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# Blue Water Navy Vietnam Veterans Act

What it Means for Veterans and Their Survivors



Our Mission: to be the premier provider of financial solutions for the American Armed Forces community.



Focusing exclusively on the needs of the military family, we work to provide innovative, personalized, and lifestyle appropriate financial solutions.



# Today's Experts



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# Today's Agenda

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Blue Water Navy  
Vietnam Veterans  
Act & Presumptive  
Conditions



VA Claims: New and  
Previously Denied



Survivor and  
Accrued benefits



Additional Benefits:  
AO Registry &  
Retroactive Payments



Outcomes for  
Korea & Thailand  
Veterans



Q&A



# Blue Water Navy Vietnam Veterans Act of 2019



EFFECTIVE AS OF JANUARY 1, 2020

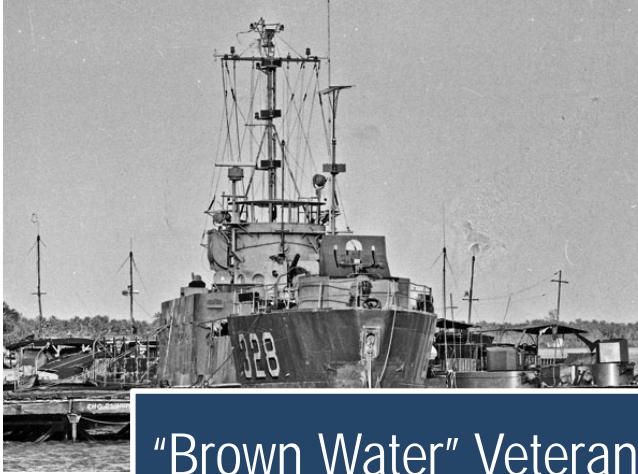
Extended the presumption of herbicide exposure, such as Agent Orange, to Veterans who served in the offshore waters of the Republic of Vietnam between January 9, 1962 and May 7, 1975.

Such veterans may be entitled to service connection for conditions related to exposure.

Complete details in Public Law 116-23.



# Brown Water vs. Blue Water Navy Veterans



## "Brown Water" Veterans

Served on U.S. Naval and Coast Guard vessels which navigated the inland waterways and rivers of the Republic of Vietnam



## "Blue Water" Veterans

Served offshore of the Republic of Vietnam, including 12-nautical miles seaward of a the southwestern demarcation line of the waters of Vietnam and Cambodia

# Presumptive Agent Orange Diseases

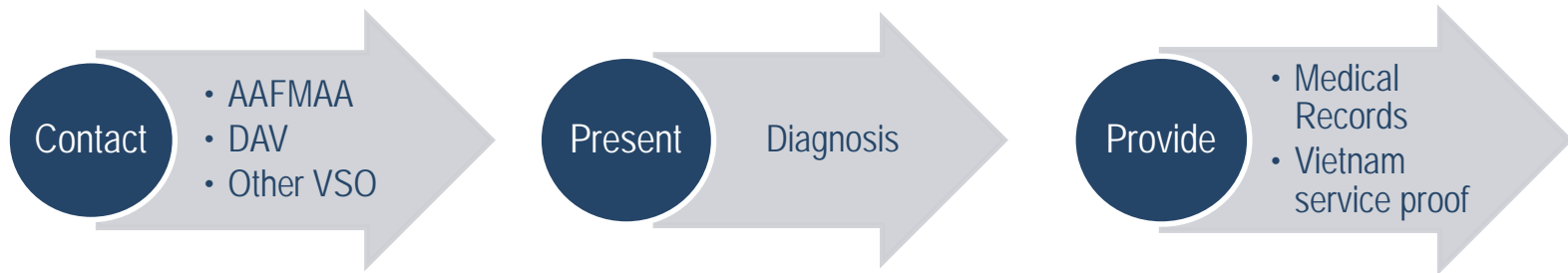


AL amyloidosis	Peripheral neuropathy, early-onset
Chloracne	Porphyria cutanea tarda
Chronic B-cell leukemia	Prostate Cancer
Diabetes mellitus, type 2	Respiratory cancers
Hodgkin's Lymphoma	Soft-tissue sarcomas
Multiple myeloma	Ischemic heart disease
Non-Hodgkin's lymphoma	Parkinson's disease

**Note:** Complete information on diseases related to Agent Orange can be found on [va.gov](https://www.va.gov)



# How to Apply for a VA Claim



**If the Claim is Successful**, the Veteran may receive a monthly disability compensation payment and free VA healthcare related to their service-connected disability. The amount of compensation is determined by the diagnosed condition and level of disability.



