AGENT ORANGE BEYOND VIETNAM

Am I Eligible to Receive VA Benefits for My Agent Orange Exposure?

LEGAL HELP FOR VETERANS, PLLC
Legal Help For Veterans, PLLC is a law firm dedicated to assisting our Nation’s veterans receive the veterans disability compensation to which they are entitled based on their service to the country.

The law firm has been assisting veterans since 1998. Our legal staff has decades of experience in dealing with medical disability matters and employs a network of medical specialists, many former military physicians, who can ensure your claim has the best likelihood of success. Our staff includes former officers and enlisted personnel, health care professionals, and dedicated individuals.

We have an acclaimed national practice representing veterans from across the country. This representation occurs at the United States Court of Appeals for Veteran Claims, the Board of Veteran Appeals, and the regional offices throughout the country.

Over the years, Legal Help For Veterans has become a trusted name in the legal community for providing services to veterans. Our lawyers are regularly asked by law schools, bar associations, and veterans’ service organizations to lecture and train others to practice in this area.

**Brigadier General Carol Ann Fausone (ret.)**

Brigadier General Carol Ann Fausone (ret.) served for over 36 years with the U.S. Air Force and Michigan National Guard. As a nurse, her duty assignments took her around the country, and the world, assisting commanders with troop readiness.
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Agent Orange is a blend of herbicides (chemicals used to kill plants), which the U.S. military employed as a part of its herbicidal warfare program during the Vietnam War and in other parts of Asia. Agent Orange was intended as a tactical strategy to remove dense foliage that provided enemy cover. Over the course of the War, over 19 million gallons of “rainbow” herbicide combinations were sprayed, of which Agent Orange was the most prevalent. Its name came from the orange identifying stripe used on the 55-gallon drums in which it was stored.

It is estimated that some 2.4 million Americans could have been exposed to Agent Orange throughout its use, in addition to allied forces and the local populations where it was used.
Agent Orange is associated with at least 15 types of diseases and various forms of cancer. Veterans and their survivors could be eligible for benefits from the Department of Veterans Affairs (VA) for these diseases, which include:

<table>
<thead>
<tr>
<th>AL Amyloidosis</th>
<th>Parkinson’s Disease</th>
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<tr>
<td>Chronic B-cell Leukemias</td>
<td>Peripheral Neuropath, Early Onset</td>
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<tr>
<td>Chloracne</td>
<td>Porphyria Cutanea Tarda</td>
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<td>Diabetes Mellitus Type 2</td>
<td>Prostate Cancer</td>
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<tr>
<td>Hodgkin’s Disease</td>
<td>Lung &amp; Other Respiratory Cancers</td>
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<tr>
<td>Ischemic Heart Disease</td>
<td>Soft Tissue Sarcomas</td>
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<tr>
<td>Multiple Myeloma</td>
<td>Spina Bifida</td>
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<tr>
<td>Non-Hodgkin’s Lymphoma</td>
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If you have any of these diseases, and you served in locations listed on the following pages, then you will be granted a presumption that exposure to Agent Orange resulted in the disease and receive disability compensation.

**IMPORTANT NOTE:** This is a current list as of June 2019, but it may be updated. For official updates search for **Title 38 Code of Federal Regulations Section 3.309(e), “Diseases associated with exposure to certain herbicide agents.”**
Exposure to Agent Orange by Location: Vietnam & Brown Water Veterans

The VA concedes that veterans were exposed to Agent Orange or other herbicides if they served in the below locations:

- **Vietnam, anytime between January 9, 1962 and May 7, 1975, if the veteran was “boots on the ground.”**

- **“Brown Water” Veterans:** If you served on a ship in the inland waterways of Vietnam. “Blue Water” Veterans – those who served on open sea ships off the shore of Vietnam – need to have actually stepped foot on land in Vietnam to receive the Agent Orange Exposure presumption.

