

BLUE WATER NAVY

COMMUNICATIONS TOOLKIT

VA



U.S. Department
of Veterans Affairs



The Blue Water Navy Communications Toolkit

This Blue Water Navy Communications Toolkit supports the effort to raise awareness and understanding of Public Law 116-23: Blue Water Navy Vietnam Veteran Act of 2019 and the U.S. Department of Veterans Affairs' (VA) updated policy for processing claims of Vietnam War Veterans, and their dependents and survivors, related to presumptive exposure to herbicides such as Agent Orange. Certain aspects of the VA Home Loan process were also affected by this legislation and are likewise explained within the enclosed resources.

This toolkit is a guidebook to understanding the criteria for service connection based on VA's revised policy. It outlines how Veterans, survivors and dependents can access potential benefits associated with military service.

Veterans Affairs' primary goal is to inform Veterans, their dependents, survivors, key internal and external stakeholders, and others by ensuring the proactive dissemination and delivery of educational materials about the change in VA policy. VA also wants to ensure effective communication with eligible Blue Water Navy Veterans and their family members regarding the revised process for submitting disability compensation claims related to herbicide exposure during their Vietnam War service.

This Communications Toolkit consists of the following documents:

[Factsheet](#) – A one-page overview.

[101 Presentation](#) – An in-depth explanation, with examples and detailed information.

[FAQs](#) – Frequently Asked Questions

[Poster](#) – A printable resource to raise awareness and provide a url address.

[Fraud Flyer](#) – A printable resource to inform Veterans about avoiding scams.

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 exposure¹:

- » 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).

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

- » Apply using the guidance at www.va.gov, 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/

¹ 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.



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.

BLUE WATER NAVY

Briefing for Veterans,
Survivors and their
Family members



The Blue Water Navy Vietnam Veterans Act of 2019

One Act, Two Parts

Two separate topics are affected by the Blue Water Navy Vietnam Veterans Act.

1. Herbicide Exposure

The Act extends the presumption of exposure of herbicides 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.

2. VA Home Loans

The Act includes provisions that affect the VA Home Loan Program. These provisions affect **ALL** Veterans. Not just Blue Water Navy Vietnam Veterans.

This presentation has been divided into two Modules. Module 1 addresses the presumption of herbicide exposure, eligibility, and details about filing a claim. Module 2 addresses changes to the VA Home Loan program.

Module 1

Extending the presumption of herbicide exposure to Blue Water Navy Vietnam Veterans



Blue Water Navy Veterans and Agent Orange



What is the Blue Water Navy Vietnam Veterans Act?

The Blue Water Navy Vietnam Veterans Act of 2019 (PL 116-23) was signed into law on June 25, 2019, and takes effect January 1, 2020.

The law authorizes VA to extend 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. Veterans or their survivors may be eligible for benefits based on one of fourteen illnesses that have been related to contact with herbicides such as Agent Orange, used to clear trees and plants during the war.

Blue Water Navy Veterans and Agent Orange

What is Changing?

Effective January 1, 2020, VA is authorized to begin deciding claims for disability compensation under the provisions of PL 116-23. The Act also includes provisions that affect VA's Home Loan Program, which take effect on January 1, 2020.

Veterans who served in the offshore waters of the Republic of Vietnam may now be eligible for disability compensation and other benefits, for themselves and their families, for disabilities VA believes may be caused by herbicides such as Agent Orange. VA is also extending benefits to children with spina bifida whose Veteran parent was exposed while serving in Thailand.

Additionally, Veterans who served in or near the Korean Demilitarized Zone (DMZ) from September 1, 1967, to August 31, 1971, may now qualify for compensation and benefits for themselves and their family members.

Who may be eligible for benefits?

Veterans who served aboard a U.S. military vessel in the offshore waters of the Republic of Vietnam between January 9, 1962, and May 7, 1975.

The vessel must have operated not more than 12 nautical miles seaward from the coordinates listed in PL 116-23.

