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Veterans, Military and Their Families



Three More Conditions Linked to Agent Orange Exposure Covered by VA Health Benefits

Previously denied claims will be automatically reviewed for retroactive benefits

by Aaron Kassraie, **AARP** (<http://www.aarp.org>), Updated May 28, 2021



BETTMANN/GETTY IMAGES

Planes are readied for an airstrike off the coast of Vietnam.

The U.S. Department of Veterans Affairs (VA) announced three new illnesses that it considers to be related to Agent Orange exposure. The decision is expected to provide additional health benefits to approximately 50,000 veterans and their survivors whose claims were previously denied.

Past cases involving claims of service-related bladder cancer, hypothyroidism and Parkinson's-like symptoms will be automatically reviewed and could provide recipients up to thousands of dollars a month. Other related claims will be processed "soon," the department said in a statement.

"Many of our nation's veterans have waited a long time for these benefits," said VA Secretary Denis McDonough. "VA will not make them wait any longer. This is absolutely the right thing to do for veterans and their families."

Last year, Congress members voted for the VA to adopt findings by the National Academies of Sciences, Engineering and Medicine that linked the three diseases to Agent Orange Exposure. Now, because of a 1991 consent decree pushed by the National Veterans Legal Services Program (NVLSP), the VA is required to evaluate past denied claims whenever new scientific evidence is found.

"The VA's agreement to identify and pay retroactive benefits to Vietnam veterans and their survivors who previously were denied benefits for these three diseases related to Agent Orange exposure will be of great help to those who have long suffered due to their wartime service in Vietnam," NVLSP Executive Director Bart Stichman told AARP.



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Retroactive benefits for Blue Water veterans

In April the VA identified 60,942 other denied benefit claims to review for retroactive benefits for Agent Orange exposure. The claims were filed by so-called Blue Water Navy Vietnam veterans (<https://www.aarp.org/home-family/voices/veterans/info-2019/blue-water-vietnam-benefits.html>), service members who were stationed on ships in deep waters off the coast of Vietnam during the war.

The move came after a California District Court decided in November 2020 that the VA must reevaluate previous claims that were denied on the basis that the veteran did not set foot on land in Vietnam or serve in its inland waterways.

The court required the VA to review each of the 60,492 cases and determine:

- If the veteran served in the territorial waters of Vietnam during the Vietnam War
- If so, the amount of retroactive compensation the veteran or survivor is entitled to for Agent Orange-related diseases
- Provide NVLSP with a copy of all the decisions that it issues

Stichman said that the compensation amount a veteran may receive is based on his or her disability rating. The amount of money that would go to a surviving spouse is determined by a separate statute.

The VA confirmed to AARP that it identified the 60,942 cases to be reevaluated but said it does not have additional comments at this time.

Legal fight over Blue Water benefits spans decades

An estimated 90,000 Blue Water veterans were ineligible for Agent Orange related benefits until January 2020, after the Blue Water Navy Vietnam Veterans Act of 2019 was signed into law (<https://www.aarp.org/home-family/voices/veterans/info-2019/trump-vietnam-blue-water-bill.html>). Previously, only Vietnam War veterans who served on the ground or within inland waterways were eligible to receive disability compensation based on a presumption of exposure to the chemical defoliant.

The court's recent ruling determined that a consent decree from a 1991 decision in *Nehmer v. U.S. Department of Veterans Affairs* should have applied to decisions made by the VA regarding benefit claims related to Agent Orange filed by Blue Water veterans.

"The objective and reasonable intent of the consent decree was to require automatic readjudications for all persons entitled to benefits under the Acts," U.S. District Judge William Alsup said in the ruling. "The Acts extended benefits to all those military personnel who had served within 'the Republic of Vietnam.' "

Between 1991 and 2002, the VA retroactively gave benefits to Blue Water veterans under the consent decree using a Vietnam War service medal as the basis for assuming Agent Orange exposure.

In 2002, the VA changed its policy to provide benefits only to service members who had served on land or on inland waterways.

"We applaud the Court's recognition that Blue Water Navy Vietnam veterans and their survivors have been wrongly denied retroactive disability and death benefits ever since 2002, when VA reversed its prior position and denied the presumption of Agent Orange exposure to veterans who served in the territorial seas of Vietnam," said the NVLSP's Stichman in a press statement after the November 2020 ruling. "These veterans and their surviving family members have already been waiting years for benefits to which they are entitled under the Consent Decree simply because they did not set foot in the land mass of Vietnam."

If you believe you were wrongly denied a benefit claim related to Agent Orange, contact the NVLSP at AgentOrange@nvlsp.org (<mailto:AgentOrange@nvlsp.org>) or call its Nehmer hotline at 855-333-0677.

Editor's note: The article, originally published Nov. 17, 2020, has been updated with information on the cases VA will review.

Aaron Kassraie writes about issues important to military veterans and their families for AARP. He also serves as a general assignment reporter. Kassraie previously covered U.S. foreign policy as a correspondent for the Kuwait News Agency's Washington bureau and worked in news gathering for USA Today and Al Jazeera English.

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**LarryY964220**

JUNE 23, 2021

I Agree !!! It IS About Time !!! IN FACT, IT'S OVER TIME !!! I say this because of My Marine Veteran. The Government SOLD the Vietnam Veteran(s) Out when they "Protected" the Chemical Company(s) who made this "DEADLY" stuff, Marking it's way to the 4th & 5th Generations of Vietnam Veterans ! As my husbands Care Giver 24/7 ; We have Received Every lie & Excuse for the past 15 Years ! He has Many Health issues DUE to Agent Orange AND YET "TODAY", Still No Help ! Being in a 6 wheel Power chair, Because of his back, spine & legs, the severe pain from nerves & muscles, And NO TRANSPORTATION to get to VA appointments OR anywhere else ! No help for Food, or Rent ! The Government seems to "think" WE can live off of \$1800 per month and Still live Above our means!? "REALLY"! "THEY" ought to Wonder where their next meal will come from AND WHO gets paid each month!!!! What I Can Not Understand is WHY "THEY" hate those SO MUCH, WHO Fought for "THIS" Country, Some GIVING THEIR ALL, SOME NEVER CAME HOME, And, THOSE that did Come Home , Were Horribly Lied about, by their Government , The News Media AND , J. Fonda ! PROOF is in a film with John Wayne & General(s)! You can buy it on Amazon. We need my Husbands TRUE DD214 and 4 Papers that Proved he was Overseas. Agent Orange WILL show up then! And since the Government won't buy him a Lift Van for NEEDED Transportation, IS there Anyone who knows HOW to get Help for a Grant?? A Medical Grant. "Thank You"!

REPLY | 0**jh7410**

JUNE 3, 2021

About time! My husband, career Air Force & a Vietnam vet, died of his Agent Orange caused

bladder cancer in 2010 & his claim was rejected which caused him a great deal of anger about the VA & how he & other vets we knew had been treated. It's finally a step forward.

REPLY |  0

bobhampton

MAY 16, 2021

What is being done to level the playing field to start all veterans to date of exposure? What about the veterans already receiving benefits;?

REPLY |  0

BeBa789

APRIL 27, 2021

IT'S AOUT TIME.

REPLY |  0


BobCloseyermouth

DECEMBER 29, 2020

Wow. That's amazing.

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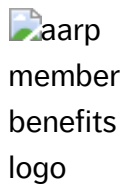
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