

# VIETNAM BLUE WATER NAVY VETERANS

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## *Disability benefits available to those serving offshore*

### **Agent Orange Exposure in the Republic of Vietnam Waters (Blue Water Navy)**

Blue Water Navy Veterans are now entitled to a presumption of service connection for conditions related to Agent Orange exposure. This extension of the presumption is a result of [Public Law 116-23](#), the Blue Water Navy Vietnam Veterans Act of 2019, signed into law on June 25, 2019. The law takes effect January 1, 2020.

The law states that Veterans aboard a vessel operating not more than 12 nautical miles seaward from the demarcation line of the waters of Vietnam and Cambodia as defined in [Public Law 116-23](#), between January 9, 1962, and May 7, 1975, are presumed to have been exposed to herbicides such as Agent Orange and may be entitled to service connection for conditions related to that exposure.

To be entitled to disability compensation benefits, these Veterans must have one or more of the conditions associated with Agent Orange exposure that are listed in 38 Code of Federal Regulations section 3.309(e).

### **What conditions are related to Agent Orange exposure?**

Agent Orange presumptive conditions are:

- AL amyloidosis
- Chloracne, or other acneform disease consistent with chloracne
- Chronic B-cell leukemias
- Diabetes mellitus, Type 2
- Ischemic heart disease
- Hodgkin lymphoma, formerly known as Hodgkin's disease
- Non-Hodgkin 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).

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### **How do I file a claim for disability compensation?**

- Apply online using [www.va.gov](http://www.va.gov), **OR**
- Work with an accredited representative or 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.
- State on your application that you are filing for one of the presumed Agent Orange conditions.

- 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 ship(s) and the date(s) you crossed within 12 nautical miles of the Republic of Vietnam, if you have that information.
- Provide medical evidence showing a diagnosis of a current Agent Orange presumptive condition 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. [www.va.gov](http://www.va.gov)

# FREQUENTLY ASKED QUESTIONS

## **Do I need to prove contact with Agent Orange?**

No. You don't need to show that you came into contact with Agent Orange. Congress has provided that conditions on the list of presumptive diseases will be deemed to have been caused by contact with Agent Orange through service in the Republic of Vietnam, including offshore waters as defined by the Blue Water Navy Act of 2019.

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

Presumptive Agent Orange 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 you resubmit your claim, the effective date will be determined on a case-by-case basis.

## **When do the Blue Water Navy presumptions go into effect?**

The Blue Water Navy Act of 2019 will take effect on January 1, 2020. Veterans can file claims at any time, and they will be decided after the law is implemented. Blue Water Navy claims and appeals currently in process have been placed on hold (stayed) until the new rules go into effect. The bipartisan Blue Water Navy Vietnam Veterans Act gives VA until Jan. 1, 2020, to begin deciding Blue Water Navy related claims. By staying claims decisions until that date, VA is complying with the law that Congress wrote and passed.

## **How will the previously denied claims be handled?**

If you had an Agent Orange claim with one or more presumptive conditions denied in the past, you are urged to **file a new claim**. Provide any new and relevant information regarding your claim such as dates you believe your ship traveled within 12 nautical miles of the Republic of Vietnam, or updated medical information. Claims that are currently in the VA review process or under appeal will be reviewed under the new policy.

## **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 presumption of exposure to 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 child, may file a request to be substituted as the claimant.

## **May the surviving spouse of a Blue Water Navy Veteran who passed away from a condition related to Agent Orange exposure, 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 ship that that operated not more than 12 nautical miles from the demarcation line of the waters of Vietnam and Cambodia as defined in the [Blue Water Navy Act of 2019](#) and the cause of death was from a condition related to exposure to Agent Orange, then VA may award entitlement to DIC on that basis.

## **Where can I get additional information on disability compensation for Agent Orange?**

Veterans with questions about benefits or filing a claim can visit the VA Agent Orange website [www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/navy-coast-guard-ships-vietnam/](http://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/navy-coast-guard-ships-vietnam/). They can also call the disability benefits call center at 800-827-1000.