Blue Water Navy (BWN) claims will be processed under current prioritization criteria which include, but are not limited to, giving priority to claims of Veterans who are over age 85 or who have a terminal condition.

How can I find out if I am eligible?

- Work with an accredited claims representative or VA regional benefits office to understand eligibility requirements before filing a claim.
- Veterans do not need to prove contact with herbicides, such as Agent Orange, to be eligible

Which conditions may be caused by herbicide exposure?



Contact with herbicides such as Agent Orange may be related to several conditions, referred to as Agent Orange presumptive diseases.

You may be eligible to receive disability compensation or benefits if you have one or more of the following conditions:

- Chronic B-cell leukemia
- Hodgkin's lymphoma
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Prostate cancer
- Respiratory cancers, including lung cancer
- Soft tissue sarcomas
- Amyloid light-chain (AL) amyloidosis
- Chloracne
- Diabetes mellitus type 2
- Ischemic heart disease
- Parkinson's disease
- Peripheral neuropathy
- Porphyria cutanea tarda

How do I file an initial claim for Compensation Benefits?



If you want to file an initial claim for herbicide-related disability (that has not been previously decided by VA), please do **not** use or submit VA Form 20-0995. Use VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits. Please go to <https://www.va.gov/disability/how-to-file-claim/> to initiate your new claim.

You can contact an accredited veterans service organization (VSO) to assist you with your application. For a list of accredited veterans service organizations go to <https://www.va.gov/vso/>. You may also contact your state office of Veterans Affairs at <https://www.va.gov/statedva.htm>, should you need further assistance with the application process.

How do I file a previously denied claim?



If you had an herbicide exposure claim with one or more presumptive conditions denied in the past, you are urged to file a new claim.

You should provide or identify any new and relevant information regarding your claim, such as the dates your vessel traveled within the offshore waters of the Republic of Vietnam or updated medical information. Please submit your claim on a VA Form 20-0995, 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/>.

VA will be using the new law to automatically review claims that are currently with the VA review process or under appeal.

How do Survivors and Dependents apply for initial Dependency and Indemnity Compensation claim?



They can file a claim several different ways:

- By mail, using **VA Form 21P-534EZ**
- In person, at a **VA regional benefit office**
- With the help of an **accredited claims representative**
- Find more resources online @
<https://www.va.gov/disability/get-help-filing-claim/>.

If previously denied for DIC, how can Survivors and Dependents reapply?



They can file a claim several different ways:

- By mail, using **VA Form 20-0995**
- In person, at a **VA regional benefit office**
- With the help of an **accredited claims representative**
- Find more resources online @ <https://www.va.gov/disability/get-help-filing-claim/>.

DIC = Dependency and Indemnity Compensation. A benefit for eligible survivors of military servicemembers who died in the line of duty or eligible survivors whose death resulted from a service-related injury or disease.

Can I apply for compensation if I:

Have never applied before?

YES

Have previously applied and been denied?

YES

VA has sent letters to Veterans whose claims have been previously denied and who may now be eligible as a result of the new law. You do not need to wait for a letter if you have been previously denied. You may file a supplemental claim using VA Form 20-0995.

Am the surviving spouse, child, or parent of a Blue Water Navy Veteran who died of a presumptive condition?

YES

However, you must meet certain conditions to receive Dependency and Indemnity Compensation. Please visit

https://benefits.va.gov/compensation/types-dependency_and_indemnity.asp for more information.

YES

Am the child of a Veteran with a spina bifida birth defect?

Your Veteran parent must have served in Vietnam or Thailand during the time period covered under PL 116-23 (previously only children of Veterans who served in Vietnam were eligible)

Can I apply for compensation if I:

Served in or near the Korean Demilitarized Zone (DMZ)?

