

U.S. Navy Patrol Squadrons in Vietnam

Agent Orange Claims Dilemma

Operational History: *Operation Market Time* was the U.S. Navy's effort to stop troops and supplies from flowing by sea from North Vietnam to South Vietnam during the Vietnam War. Operating from bases in the Philippines, Okinawa, Japan and Thailand with detachments in South Vietnam, to interdict this traffic, more than a dozen navy patrol squadrons flying land-based P-2V Neptune and P-3 Orion aircraft and SP-5B Marlin seaplanes flew around the clock anti-infiltration combat patrols off the Vietnam coastline and South China Sea from 1964 to 1972. Rotating continuous deployments to Sangley Point in the Philippines, Navy seaplane squadrons working with seaplane tender ships at Cam Ranh Bay, Da Nang and Con Son Islands in South Vietnam conducted coastal surveillance and war-time patrols from 1964 to 1967. Nearly fifty years later many of the flight crews and support personnel that served with these squadrons are suffering serious medical conditions from probable exposure to Agent Orange (AO) and their claims for disability compensation are being denied or pended by the Veterans Administration (VA) for lack of proof of Vietnam service.

Proving Vietnam Service: In certain areas of the country, in order to support a claim for AO compensable benefits, the Veterans Benefits Administration (VBA) has placed an impossible burden on navy patrol squadron veterans and their families to prove Vietnam service. Depending on the geographic location where a claim is filed, many veterans are being asked to provide incontrovertible proof of assignments to support medical claims for service connected disabilities - *proof that may not have existed at the time or that was not documented in Service Personnel Files.*

Statistics: (examples based on 2013-2016 survey of Vietnam-era patrol squadron veterans)

- Navy Patrol Squadron veterans who filed Agent Orange disability claims in NV, MO, CA, TN, IL, TX, AL, WI, NC, NY, ID were reportedly awarded benefits based on VA accepted and substantiated evidence supplied by the veteran in lieu of official orders placing them aboard the seaplane tenders or at shore facilities in Vietnam.
- Navy Patrol Squadron veterans who filed Agent Orange disability claims in FL, AR, OR, CO, SC, GA, OH, MN, AZ were reportedly denied or pended benefits in spite of overwhelming supporting evidence supplied by the veteran in lieu of official orders placing them aboard the seaplane tenders or at shore facilities in Vietnam.
- The most common reason cited by the VA in delaying or denying Agent Orange disability claims for Vietnam era navy patrol squadron veterans is proof of Vietnam Service.
- Official Navy documents used by the VBA to verify Vietnam service contain known errors and omissions in personnel assignments, deployment data and squadron and ship locations.

What the VBA Says: In July 2014, the VBA responded to reported concerns of inconsistent adjudication of Agent Orange (Nehmer) claims from Navy pilots and crews who were stationed ashore in Vietnam or served on a ship listed by DoD as having operated in the Vietnam area of operations. They stated that all claims are evaluated on a case-by-case basis, with the benefit of doubt given to the Veterans. According to the VBA, a veterans lay statement is sufficient to presume Agent Orange exposure for land-based patrol squadrons operating with a detachment in Vietnam, and that actual records of deployment are not required. The same presumption is said to apply to seaplane patrol squadrons with a documented detachment in Vietnam, but with the added stipulation that there is some evidence the veteran personally went ashore. It is difficult to understand where the application of inconsistent rules gives the benefit of doubt to navy patrol squadron personnel who operated with detachments on seaplane tenders or at shore facilities in Vietnam.

Where it Stands: All appropriate venues to have the issue addressed by the VA/VBA to date have been exhausted. Further it is believed that Congressional awareness as of March 2015 may prove helpful in providing a remedy to the structural inequities of VA claims eligibility. Outcome is presently indeterminate, and we optimistically await developments.

This is not a Blue Water Navy issue; it is a matter of the VA implementing unclear policies and procedures in an unfair and inconsistent process within the Veterans Integrated Service Networks, forcing the use of confusing, inaccurate or incomplete information to verify veterans claims of Vietnam service. It's not a case of who is right, but what is right.

Objectives: (Veterans Benefits Administration - What Needs to Change)

- Apply the presumption of exposure to Agent Orange equally in a fair and consistent process throughout the *Veterans Integrated Service Networks* for both land-based and seaplane patrol squadrons operating with detachments in Vietnam.
- Establish a suitable standard of proof of Vietnam service for Navy patrol squadrons operating with detachments in Vietnam.

If you are a Vietnam era Navy Patrol Squadron veteran and the VA has delayed or denied your claim for Agent Orange related benefits based on proof of Vietnam service we would like to hear from you.

Please contact Bruce Barth, VP advocate, at bbarth2boi@gmail.com. Website www.vpmma.org