

Department of Veterans Affairs

Memorandum

Date: JAN 02 2020

From: Executive in Charge, Office of the Under Secretary for Health (10)

Subj: Blue Water Navy (BWN) Act of 2019, Impact on Veterans Health Administration (VHA) with law effect date of January 1, 2020 (VIEWS 02231748)

To: Veterans Integrated Service Network (VISN) Directors (10N1 – 10N 23)
VAMC Directors
VAMC Chief of Staffs
Public Affairs

1. Public Law 116-23, (*Blue Water Navy Vietnam Veterans Act of 2019*) was signed into law on June 25, 2019, and takes effect January 1, 2020. The Veterans Benefits Administration (VBA) will begin deciding claims immediately once the law goes into effect. The new law extends the presumption of herbicide exposure to BWN Veterans who served in the offshore waters of the Republic of Vietnam between January 9, 1962, and May 7, 1975, if they have since developed one of 14 presumptive conditions that are related to contact with herbicides, such as Agent Orange. Among the diseases on the presumed condition list are common conditions in older Veterans, such as ischemic heart disease, diabetes, and various cancers.

2. Also, the law extends eligibility for United States (U.S.) Veterans who served in the Korean Demilitarized Zone between September 1, 1967, and August 31, 1971, and covers children with spina bifida whose BWN Veteran parent was exposed to herbicides, such as Agent Orange, while serving in Thailand. Eligible survivors of deceased BWN Veterans may also benefit from the new law.

3. The Department of Veterans Affairs (VA) will be using a Ship Locator Tool to help verify a Veteran's vessel location during the presumed exposure dates. VA is working with the U.S. Navy to compile an updated ships list to identify which ships operated within the offshore waters of the Republic of Vietnam during the specified timeframes.

4. Veterans who want to file an initial claim for a herbicide-related disability that has not been previously decided by VA can use VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, online at: <https://www.va.gov/disability/how-to-file-claim> or work with an accredited Veterans Service Organization to assist with the application process. Also, Veterans can contact their State VA Office.

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5. BWN Veterans who were previously denied may re-apply using VA Form 20-0995, Decision Review Request: Supplemental Claim. As a result of the new law, VA will automatically review claims that are currently in the VA review process or under appeal.

6. BWN claims will be processed under current prioritization criteria; however, special priority will be given to Veterans who are over age 85 and have a terminal condition.

7. This process will also affect VHA. VBA has recently estimated that approximately 200,000 BWN Veterans may become eligible for benefits based on the law, and they would qualify for VHA priority group 6. VHA's Office of Forecasting and Enrollment has previously projected that due to the law, VHA new enrollees will increase by about 5,000 in 2020. Also, there may be increased reliance among BWN Veterans who are already enrolled (estimated to be about two-thirds of those eligible) or projected to enroll with VHA under existing policies. Enrollees' priority levels who qualify for presumptions are largely expected to increase into or within priorities 1-3, and their potential usage of VHA for health care services is expected to grow as a result.

8. Finally, an important benefit to BWN Veterans is the ability to enroll in the Agent Orange Registry Exam at: <https://www.publichealth.va.gov/exposures/agentorange/benefits/registry-exam.asp>, which is a free exam to eligible BWN Veterans. VA has Environmental Health Coordinators who can help get eligible BWN Veterans registered and examined at the VA medical centers or Community-Based Outpatient Clinics. They are listed by state at: <https://www.publichealth.va.gov/exposures/coordinators.asp>

9. Please disseminate this information to appropriate clinical and other leaders in your purview.

10. Should you have further questions, please contact Dr. Peter Rumm, Post-Deployment Health Services, VHA, by phone at (202) 461-1017 or by email at peter.rumm@va.gov or visit the [BWN Web site](#).



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