YES

If you served in the area from September 1, 1967, to August 31, 1971 (previously the start date was April 1, 1968), you may be eligible for the presumption of herbicide exposure. If you served in another area, you may still file a claim for service connection. You will need to show evidence of exposure in addition to the evidence described below.

Have a condition I believe was caused by service-connected herbicide exposure that is not on the list of presumptively connected conditions?

YES

You will need to either:

- provide scientific and medical evidence that your condition is related to exposure to herbicides such as Agent Orange. Medical evidence can include an article from a medical journal or a published research study, **or**:
- show that your condition started during, or got worse because of, your military service

What benefits can I expect to receive if my claim is approved?

If you are eligible, you may receive a monthly disability compensation payment and free healthcare related to your disability.



The amount of compensation you may receive is determined by your diagnosed condition and level of disability.

What if I don't know if my vessel was within the 12-nautical mile limit?

VA is partnering with the United States National Archives and Records Administration (NARA) to determine which U.S. military vessels were in offshore waters of the Republic of Vietnam between 1962 and 1975.

We've created a Vessel Locator Tool that will access these records and digitized deck logs to quickly determine the vessel's location and verify eligibility.

The best way to determine if you're eligible is to submit a claim with VA or work directly with a VSO representative. VA will then work with you and/or your family members to determine eligibility.

Module 2

VA Home Loan Additions and Changes

Changes to VA Home Loan Program

VA now allows the no down payment option on guaranteed loans, regardless of mortgage amount.

There will be a reduction in the funding fee required for Reservists and National Guard borrowers which aligns the fee with the funding fee paid by “regular military” borrowers.

Purple Heart recipients currently serving on active duty are exempted from paying the VA home loan funding fee.

VA has removed the loan limit for Native American Veterans seeking to build or purchase a home on Federal Trust Land.

Revised Funding Fee Schedule

- The VA funding fee is calculated as a percentage of the total loan amount. It must be paid or rolled into the loan at closing time.
- In Public Law 116-23, Congress has established rates for loans closed **on or after January 1, 2020**, and **before January 1, 2022** at the levels listed below:

Purchase, Construction, or non-IRRRL Refinance Loan

Note: Reduced fees only apply to purchase loans with a down payment of at least 5 percent

Type of Military Service	Down payment	Percentage for <u>First-time</u> Use	Percentage for <u>Subsequent</u> Use
Active Duty, Reserves, & National Guard	None	2.3%	3.6% *
	5% or more	1.65%	1.65%
	10% or more	1.4%	1.4%

* If the Veteran's only prior use of entitlement was for a manufactured home loan, the higher *subsequent use* fee does **not** apply

Veteran Scenarios

Herbicide Exposure

Meet John, a Veteran who previously filed a benefits claim.



John, a U.S. Navy Veteran who served aboard the USS Valley Forge, a U.S. military vessel that patrolled the waters offshore of the Republic of Vietnam in 1967-1968 but never docked at a Vietnamese port, developed prostate cancer in 2015. He applied for a service-connected disability rating in 2016, but his application was denied because he had never gone ashore in Vietnam.

Can he apply again?



Yes, he can. In fact, VA sent him a letter inviting him to reapply.



Use VA Form 20-0995

Mary is a nurse who has not previously filed a claim.



Mary, a U.S. Navy nurse who served offshore on the USS Sanctuary in 1970 within 12 nautical miles of the Republic of Vietnam, but never went ashore, developed non-Hodgkin's lymphoma (a type of cancer) in 2014. Because her condition is being successfully treated, and because she thought she was not eligible for compensation, she never filed a claim for benefits.

Can she do so now?