Other veterans can still apply for disability compensation. However, these veterans must show evidence that they were exposed to Agent Orange or other herbicides at a dose resulting in a disease during their military service to be eligible for service-connection. Veterans in this category include:

- Veterans who were crew members on C-123 planes flown after the Vietnam War.
- Veterans who served where herbicides were tested and stored outside Vietnam.
- Veterans associated with Department of Defense projects to test, dispose of, or store herbicides in the U.S.
Exposure to Agent Orange by Location: Vietnam & Blue Water Veterans

The VA concedes that veterans were exposed to Agent Orange or other herbicides if they served in the below locations:

➢ “Blue Water” Veterans – those who served on open sea ships off the shore of Vietnam

President Trump signed the Blue Water Navy Vietnam Veterans Act into law on June 25, 2019 that will fast-track disability compensation for personnel with medical conditions related to the chemical herbicide of Agent Orange. The enactment follows a decades-long fight by sailors, Marines and others who served off the coast of Vietnam. The law means they will now receive the same presumption as ground troops that certain diseases are connected to Agent Orange exposure. The bill extends disability compensation to personnel who served offshore of the Republic of Vietnam between January 9, 1962, and May 7, 1975, within 12 nautical miles of the coast of Vietnam and Cambodia, along a line of demarcation spelled out in the bill.

Those eligible include veterans with one or more of the presumptive diseases whose claims were previously denied, as well as new claims. The bill also covers veterans who served in the Korean Demilitarized Zone between September 1, 1967, and August 31, 1971, as well as children born to veterans who served in Thailand between January 1962 and May 1975.
While much of the focus on Agent Orange is concentrated on Vietnam, the VA also concedes that veterans were exposed to Agent Orange or other herbicides if they served in the below locations. As with Vietnam and Brown Water veterans, these veterans need not show evidence that they were exposed to a specific harm-causing dose of Agent Orange to be eligible for disability compensation.

➢ **Korea:** In or near the demilitarized zone (DMZ) anytime between April 1, 1968 and August 31, 1971. It is important to note that the Agent Orange presumption only applies for veterans who were in units that operated along the DMZ.

➢ **Thailand:** Veterans stationed at certain military bases in Thailand during the Vietnam Era (see next page). It is important to note that the Agent Orange presumption for veterans in this category only applies if the veteran had a job in which he/she crossed the perimeter of the base. If the perimeter of the base was not crossed, the presumption of Agent Orange exposure does not apply.
Military Bases in Thailand

If you served in Thailand at one of the below bases between February 28, 1961 and May 7, 1975, then you are eligible for the Agent Orange presumption.

Further, Air Force veterans must have served as a security policeman, security patrol dog handler, member of a security police squadron, or otherwise served near the air base perimeter.

Army veterans who were stationed in Thailand must have served as a member of a military police (MP) unit that was placed at or near the base perimeter. Such jobs will be indicated by a veteran’s MOS (military occupational specialty).

Thailand Military Bases:

- Royal Thai Air Force Bases of U-Tapao
- Ubon
- Nakhon Phanom
- Udorn
- Takhli
- Korat
- Don Muang
For Brown Water veterans, and Blue Water veterans who may have also served on the inland waters of Vietnam, you can find more information on whether your ship qualifies for the Agent Orange presumption at:

www.publichealth.va.gov/exposures/agentorange/shiplist/index.asp

Ships or boats that were part of the Mobile Riverine Force, Inshore Fire Support (ISF) Division 93, or had one of the designations listed on the above link operated on the inland waterways of Vietnam, thus qualifying you as a Brown Water Veteran.
Compensation & How to Apply

No matter what benefit you are applying for, the first item you will need to acquire is a copy of your DD-214 — your discharge papers, which will show your character of service. Generally, an other-than-dishonorable discharge is required to receive VA benefits.

A veteran’s monthly benefits depend on the VA’s rating for his or her service-connected disabilities. The more severe the disability, generally speaking, the higher the rating. Additional benefits may be available for veterans with dependents. Veterans and their families can apply by going to their VA regional office and asking for assistance. Applications are also available online using the VA’s eBenefits system: https://www.ebenefits.va.gov/ebenefits/homepage.

Veterans who served in certain locations are presumed to have been exposed to Agent Orange. That presumption means those veterans do not need to prove service-connection for the 14 Agent Orange-associated diseases. However, there is no guarantee as to the percent disabled the VA will rate you.
Legal Help And Appeals

Legal Help For Veterans, PLLC has nearly twenty years of experience helping veterans apply for Agent Orange disability benefits and starting their claims, appealing VA decisions, and filing claims for an increased disability rating so veterans can receive a higher level of benefits.

If you were denied service-connection or benefits for an Agent Orange associated disease, or if you seek a higher rating for such a disease, our firm can help. We can also put you and your family in touch with other critical resources to ensure you receive the treatment that you deserve.

Give us a call at 800-693-4800 or visit us online at www.LegalHelpForVeterans.com.
“It Is Our Duty to Protect Those Who Protected Us.”

-BRIGADIER GENERAL CAROL ANN FAUSONE (RET.)