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## U.S. House of Representatives

### COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED TENTH CONGRESS

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WASHINGTON, DC 20515

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June 24, 2008

Cindy Fryday  
45 Fryday Dr  
Zwolle, LA 71486

Dear Cindy:

Thank you for contacting me regarding extending the presumption of service-connection for conditions arising out of exposure to Agent Orange during the Vietnam War. I appreciate having the benefit of your views on this important issue.

As you may be aware, on August 16, 2006, in Jonathan L. Haas v. R. James Nicholson (now known as Haas v. Peake), No. 04-491 (U.S. Vet. App. August 16, 2006), the United States Court of Appeals for Veterans Claims (CAVC) concluded that the Department of Veterans Affairs (VA) could not preclude a veteran who served on a ship or in an aircraft from the presumption of exposure to the herbicide and defoliant referred to as Agent Orange. The VA appealed this decision and oral arguments were heard in the U.S. Court of Appeals for the Federal Circuit on November 7, 2007.

Recently, on May 8, 2008 the Federal Circuit Court issued a panel decision reversing the CAVC's decision in Haas siding with the VA. Currently the National Veterans Legal Services Program is preparing to file a petition on the recent decision which will likely delay implementation of the May 8, 2008 decision. The Federal Circuit Court will then have to re-examine its decision and render a final en banc decision on the Haas case.

I support the CAVC's initial ruling because it reflects Congress' original intent to provide these veterans with benefits based on their exposure to Agent Orange regardless of arbitrary geographic line drawing. I will continue to support legislation that would expand the eligibility for presumptive conditions to all veterans of the Vietnam War, regardless of where they served while there so that they will get the benefits they have earned and deserve. Thank you again for expressing your concerns and for your commitment to those who served our nation.

Sincerely,

BOB FILNER  
Chairman

KR/mw