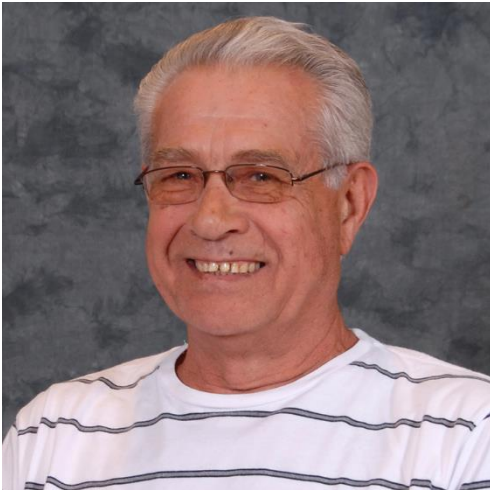


Yes, she can.



Use VA Form 21-526EZ

Rocco has a legacy appeal currently pending.



Rocco, a U.S. Navy Veteran who served aboard the USS Dynamic in 1968, has a legacy appeal pending since December 2018 for service connection for diabetes mellitus type II. A Statement of the Case has not yet been issued.

What does he need to do at this time?



Nothing. After January 1, 2020, VA will be automatically reviewing claims that are currently with the VA review process or under appeal.

Joan is the widow of a Veteran and hopes to receive DIC.



Joan is the widow of a Navy Veteran who, in 1970, served on the USS St. Louis in the offshore waters of the Republic of Vietnam, who never went ashore, and who died of chronic b-cell leukemia in 2009.

Can she file for Dependency and Indemnity Compensation (DIC) as the survivor of a Veteran whose death resulted from a BWN service-related condition?



Yes, she can, even if her claim was previously denied. As the surviving spouse, she may now be eligible to receive monthly DIC benefits, which are tax-free monetary benefits.



Use VA Form 20-0995 (if she previously applied for DIC benefits) otherwise use VA Form 21P-534EZ

Annie is the widow of a Veteran and receives DIC.



Annie is the widow of a U.S. Coast Guard Veteran who, in 1969, served on the US Coast Guard Cutter TANEY in the offshore waters of the Republic of Vietnam, who never went ashore, and who died of chronic b-cell leukemia in 2009. **Can she file for a home loan as a DIC recipient of a Veteran whose death resulted from a service-related condition?**



Yes, she may be eligible for a home loan as a spouse of a Servicemember who died with a service-connected condition and/or is in receipt of DIC.



Use VA Form 20-0995 (if she previously applied) otherwise use VA Form 26-1817

Here's Stephen, a Veteran's child with spina bifida.



Stephen is the biological child of Bill, a Vietnam-era Veteran who served in Thailand in 1970, but not in Vietnam itself. Stephen was born with spina bifida, a birth defect. Neither Stephen nor Bill ever filed for VA compensation for Stephen's condition, because Bill was told that only the children of Veterans who served in Vietnam were eligible. **Can Stephen apply now?**

YES

Yes, he can, under the provisions of PL 116-23. However, his claim may be granted only if the evidence shows that Bill was exposed to herbicides. Stephen may also be eligible for vocational training or rehabilitative services if those are necessary for him.



Use Form 21-0304

Meet Sara, her claim for DIC, and her deceased husband Dan's claim for disability, were previously denied.



Dan is a U.S. Navy Veteran who served aboard the USS Valley Forge that patrolled the waters offshore of Vietnam in 1967-1968 but never went ashore. He developed lung cancer in 2015 and applied for a service-connected disability rating in 2016. His claim was denied because he had never gone ashore. He died in 2017 and Sara claimed Dependency and Indemnity Compensation (DIC) two months later. Her claim was denied.

Can she apply again?



Yes, she can. In fact, VA will be sending her a letter inviting her to reapply. VA may potentially grant entitlement to DIC and accrued benefits for the Veteran's previously denied claim.



Use VA Form 20-0995

Donna is the widow of Peter who died while his claim for compensation was pending.



Peter is a U.S. Navy Veteran who served offshore on the USS Okinawa in 1970 within 12 nautical miles of the Republic of Vietnam, but never went ashore. He claimed service connection for prostate cancer in 2019. He passed away before a decision was made.

Can his widow, Donna, file a claim?



