were missing out on the new lump-sum compensation payment.”

The news was also welcomed by leading military and political figures last night.

General Lord Richards, former Chief of the Defence Staff, said: “This is the right outcome. It shows the Armed Forces covenant can be much more than well-intentioned words. Well done the MoD and British Legion but well done the *Indy* too for their tireless support.”

Admiral Lord West, former Chief of Naval Staff, commented: “I am absolutely delighted that the Government has shown reason and compassion with this case.”

Madeleine Moon MP, member of the Commons Defence Select Committee, described the move as “a fantastic victory for *The Independent* who led on this campaign and for common sense and justice. It was always nonsense to restrict access to compensation and I am delighted that the Government has finally accepted that it was wrong.”

Commenting on the decision to extend compensation, the crossbench peer Lord Alton said: “This is a humane and just decision which will be greatly welcomed by the families affected by this lethal disease. *The Independent*’s dogged coverage of this issue undoubtedly helped bring about this change of mind.”

## **Case study: 'This is a huge relief'**

Rhod Palmer, 62, a retired Royal Navy commodore from Bruton, Somerset, was diagnosed with mesothelioma in April 2015.



Rhod Palmer during naval service

The Government's announcement that they will provide lump-sum compensation to all veterans diagnosed with mesothelioma as a result of their service comes as a huge relief. This payment finally allows individuals diagnosed with mesothelioma to offer some financial assistance to family they leave behind.

It has lifted a great deal of anxiety from my wife and me during these incredibly difficult times. I would like to offer my sincere

thanks to the Royal British Legion for its sensitive campaign and The Independent for helping to publicise the inequality that existed.

No amount of money will ever compensate sufferers and their families for a preventable death. However, it is a real breakthrough that the Government will treat all current and future sufferers of mesothelioma exposed to asbestos during their service under terms comparable to those which civilians receive.

### **Case study: Justice at last but anger at 'cover-up'**

Fred Minall, 74, from Northampton, served as a mechanical engineer in the Royal Navy between 1957 and 1965. He was diagnosed with mesothelioma last year.



Fred Minall says MoD actions were 'beyond comprehension'

This news is marvellous and I could not have wished for better. I have so many people to thank for their help, I hardly know where to begin. My first and lasting reaction is that of relief... For a small group of people to be sidelined in the way in which they were by the Ministry of Defence is beyond my comprehension and I can only thank most sincerely the ethics and morality of Mr [veterans minister Mark] Lancaster for acknowledging the unfairness of the situation and for speedily resolving the matter.

The harm that has been done to us will not go away and the circumstances in which we were injured should not be ignored, as there is ample, documented evidence that suggests much interference was done by organisations, manufacturers and other interested parties to hide the truth about the dangers of asbestos from the public domain.

The victims will now slowly fade away, one by one until the day comes that no one diagnosed with mesothelioma as a result of exposure to asbestos remains and any trace of this terrible disease will be confined to the history books.

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