

## Navy Vets Fight for Benefits, Legacy

By PAUL SUTTON

Since the early 1990s, hundreds of thousands of Vietnam veterans have been receiving service-connected disability payments from the Department of Veterans Affairs [DVA] for exposure to Agent Orange and other defoliants. Until 2002, this included Navy veterans who gave "service in offshore waters" ("Blue Water Sailors"), as the legislation puts it. However, in 2002, the DVA changed its policy and began denying "presumptive eligibility" to Naval veterans who served offshore.

There are tens of thousands of Blue Water Sailors who have been denied help for the diseases presumed to have been caused by Agent Orange; dying by the dozens every day.

This is because of the DVA's insistence that there was no exposure at sea, no matter how close to the coast a ship came. Naval vessels on the "gun line" got as close as a quarter mile from the beach on support missions where they supported military operations inland.

Other ships patrolled on Operation Market Time, stopping and searching Vietnamese boats in a campaign interdicting of supplies for the Viet Cong. These craft were exposed to spray from nearby aircraft and helicopters that would drift on prevailing westerly winds out over the sea. Occasionally, the spraying aircraft would circle out over the water with their sprayers going, and a ship, under the flight path, would be doused with the dioxins.

Even more startling is the result of a study done by our Australian counterparts, who served with the Blue Water Sailors. Suspicious at being told not to make fresh water from seawater through the ships' evaporator system, they conducted a test during which they ran seawater, with simulated Agent Orange contaminated runoff in it, through a ship's evaporators.

They discovered that the evaporation process would not remove the contaminant and enhanced it by concentration. The Aussies now pay their Blue Water sailors benefits for exposure to Agent Orange.

The DVA's policy excluding Blue Water sailors is incorrect, in fact, as well as in its ignorance of the original enabling legislation's language. Last year's appeal by a former Navy officer reached the US Court of Appeals for Veterans Claims [CAVC]. In *Haas v. Nicholson*, Commander Haas claimed that his ammunition ship was sprayed while supplying small vessels with ammunition.

The court agreed with Haas, and ruled in his favor, declaring the DVA's 2002 policy improper, and reinstated benefits to Blue Water Veterans; meaning that thousands of claims that were to be denied were given new life and hope. By December, secretary of Veterans Affairs Nicholson had ordered all Haas-related cases held in abeyance while appealing the case. While the CAVC told the secretary he could not make law and to continue processing the claims; a January ruling granted the secretary a stay during appeal.

Meanwhile, men are dying. Men who faithfully served their country in time of war, exposed to the defoliants used in Vietnam. The veterans, and their families, and the widows and families of deceased veterans are denied basic services and financial aid accorded other combat veterans disabled during their service.

Tens of thousands of them are already dead of any number of diseases. Many thousands more are suffering from diseases associated with exposure to dioxins.

Secretary Nicholson's indifference to the suffering of those he is sworn to protect forces men to die without coverage, without providing for their families, and in many cases, unable to afford a funeral. Those still alive sit disabled, wondering if their wives will be able to keep their home after they die. Many of them cannot afford medications or treatments that DVA entitlements would provide.

The DVA has become a deadlier adversary to the American veteran than any they have ever faced on a battlefield.

The Blue Water Navy Veterans need help in applying pressure to Nicholson to do the right thing. In the end, they believe in the Haas decision, and that it will be upheld no matter how high in the courts it goes. Haas brought the DVA back into line with the original language of the enabling legislation.

By delaying, Nicholson is letting men die without benefits; and, letting them die premature deaths that could be avoided if they could afford medical and prescription coverage, and attendant care. A veteran's claim dies with him. Nicholson is counting on this to occur at an increasing frequency as long as possible in order to save money.

The complete story is on a Website called "Blue Water Navy" at: <http://bluewater-navy.org/>.

For DVA, this fight is about money. For the Blue Water Veterans, it is not only about survival for themselves, and their families, it is also about their legacy as forgotten warriors in a war no one can forget.

*Sutton writes from Ocean View*