Yes, she can. VA may potentially grant entitlement to DIC and for accrued benefits for the Veteran's claim pending at the time of his death.

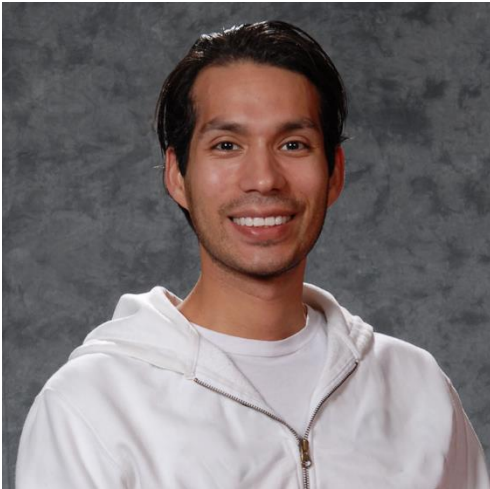


Use VA Form 21P-534EZ

Veteran Scenarios

VA Home Loan Program

Tim wants a VA home loan.



Tim, a U.S. Army National Guard Veteran who separated from service honorably in 2015, recently married and is now seeking to purchase his first home with the help of a VA home loan guaranty. He has never received disability compensation benefits. **Will he be required to pay the increased funding fee mandated in PL 116-23?**



No, he would pay a lower funding fee. Also, he will have a no down payment option, no matter what the cost of the home he intends to purchase.

For a \$350,000 home in Omaha, NE, with no down payment he will pay:

- **Prior to Jan. 1** – \$8,400 funding fee
- **After Jan. 1** – \$8,100 funding fee

Does Sally, wounded in combat, need to pay funding fees?



Sally, an active duty U.S. Navy Servicemember, was wounded while serving in Afghanistan in 2016, and received a Purple Heart award. She now wishes to purchase her first home. **Will she be required to pay the increased funding fee required of Servicemembers in PL 116-23?**



No, she will not. As a Purple Heart recipient still on active duty, the home loan funding fee will be waived starting January 1, 2020.

For a \$400,000 home in Silver Spring, MD, she will pay:

- **Prior to Jan. 1** – \$8,600 funding fee
- **After Jan. 1** – No funding fee

Meet Patrick, who wants to buy a home in the NYC suburbs.



Patrick separated from the U.S. Marine Corps in 2010 and is now seeking a VA loan to help him purchase his first home for \$1 million in the suburbs of New York City. He was previously advised that although NYC is a “high cost” area, the house price was still “too expensive” for him to receive a no down payment VA-guaranteed loan. **Is that information still correct?**



Not any longer. PL 116-23 allows him to obtain a no-down payment, VA backed loan in all areas of the country regardless of loan amount.

For a \$1,000,000 home in Scarsdale, NY, he will pay:

- **Prior to Jan. 1** – \$21,500 funding fee, with \$54,700 down payment
- **After Jan. 1** – \$23,000 funding fee only

Eileen, a Navajo Veteran, wants to buy a home on Trust Land.



Eileen, a U.S. Army Veteran who retired from service in 2012, is a member of the Navajo Nation. She wishes to purchase a home on Federal Trust Land using her VA home loan benefit. **Is there anything she should know about the change to the Native American Direct Loan (NADL) program?**

YES

Yes. First, Eileen should be pleased to know that the Navajo Nation has an MOU in place with VA. An MOU is required before Veterans may use their NADL benefit on Trust lands. Secondly, PL 116-23 has enhanced the NADL benefit by removing the previous loan limit for NADL loans. She can contact her VA Regional Loan Center at (877) 827-3702 for additional details.