## New VA Claims

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File a claim if you think you're eligible for disability compensation.

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

# Previously Denied Claims

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- Letters will be sent to Blue Water Navy Veterans and survivors previously denied benefits
- Those who received a letter must still file a new claim using VA Form 20-0995
- Provide any new and relevant information regarding the claim, including dates your vessel traveled offshore the Republic of Vietnam and updated medical information

**Note:** Claims currently in the VA review process or under appeal will automatically be reviewed under the new policy

# Survivor and Accrued Benefits



## Accrued Benefits

- Surviving spouses may be eligible for accrued benefits if the Veteran filed a claim with the VA while still alive but passed away during the adjudication process.

## DIC

- Surviving spouses may be awarded DIC benefits if the Veteran's cause of death was determined to be from a condition related to Agent Orange exposure.

# Blue Water Navy Veterans and Agent Orange Registry

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- Veterans who state that they meet the criteria of Public Law 116-23 are eligible for the Agent Orange Registry health exam
- Health exam is a free VA service that alerts Veterans to possible long-term health problems that may be related to Agent Orange exposure during military service
- Being in the Agent Orange Registry does not verify eligibility for benefits



# Retroactive Payment

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Presumptive conditions granted for Blue Water Navy Veterans may be retroactive to the date VA received your original claim.

If you had a previously denied claim and resubmit your claim, the effective date will be determined on a case-by-case basis.



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 to August 31, 1971.**

# Thailand Service & Children with Spina Bifida

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





# QUESTIONS

# How to Do I Know if I'm Considered a Blue Water Navy Veteran?

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- VA has a specialized team to research military and service treatment records and determine whether a Veteran served in the eligible offshore waters of the Republic of Vietnam.
- VA encourages claimants to file a claim and submit any information of service in the Republic of Vietnam for any length of time between January 9, 1962, and May 7, 1975, aboard a U.S. military vessel that operated less than 12 nautical miles from the demarcation line of the waters of Vietnam and Cambodia.

# Is award of the Vietnam Service Medal enough to qualify for Agent Orange related disability compensation?

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- No. Receipt of the Vietnam Service Medal or other decorations does not automatically place a Veteran's service within the offshore waters of the Republic of Vietnam.
- VA must be able to verify, through documentation, that the Veteran served within the Republic of Vietnam, to include the offshore waters as detailed in Public Law 116-23.
- The Vietnam Service Medal was given broadly to Service members in support roles, including those who did not serve in the Republic of Vietnam.



# What is the *Procopio* decision?

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- The U.S. Court of Appeals for the Federal Circuit rendered a decision on January 29, 2019 that ruled in favor of the Veteran *Alfred Procopio, Jr., v. Robert Wilkie*.
- The Court held that by the phrase “Republic of Vietnam” in the Agent Orange Act of 1991, Congress intended to extend presumption of herbicide exposure to Veterans who served within the 12-nautical mile territorial sea of the Republic of Vietnam.
- *The Procopio decision* was superseded by Public Law 116-23, *Blue Water Navy Vietnam Veterans Act of 2019* which was signed into law on June 25, 2019.

# Are there Veterans who would receive benefits under Procopio who will not be eligible under Public Law 116-23?

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- VA recognizes that there are differences between the location parameters as outlined in *Procopio* and the *Blue Water Navy Vietnam Veterans Act of 2019*. Because Congress established the exact longitude and latitude coordinates in the new law, VA must now review the policy implications to ensure that all eligible Blue Water Navy Veterans serving with the applicable regions as outlined in the new law are considered.
- Although some claimants may have been eligible for benefits under the *Procopio* ruling, VA is utilizing the stay on deciding claims to ensure that VA processes and adjudicates all Blue Water Navy claims in an accurate and orderly fashion by carefully implementing the “broad and comprehensive” definition of service in the Republic of Vietnam that Congress intended.



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