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US Navy Vietnam Veterans Fight for Benefits

By Daniel Lippman | McClatchy Newspapers

WASHINGTON — Doug DeWitt served his country in the U.S. Navy during the Vietnam War, but now he feels abandoned by the nation for which he fought.

Forty years after his service, the 67-year-old Anaheim, Calif., resident suffers from diabetes, high blood pressure and other ailments that he blames on exposure to Agent Orange, the main chemical the United States sprayed during the war. He has tried for years without success to get disability compensation from the Department of Veterans Affairs.

"I don't have the strength that I used to have. I can't do the walking I used to because of the pain in my legs," he said. He added that the VA has not been helpful in resolving his claim. "They won't listen to you. You can talk till you're blue in the face," he said.

DeWitt is one of potentially thousands of so-called "blue water" Navy veterans who have been excluded from easy approval of their Agent Orange-related disability compensation claims by the Veterans Affairs Department. He's in a group of veterans who served on deep-water ships off the coast of Vietnam but didn't touch land or serve on waterways inside the country.

A study issued in May by the Institute of Medicine has dimmed the hopes of these blue water veterans. The report said there was too little data to conclusively determine whether they had been exposed to Agent Orange. Because it appears unlikely that the Veterans Affairs Department will change its policy on its own, veterans now are intent on finding a legislative solution.

A VA spokeswoman, Michele Hammonds, said she couldn't talk about individual veterans' claims because of privacy rules. She cited a number of Agent Orange-related resources at the department, among them a medical exam offered to Vietnam veterans who might have been exposed between 1962 and 1975.

The Agent Orange defoliants sprayed on Vietnam contained dioxins, highly toxic chemicals that have been linked to a variety of illnesses including heart conditions, diabetes and several cancers.

In 1991, Congress passed the Agent Orange Act, which gave the Department of Veterans Affairs the authority to declare a number of medical conditions "presumptive" for Vietnam veterans and to grant disability compensation to those affected.

Blue water veterans were granted this status until February 2002, when the department amended its procedures to limit veterans who didn't touch land from easy approval of their claims. "This change ... is an unfair and unjust result that has been litigated endlessly — and ultimately against these veterans," said Rep. Bob Filner, D-Calif., speaking at a May 5, 2010, House Veterans Committee hearing.

These veterans can still submit claims to the VA, but they often are denied and the process takes much longer, according to John Paul Rossie, the executive director of the Blue Water Navy Vietnam Veterans Association.

His organization says there are tens of thousands of possible Navy veterans who've been left out of easy approval of their claims for illnesses linked to Agent Orange. John Wells, the group's legislative affairs and legal director, said it's a matter of moral responsibility that the nation takes

care of its blue water veterans. "If today's veterans ever get the idea that they're not going to be taken care of, I'm not sure how many of them are going to show up and enlist," he said in an interview.

But the cost of the VA covering health care costs for these veterans could reach into the hundreds of millions of dollars, at a time when Congress is trying to get the enormous U.S. deficit under control.

On May 20, the Institute of Medicine, an arm of the National Academy of Sciences, issued a report saying it was impossible to conclusively say that blue water vets were exposed to Agent Orange because of the lack of data from 40 years ago.

But the veterans' claims have been bolstered by a 2002 study done for the Australian Department of Veterans Affairs by the National Research Centre for Environmental Toxicology in that country. Australia deployed navy ships and destroyers to the U.S.-led war effort in Vietnam. "The study findings suggest that the personnel on board ships were exposed to biologically significant quantities of dioxins," said the Australian study.

Some American experts also have backed up the veterans' claims. In a 2005 article in the Journal of Law and Policy, Mark Brown, then director of the Environmental Agents Service at the Veterans Affairs Department, wrote that, "there is no obvious scientific or public health basis for excluding" the blue water veterans from the same presumption that is granted to veterans who served on Vietnamese soil.

In recent years, Australia and New Zealand have begun to provide benefits for the Agent Orange-related claims of their blue water veterans.

An estimated 12 million to 19 million gallons of herbicides and defoliants, mainly Agent Orange, were sprayed on Vietnam by the United States during the war to kill off forest cover used by the Viet Cong.

The blue water veterans say they were exposed to Agent Orange primarily through the water they drank on ships, which often was distilled from water taken from the sea or from harbors when ships were anchored close to shore. Potentially toxic runoff from rivers flowed into that sea and harbor water.

In 2009, Sen. Kirsten Gillibrand, D-N.Y., authored a bill to expand the definition of the veterans covered by the VA to include blue water vets. While that bill did not pass, her spokeswoman said last week that the senator plans to reintroduce a similar bill soon.

Meanwhile, California veteran Doug DeWitt, a petty officer on the aircraft carrier USS Valley Forge during the Vietnam War, has submitted claims for disability compensation for several years, but they have been denied. He is appealing his case.

He feels let down by the government. "I think the way the VA is looking at us (is) they're just waiting for us to die off so they don't have to pay us," he said.

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