Blue Water Navy Frequently Asked Questions (As of 10/29/2019)

1. Q: What is the Blue Water Navy Vietnam Veterans Act of 2019?

A: [Public Law 116-23](#), the *Blue Water Navy Vietnam Veterans Act of 2019*, was signed into law on June 25, 2019. The law takes effect January 1, 2020. The law states that Veterans who served offshore of the Republic of Vietnam 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 eligible for presumption of service connection based on herbicide exposure, the Veteran must have served in the offshore waters of the Republic of Vietnam not more than 12-nautical miles seaward of a line commencing on the southwestern demarcation of the waters of Vietnam and Cambodia and intersecting at the following points.

Points Geographic Names	Latitude North	Longitude East
At Hon Nhan Island, Tho Chu Archipelago Kien Giang Province	9°15.0'	103°27.0'
At Hon Da Island southeast of Hon Khoai Island Minh Hai Province	8°22.8'	104°52.4'
At Tai Lon Islet, Con Dao Islet in Con Dao-Vung Toa Special Sector	8°37.8'	106°37.5'
At Bong Lai Islet, Con Dao Islet	8°38.9'	106°40.3'
At Bay Canh Islet, Con Dao Islet	8°39.7'	106°42.1'
At Hon Hai Islet (Phu Qui group of islands) Thuan Hai Province	9°58.0'	109°5.0'
At Hon Doi Islet, Thuan Hai Province	12°39.0'	109°28.0'
At Dai Lanh point, Phu Khanh Province	12°53.8'	109°27.2'
At Ong Can Islet, Phu Khanh Province	13°54.0'	109°21.0'
At Ly Son Islet, Nghia Binh Province	15°23.1'	109° 9.0'
At Con Co Island, Binh Tri Thien Province	17°10.0'	107°20.6'

2. Q: What is the *Procopio* decision?

A: The U.S. Court of Appeals for the Federal Circuit rendered a decision on January 29, 2019 that ruled in favor of the Veteran in *Alfred Procopio, Jr., v. Robert Wilkie*. In the decision, 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 12-nautical miles offshore 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.

3. Q: Are there Veterans who would receive benefits under Procopio who will not be eligible under Public Law 116-23?

A: 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.

4. Q: How does this law change eligibility for the presumption for Agent Orange exposure claims?

A: The law expands the population of eligible Veterans who served in the offshore waters of the Republic of Vietnam as specified in Public Law 116-23.

5. Q: When does the new law go into effect?

A: 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.

6. Q: Do I need to prove contact with an herbicide such as Agent Orange?

A: 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*.

7. Q: Are Blue Water Navy Veterans and survivors excluded from filing for disability benefits related to herbicide exposure to include toxins such as Agent Orange?

A: No. Blue Water Navy Veterans have always been able to file for benefits for disabilities related to herbicide exposure to include toxins such as Agent Orange. VA previously had a policy of applying the presumption of herbicide exposure when a Veteran and/or survivor could provide evidence that the Veteran served on a vessel, while the vessel: (1) temporarily entered the Republic of Vietnam’s inland waterways, (2) docked to shore or pier, or (3) otherwise sent crewmembers ashore while operating on close coastal waters.

8. Q: Why had VA not applied the presumption of exposure to Blue Water Navy Veterans in the past?

A: VA interpreted the statutory phrase “served in the Republic of Vietnam” to refer to service on land or on the inland waterways of Vietnam, but not to include service in the waters offshore or in the airspace above Vietnam. The *Blue Water Navy Vietnam Veterans Act of 2019* clarifies Congress’ intent to expand the population of Veterans presumed to have been exposed to herbicides to include toxins such as Agent Orange.

9. Q: What is the difference between Brown Water and Blue Water Navy Veterans?

A: “Brown Water” Veterans are those who served on U.S. Naval and Coast Guard vessels which navigated the inland waterways and rivers of the Republic of Vietnam. “Blue Water” Veterans are those who served offshore of the Republic of Vietnam, including 12-nautical miles seaward of a line commencing on the southwestern demarcation line of the waters of Vietnam and Cambodia and intersecting coordinates as described in the law.

10. Q: What health conditions are associated with herbicide exposure to include toxins such as Agent Orange ¹?

A: Fourteen diseases are currently on the presumptive list for Agent Orange.

