

# Law Extends Benefits for Eligible Veterans

## Public Law 116-23, (Blue Water Navy Vietnam Veterans Act 2019)

**Public Law 116-23, (Blue Water Navy Vietnam Veterans Act 2019) was signed into law on June 25, 2019 and takes effect January 1, 2020. The law extends a presumption of herbicide exposure to Blue Water Navy Veterans who served in the Republic of Vietnam and the offshore waters. Blue Water Navy survivors, and certain dependents may be entitled to benefits if the Veteran was exposed.**

Under the law, certain Veterans, who served in the offshore waters of the Republic of Vietnam, or who had service in the Korean Demilitarized zone (DMZ), may be entitled to disability compensation for conditions that are related to herbicide exposure. The law also provides benefits for children born with spina bifida whose parent was a Veteran with verified herbicide exposure in Thailand.

To be entitled to disability compensation benefits, these Veterans must have served between January 9, 1962, and May 7, 1975, and have one or more of the conditions that are listed in section 3.309(e) of title 38, Code of Federal Regulations.

### Conditions related to presumed herbicide exposure<sup>1</sup>:

- » Amyloid light-chain (AL) amyloidosis
- » Chloracne, or other acneform disease consistent with chloracne
- » Chronic B-cell leukemias
- » Diabetes mellitus, Type 2
- » Ischemic heart disease
- » Hodgkin's lymphoma, formerly known as Hodgkin's disease
- » Non-Hodgkin's lymphoma
- » Multiple myeloma
- » Parkinson's disease
- » Peripheral neuropathy, early-onset
- » Porphyria cutanea tarda
- » Prostate cancer
- » Respiratory cancers (lung, bronchus, larynx or trachea)
- » Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma).

<sup>1</sup> A Veteran experiencing any of the conditions on this list may be eligible for presumptive service connection under 38 CFR 3.309(e); however, a Veteran may be entitled to service connection on a direct basis under 38 CFR 3.303, if herbicide exposure is established and scientific or medical evidence shows that the claimed condition is medically associated with dioxin exposures.

### How do I file a claim for disability compensation or survivor benefits?

- » Apply using the guidance at [www.va.gov](http://www.va.gov), [www.va.gov/burials-memorials/dependency-indemnity-compensation](http://www.va.gov/burials-memorials/dependency-indemnity-compensation) **OR**
- » For initial compensation claims, submit a VA Form 21-526EZ; For initial DIC claims, submit a VA Form 21P-534EZ; For previously denied claims, submit a VA Form 20-0995 **OR**
- » VA-accredited Veterans Service Organization representative, attorney, or claims agent **OR**
- » Go to a VA regional office and have a VA employee assist you. You can find your regional office on our Facility Locator page at <https://www.benefits.va.gov/benefits/offices.asp>

### What should be included when filing a claim?

- » State on your application that you are filing for one of the conditions related to presumed herbicide exposure such as Agent Orange.
- » Include any evidence you have of service in the offshore waters of the Republic of Vietnam during the required timeframe. Include the name(s) of the vessel(s) and the date(s) you served within 12 nautical miles of the Republic of Vietnam, if you have that information.
- » Provide medical evidence showing a diagnosis of a current condition related to exposure to herbicide such as Agent Orange or tell us where you are being treated.
- » For more information on how to apply and for tips on making sure your claim is ready to be processed by VA, visit our Disability Compensation web page at [www.va.gov/disability/](http://www.va.gov/disability/)



# Frequently Asked Questions

## **Do I need to prove contact with an herbicide such as Agent Orange?**

No. You don't need to show that you came into contact with an herbicide such as Agent Orange. Congress announced that conditions on the list of presumptive diseases will be presumed to have been caused by herbicide exposure to include toxins such as Agent Orange among others through service in the Republic of Vietnam, including offshore waters as defined by the *Blue Water Navy Vietnam Veterans Act of 2019*.

