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## As a Vietnam Veteran, What Kind of Benefits Can I Get?

U.S. Department of Veterans Affairs (VA) pays disability compensation to Vietnam veterans with injuries or diseases that began in, or were aggravated by, their military service. These are called "service-connected" disabilities. VA has several pamphlets describing VA benefits. They are available on the Internet at:

<http://www.warms.vba.va.gov/21pamphlets.html>. If you do not have Internet access at home, you can get free access at most public libraries. Publications are also available at your VA Regional Office or by calling these offices at 1-800-827-1000.

## How Much Compensation Will I Get?

Monthly payment rates are based on the veteran's combined rating for his or her service-connected disabilities. These ratings are based on the severity of the disabilities. Additional amounts are paid to certain veterans with severe disabilities ("special monthly compensation") and certain veterans with dependents.

Current and Historical [Compensation Rate Tables](#) are available on the web.

## What Evidence Do I Need?

In an Agent Orange-based claim by a Vietnam veteran for service-connected benefits, VA requires:

1. a medical diagnosis of a disease which VA recognizes as being associated with Agent Orange (listed below),
2. competent evidence of service in Vietnam, and
3. competent medical evidence that the disease began within the deadline (if any).

## Who Can Get Benefits?

Under the law, veterans who served in Vietnam between 1962 and 1975 (including those who visited Vietnam even briefly), and who have a disease that VA recognizes as being associated with Agent Orange, are presumed to have been exposed to Agent Orange.

These veterans are eligible for service-connected compensation based on their service, if they have one of the diseases on VA's list of "*Diseases associated with exposure to certain herbicide agents.*" This list is found in VA's regulation, [Section 3.309\(e\)](#), in title 38 of the Code of Federal Regulations. VA updates this list regularly based on reports from the National Academy of Sciences, an independent research and education institution. (*If you do not have Microsoft Word software installed, you may [download free viewer and reader software](#) to view the Section 3.309 document.*)

## **Diseases Associated With Exposure to Agent Orange**

[These](#) are the diseases which VA currently presumes resulted from exposure to herbicides like Agent Orange. The law requires that some of these diseases be at least 10% disabling under VA's rating regulations within a deadline that began to run the day you left Vietnam. If there is a deadline, it is listed in the information regarding the disease.

## **What Benefits Can My Family Get?**

Learn more about [Spina bifida birth defect](#) and [other Agent Orange birth defects](#) benefits.

In 1996, President Clinton and VA Secretary Jesse Brown asked Congress to pass legislation providing health care, monthly disability compensation, and vocational rehabilitation to the children of Vietnam veterans suffering from the serious birth defect spina bifida, which has been linked to the veterans' exposure to Agent Orange. Congress passed the legislation, marking the first time our nation had ever compensated the children of veterans for a birth defect associated with their parent's exposure to toxic chemicals during their military service.

Effective December 16, 2003, Congress authorized these benefits to children with spina bifida of certain veterans who served at or near the demilitarized zone in Korea between September 1, 1967 and August 31, 1971, because Agent Orange is known to have been sprayed in that area.

## **Survivor Benefits**

Survivors of veterans (including spouses, children and dependent parents) who died as the result of a service-connected disease may be eligible for monthly Dependency and Indemnity Compensation benefits. These survivors may also be eligible for education, home loan and medical care benefits.

## **How Can I Apply for VA Benefits?**

To apply for benefits, [apply on-line](#) or send the VA Regional Office a letter stating that you have a specific health problem and that you claim it is due to your exposure to Agent Orange while serving in Vietnam. This is called an informal claim and will set the effective date for your benefits payments, if your claim is granted. The VA Regional Office will then send you an application form, which you must fill out and return. To get the address of your VA Regional Office, call 1-800-827-1000.

## **Can I Get a Representative to Advocate for Me?**

You may get a representative to help you present your claim to the VA. Most veterans service organizations and state and county veterans service agencies offer free representation. A listing of veterans service organizations is available on the Internet at: [www.va.gov/vso/index.htm](http://www.va.gov/vso/index.htm). A listing of state veterans agencies is available on the Internet at: [www.va.gov/partners/stateoffice/index.htm](http://www.va.gov/partners/stateoffice/index.htm).

## **What If My Claim is Denied?**

If the VA Regional Office says your disability is not service-connected or if the percentage of disability is lower than what you think is fair, you have the right to appeal to the Board of Veterans' Appeals. The first step in appealing is to send the VA Regional Office a "*Notice of Disagreement*." This Notice of Disagreement is a written statement saying that you "*disagree*" with the denial. Be sure your Notice includes the date of the VA's denial letter and be sure to list the benefits you are still seeking.

The Notice of Disagreement must be mailed to the VA Regional Office within one year of the VA Regional Office's denial of your claim or you cannot appeal.

