

**Department of
Veterans Affairs**

Memorandum

Date: JUL 01 2019

From: Secretary (00)

Subj: Stay of Pending Claims under the Blue Water Navy Vietnam Veterans Act of 2019 (H.R. 299)

To: Under Secretary for Benefits (20)
Chairman, Board of Veterans' Appeals (01)

1. The Blue Water Navy Vietnam Veterans Act of 2019 (BWNVV) authorizes me to stay certain pending claims for benefits that may be affected by that Act until implementation of the statutory amendments Congress directed to go into effect on January 1, 2020. I exercise that authority.
2. The Veterans Benefits Administration (VBA) and Board of Veterans' Appeals (Board) are ordered to stay decisions regarding claims for disability compensation that are based on service in the offshore waters of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, and which claim disability resulting from at least one of the diseases listed in 38 C.F.R. § 3.309(e). See BWNVV at § 2(c)(3).
3. VBA and the Board are ordered to stay decisions regarding claims for disability compensation that are based on service in or near the Korean Demilitarized Zone, during the period beginning on September 1, 1967, and ending on August 31, 1971, and which claim disability resulting from at least one of the diseases listed in 38 C.F.R. § 3.309(e). See BWNVV at § 3(c)(3).
4. For purposes of this memorandum, the term "claims for disability compensation" shall include claims by the survivors of Veterans for benefits under chapter 13 of title 38, United States Code, that relate to the service and diseases identified in paragraphs 2 and 3.
5. VBA and the Board are ordered to stay decisions regarding claims for benefits for spina bifida from children of Veterans who were allegedly exposed to herbicides while serving in Thailand, during the period beginning on January 9, 1962, and ending on May 7, 1975. See BWNVV at § 4(d)(3).
6. The stays shall remain in effect until January 1, 2020. This memorandum shall not preclude VA from complying with an order of the Board issued before the date of this memorandum, directing a grant of benefits to a person whose claim otherwise is subject to stay under this memorandum, or with the order of any court.



Robert L. Wilkie