- Amyloid light-chain (AL) amyloidosis
- Chloracne, or other acneform disease consistent with chloracne
- All Chronic B-cell leukemias (including, but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia)
- Diabetes mellitus, Type 2
- Lymphoma, Hodgkin’s, formerly known as Hodgkin’s disease
- Multiple myeloma
- Lymphoma, Non-Hodgkin’s
- Peripheral neuropathy, early-onset
- Porphyria cutanea tarda
- Prostate Cancer
- Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea)
- Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi’s sarcoma, or mesothelioma)
- Ischemic heart disease
- Parkinson's disease

¹ This list of conditions is 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 establishes that the claimed condition is medically associated with dioxin exposures.

11. Q: What will the effective date be for Blue Water Navy Veteran claims?

A: 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 your claim, the effective date will be determined on a case-by-case basis.

12. Q: How will the previously denied claims be reviewed under the new law?

A: Veterans and survivors who had an herbicide exposure claim with service connection of 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 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/>

13. Q: What happens if the Veteran dies before his or her claim is decided?

A: 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/>.

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

A: 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.

15. Q: 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)?

A: 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 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/>

16. Q: How will you contact Veterans who were previously denied for Agent Orange?

A: Letters were sent to the Blue Water Navy Veterans and survivors who were previously denied benefits. Veterans Service Organizations will be informed of changes in the law.

17. Q: What benefits can a Veteran expect if their claim is approved?

A: A 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.

18. Q: Where can I get additional information on disability compensation for herbicide exposure such as Agent Orange?

A: 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.

19. Q: Is award of the Vietnam Service Medal enough to qualify for Agent Orange related disability compensation?

A: No. Receipt of the Vietnam Service Medal as well as 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.

20. Q: Are Blue Water Navy Veterans eligible for the Agent Orange Registry?

A. Blue Water Navy Vietnam Veterans who state that they meet the criteria of Public Law 116-23 are eligible for the Agent Orange Registry health exam. This health exam is a free VA service that alerts Veterans to possible long-term health problems that may be related to herbicide exposure to include toxins such as Agent Orange during military service. Being in the Agent Orange Registry does not verify eligibility for benefits. For more information, visit <https://www.publichealth.va.gov/exposures/agentorange/benefits/registry-exam.asp>.

21. Q: What changes were made to the Agent Orange presumption for Veterans who served in Korea?

A: 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.

22. Q: What changes were made in the law for children with spina bifida, whose parent served in Thailand from January 9, 1962 to May 7, 1975?

A: 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 January 9, 1962, and May 7, 1975, can receive healthcare, 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 an herbicide such as Agent Orange. The child must be biological and conceived after the Veteran's covered service in Thailand.

23. Q: I received a letter from VA saying I might be eligible; do I still need to file a claim?

A: Veterans and survivors, who received a notification letter from VA, must still **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 and updated medical information. A claim will automatically be reviewed under the new policy if it is currently in the VA review process or under appeal.

24. Q: Is there some way I can determine if I am considered a Blue Water Navy Veteran?

A: VA has established a special team specifically designated to research military and service treatment records and to determine whether a Veteran served in the eligible offshore waters of the Republic of Vietnam. To help us make that determination, 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. The specific area is defined in the [Blue Water Navy Act of 2019](#). More information about Blue Water Navy Veterans can be found at <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/navy-coast-guard-ships-vietnam/>.

25. Q: If I was originally denied a claim under BWN, will I receive a retroactive payment?

A: 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, for a presumptive condition and you resubmit your claim, the effective date will be determined on a case-by-case basis.

26. Q: If I was on a vessel after the war in the Republic of Vietnam, does the Blue Water Navy Law apply to me if I have one of the presumptive conditions?