In response to the Notice of Disagreement, you will get a "*Statement of the Case*" from the VA Regional Office. This will repeat the reasons stated in the VA's denial letter why your claim was denied and will include the relevant VA regulations. Once you get the Statement of the Case, if you still wish to pursue your appeal, you should file a VA Form 9, "*Appeal to Board Veterans' Appeals*," which is sent to with the Statement of the Case. You have 60 days from the date on the Statement of the Case, or one year from the date the VA first denied your claim, to file the VA Form 9. Whichever date is later is your deadline.

### **Can I Appeal Beyond the VA Regional Office?**

The Board of Veterans' Appeals (also known as "BVA") is a part of the VA, located in Washington, D.C. Members of the BVA review benefit claims decisions made by VA Regional Offices and issue a new decision. You may have a hearing before the BVA in Washington, DC or at your VA Regional Office.

Anyone appealing to the BVA should read the "*Understanding the Appeal Process*" pamphlet. It explains the steps involved in filing an appeal and to serve as a reference for the terms and abbreviations used in the appeal process. The Board mails a copy of this pamphlet to anyone who appeals their case. It is also available on the [Internet](#).

### **Can I Appeal to a Court?**

If the BVA does not grant all the benefits you are seeking, you have four choices:

1. decide not to pursue your claim
2. appeal to the U.S. Court of Appeals for Veterans Claims
3. ask the BVA to reconsider its decision or
4. reopen your case at the VA Regional Office with new and material evidence.

## **Appeal to the Court**

You may appeal to the Court only if BVA has denied some or all of your benefits. You may not appeal a BVA decision to remand your claim back to the VA Regional Office. You must file your appeal by mail or by fax. Send your name, address, phone number, and the date of the BVA decision to:

Clerk of the Court  
U.S. Court of Appeals for Veterans Claims  
625 Indiana Avenue NW  
Washington DC 20004

Fax number: (202) 501-5848

To get a list of veterans' representatives who practice at the Court, and for more information on the Court, see the Court's web site at [http://www.vetapp.uscourts.gov/about/how\\_to\\_appeal/](http://www.vetapp.uscourts.gov/about/how_to_appeal/). This list is also available by calling the Court at 1-800-869-8654.

## **Ask BVA to reconsider**

The BVA will reconsider its denial decision, if it finds an "obvious error of fact or law" in that decision. Such a request should be sent to the BVA.

## **Reopen your case**

If you can get additional evidence that is both new and material, you can reopen your claim at the VA Regional Office and get a new decision.

## **What If I Served in Vietnam and Have a Disease Not on VA's List**

If you served in Vietnam and believe that you have a disease caused by herbicide exposure, but that disease is not on VA's list of diseases associated with herbicides like Agent Orange, you may still apply for service-connection. Such a veteran needs to establish entitlement to service connection on a "direct" (rather than "presumptive") basis. In these cases, VA requires:

1. competent medical evidence of a current disability;
2. competent evidence of exposure to an herbicide in Vietnam; and
3. competent medical evidence of a nexus (causal relationship) between the herbicide exposure and the current disability.

## **What If I Was Exposed to an Herbicide Outside Vietnam?**

Herbicides were used by the U.S. military to defoliate military facilities in the U.S. and in other countries as far back as the 1950s. [This page](#) contains information from the Department of Defense (DoD) on projects to test, dispose of, or store herbicides in the U.S. Even if you did not serve in Vietnam, you can still apply for service-connected benefits if you were exposed to an herbicide while in the military which you believe caused your disease or injury. If you have a disease which is on the list of diseases which VA recognizes as being associated with Agent Orange, the VA requires:

1. a medical diagnosis of a disease which VA recognizes as being associated with Agent Orange (listed below),
2. competent evidence of exposure to a chemical contained in one of the herbicides used in Vietnam (2,4-D; 2,4,5-T and its contaminant TCDD; cacodylic acid; or picloram), and
3. competent medical evidence that the disease began within the deadline for that disease (if any).

If you have a disease which is not on the list of diseases which VA recognizes as being associated with Agent Orange, VA requires:

1. competent medical evidence of a current disability;
2. competent evidence of exposure to an herbicide during military service; and
3. competent medical evidence of a nexus (causal relationship) between the herbicide exposure and the current disability.

### **VA Medical Care**

VA offers a variety of health care benefits to veterans for diseases associated with Agent Orange exposure. [Learn more](#) about the health care benefits VA offers.

### **Social Security Benefits**

The Social Security Administration (SSA) offers both disability insurance benefits and supplemental security income benefits. Veterans can receive both Social Security disability insurance benefits and VA disability compensation. (The supplemental security income benefit (SSI) is offset for VA pension or compensation.) Unlike VA compensation benefits that are measured in degrees of disability, SSA benefits require a total disability that will last at least one year. If you cannot work because of your disability, contact the nearest district office of SSA at 1-800-772-1213. SSA benefits information is available on the Internet at [www.ssa.gov](http://www.ssa.gov).