## **What will the effective date for benefits be for Blue Water Navy Veteran claims?**

Presumptive disabilities granted because of the *Blue Water Navy Vietnam Veterans Act of 2019* will generally be based on the date of receipt of the claim. If you had a previously denied claim and you resubmit a new claim, the effective date will be determined on a case-by-case basis.

## **When does the new law go into effect?**

The *Blue Water Navy Vietnam Veterans Act of 2019* will take effect on January 1, 2020. Veterans, survivors and dependents can file claims at any time, and a decision will be made after the law is implemented. Blue Water Navy claims and appeals currently in process have been placed on hold (stayed) until the new law goes into effect. The Blue Water Navy Vietnam Veterans Act authorizes VA to begin deciding Blue Water Navy related claims on January 1, 2020. By staying claims decisions until January 1, 2020, VA is exercising authority conferred by the law that Congress wrote and passed.

## **How will the previously denied claims be reviewed under the new law?**

Veterans and survivors who had an herbicide exposure claim with one or more presumptive conditions denied in the past, are urged to file a new claim. They should provide any new and relevant information regarding the claim such as dates their vessel traveled within the offshore waters of the Republic of Vietnam or updated medical information. Claims that are currently in the VA review process or under appeal are placed on hold and will be automatically reviewed after January 1, 2020. Claims should be submitted on a VA Form 20-0995, labeled as Decision Review Request: Supplemental Claim. For more information about how to file a claim, please visit our website at <https://www.va.gov/disability/how-to-file-claim/>

## **If a Blue Water Navy Veteran has not applied for benefits in the past, but would like to apply now will the presumption of exposure be extended to them?**

Yes, VA will apply the provisions of the law to Blue Water Navy Vietnam Veterans who file new claims based on exposure to herbicide agents such as Agent Orange.

## **What happens if the Veteran dies before his or her claim is decided?**

If the claimant dies while his or her claim is pending, a living dependent, such as a spouse or children, may file a request to be substituted as the claimant. Family with questions about benefits or filing a claim can visit the VA Dependency and Indemnity Compensation (DIC) website at <https://www.va.gov/burials-memorials/dependency-indemnity-compensation/>

## **May the surviving spouse of a Blue Water Navy Veteran who passed away from a condition related to herbicide exposure such as Agent Orange, and who was previously denied compensation for such condition, become entitled to Dependency and Indemnity Compensation (DIC)?**

If the Veteran served on a Navy or Coast Guard vessel that is determined to have operated offshore of Vietnam as defined in the *Blue Water Navy Vietnam Veterans Act of 2019* and the cause of death was from a condition related to exposure to an herbicide such as Agent Orange, then VA may award DIC benefits on that basis. For more information: <https://www.va.gov/burials-memorials/dependency-indemnity-compensation/>

## **Where can I get additional information on disability compensation for herbicide exposure such as Agent Orange?**

Veterans with questions about benefits or filing a claim can visit the VA Agent Orange website <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/> and Compensation for Surviving Spouse and Dependents (VA DIC) website <https://www.va.gov/burials-memorials/dependency-indemnity-compensation/>. They can also call 1-800-749-8387.

## **What changes were made in the law for children with spina bifida, whose parent served in Thailand from Jan. 9, 1962 to May 7, 1975?**

A child with spina bifida whose Veteran parent is determined by VA to have been exposed to an herbicide agent while serving in Thailand between Jan. 9, 1962, and May 7, 1975, can receive health care, vocational training and rehabilitation, and a monetary allowance. This makes the benefits coverage the same as for children of Vietnam and Korean service Veterans who were exposed to Agent Orange. The child must be biological and conceived after the Veteran's covered service in Thailand.

## **What changes were made to the Agent Orange presumption for Veterans that served in Korea?**

The *Blue Water Navy Vietnam Veterans Act of 2019* changes the presumption dates for those who served in or near the Korean Demilitarized Zone from April 1, 1968 – August 31, 1971 to September 1, 1967 – August 31, 1971.