A: To be eligible for presumption of service connection based on herbicide exposure, the Veteran must have been aboard a U.S. military vessel offshore of the Republic of Vietnam between January 9, 1962, and May 7, 1975, operating within 12-nautical miles seaward of a line commencing on the southwestern demarcation of the waters of Vietnam and Cambodia. For

more information visit the Agent Orange website

<https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/>

27. Q: The Blue Water Navy Act included changes to the VA Home Loan program. What are those changes?

A: The law includes changes to the VA Home Loan program, most notably, changes to guaranteed loan limit amounts and to Congressionally-mandated home loan funding (user) fees. More specifically the law authorized:

- Home loan provisions take effect on January 1, 2020.
- On January 1, 2020, VA-guaranteed home loans will no longer be limited to the Federal Housing Finance Agency (FHFA) [Conforming Loan Limits](#). Veterans will be able to obtain no-down payment home loans in all areas, regardless of loan amount.
- On January 1, 2020, there will be temporary increases to the Congressionally-mandated VA Home Loan funding fee for some purchase and cash-out refinance loans.
- There will be a reduction in the home loan funding fee for Reservists and National Guard borrowers to align with the fee paid by ‘regular military’ borrowers.
- The law exempts Purple Heart recipients currently serving on active duty from the VA Home Loan funding fee.
- The law also removes the previous loan limit for Native American Veterans seeking to build or buy a home on Federal Trust land.
- The law also enables the Secretary to authorize VA appraisers to use their apprentices, trainees, or the information gathered by another subordinate appraiser to complete an appraisal for a VA guaranteed loan.

28. Q: I’m a Veteran looking to use my VA home loan benefits. Does the removal of the VA loan limit mean I automatically qualify for a higher-priced house?

A. No. Veteran borrowers seeking to use their VA home loan guaranty benefit still must qualify for a loan, based on credit and income requirements set forth by VA. Lenders will still look at your credit history, income, and other factors to assess your ability to afford payments on the mortgage. Some lenders may have additional lending criteria in place which exceed VA’s guidelines. VA recommends shopping amongst several lenders to compare interest rates, fees, and charges, before deciding which one can best meet your overall financial needs and goals. For more information or to speak with a VA Loan Specialist call 1 (877) 827-3702.

DID YOU KNOW?

THE BLUE WATER NAVY VIETNAM VETERANS ACT BEGINS ON JANUARY 1, 2020

LEARN MORE AT [VA.GOV](https://va.gov)
Search for “Blue Water Navy”



VA



U.S. Department
of Veterans Affairs

Fraud Avoidance for Veterans

Over the past four years, there has been a **4x increase in fraudulent activity against Veterans, their survivors, and dependents**. VA is actively working to prevent these incidents, but the best line of defense against this criminal activity is you!

Here are some tips about being contacted regarding your Veterans Affairs (VA) benefits:

1.

If you receive correspondence from VA concerning a claim, and you don't remember filing a claim, contact VA directly at **1-800-827-1000** to confirm details.



6.

Be cautious of telephone numbers on your caller ID. Scammers can change the telephone number (spoofing) to make a call appear to come from a different person or place.



2.

VA will **never charge you for processing a claim** or request a processing fee prior to releasing benefit payments.

3.

VA will **never ask for your personal information via email**. This includes verification of your SSN, address, and/or bank information. VA only addresses personal information via mailed letters.

7.

When in doubt, hang up and call VA directly at 1-800-827-1000, or call your Power of Attorney representative (DAV, VFW, etc).

4.

VA may check in with you by phone, email, or text message. If you are unsure about any call, email, or text, confirm details with VA directly at **1-800-827-1000**.

8.

If you receive an email or letter from VA notifying you that your direct deposit information was updated, or that your eBenefits account information was updated, and you don't remember doing so — immediately contact VA at 1-800-827-1000. **Do not ignore the email or letter**. It could be your first sign that your information has been compromised.

5.

VA **does not threaten** claimants with jail or lawsuits.



VA



U.S. Department
of Veterans Affairs