

# **Agent Orange Town Hall Meeting**

Victoria, Texas, March 18, 2017, Victoria College Emerging Technology Complex

## **(1) AGENT ORANGE TOWN HALL MEETING HANDOUT**

The purpose of this handout is to present information and describe the process for a Vietnam Veteran or surviving family member to file a claim for service-connected disability compensation or death benefits with the Department of Veterans Affairs (VA) for illnesses and diseases associated with exposure to Agent Orange during military service.

## **(2) WHAT IS AGENT ORANGE (AO)?**

Between 1962 and 1971, some 22 million gallons of a herbicide (a chemical used to destroy unwanted plants etc.) called Agent Orange (AO) were sprayed in Vietnam through the use of C-123 aircraft to destroy jungle vegetation to expose hidden enemy positions.

## **(3) HAVE I BEEN EXPOSED TO AGENT ORANGE?**

The VA does maintain an “Exposure to Agent Orange by Location” listing online by which you may determine if you meet the criteria for having been exposed to AO. An abbreviated listing is shown below, along with a VA online link you may use to view a more detailed listing.

<http://www.publichealth.va.gov/exposures/agentorange/locations/index.asp>

**Have you been to one or more of the locations listed below?**

*(a) Exposure on land in Vietnam or on a ship operating on the inland waterways of Vietnam between January 9, 1962 and May 7, 1975 (b) C-123 Airplanes and Agent Orange Residue (c) Blue Water Veterans (d) U.S. Navy and Coast Guard Ships in Vietnam (e) Korean Demilitarized Zone (f) Thailand Military Bases (g) Herbicide Tests and Storage outside of Vietnam*

## **(4) THE VA GRANTS SERVICE CONNECTED DISABILITY COMPENSATION TO VIETNAM VETERANS BASED ON “PRESUMPTIVE” RULES**

“Presumptive” means the VA presumes (or holds true) that a Veteran was exposed to AO or other herbicides during military service and are eligible for service-connected disability compensation and health care, if they develop any of the medical conditions listed below. For a more detailed listing, please read pages 4 & 5 of “*The VVA Self-Help Guide To Service-Connected Disability Compensation For Exposure To Agent Orange*”. Free copies of the VVA Self-Help Booklet are available at today’s event, or use the link below to View or Print the online version of the booklet.

<https://vva.org/wp-content/uploads/2014/12/AgentOrangeGuide.pdf>

**Do you have one or more of the medical conditions listed below:**

*(a) Adult Onset Type II Diabetes (b) AL Amyloidosis, Chloracne (c) Hodgkins Disease (d) Ischemic Heart Disease (e) Non-Hodgkins Lymphoma (f) Peripheral Neuropathy (g) Parkinson’s Disease (h) Porphyria Cutanea Tarda (i) Spina Bifida (j) 38 Various Forms of Cancer (k) 19 Various Birth Defects*

## **(5) WHAT IF I HAVE A PRESUMPTIVE DISEASE?**

If you have determined that you have a "presumptive" disease, you need to file a claim with the VA. WHY? Because, you as a Veteran of war are entitled to be compensated for wounds, illnesses, or diseases that were incurred as a result of your military service and these disabilities are now preventing you from working, enjoying life with your family, or even continuing to serve your community or country. You owe it to yourself and your family's future to file a claim. There are four steps to filing a claim with the VA – they are listed below.

## **(6) FILING CLAIM (step 1 of 4) - GET HELP**

You should carefully choose a person or organization (VSO) to represent you when you are going to file a claim. The person's EXPERIENCE is essential. Ask what a POWER OF ATTORNEY will allow your representative to do on your behalf. COMMUNICATE on a regular basis with your representative. GET A COPY of all documents used in your claim. See page 19 of the VVA Agent Orange Self-Help Guide for possible contacts.

## **(7) FILING CLAIM (step 2 of 4) - APPLY**

Your representative will file VA Form **21-0966**, titled, "***Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC***". The earlier you file, the better, because if your claim is granted, your monthly compensation starts from the date you first filed your claim. Use the link below to View or Print the online form. [http://www.va.gov/vaforms/form\\_detail.asp?FormNo=21-0966](http://www.va.gov/vaforms/form_detail.asp?FormNo=21-0966)

## **(8) FILING CLAIM (step 3 of 4) - FINISH THE CLAIM PROCESS**

Your representative will then help you complete VA Form **21-526EZ**, titled, "***Application for Disability Compensation and Related Compensation Benefits***". Your military records and VA records can be used in completing the form. Again, be sure you keep a copy of all documents you submit to the VA. Your VSO can send your claim by fax or file it on your eBenefits account web page, or by certified return receipt requested mail to the **Evidence Intake Center** in Janesville, Wisconsin, to finish the APPLICATION PROCESS of your claim. Use the link below to View or Print the online form. <http://www.vba.va.gov/pubs/forms/VBA-21-526EZ-ARE.pdf>

## **(9) FILING CLAIM (step 4 of 4) - GATHER EVIDENCE**

If you do not have the EVIDENCE (military & VA records mentioned in previous step), your VSO will help you complete VA Form **SF-180**, Request Pertaining to Military Records to obtain those records. The MOST important evidence you need is your **DD-214**. This document should show that you had "boots on the ground" in Vietnam (or exposure in another location) for whatever period of time you were there. Again, your request for military records will also produce a DD-214 for your files. Your **VSO** will also help you complete VA forms to access your medical records for submission to the VA. The EVIDENCE will be submitted and your claim has now been filed for the VA to decide your eligibility for compensation. Use the link below to View or Print the online form. [https://www.va.gov/vaforms/form\\_detail.asp?FormNo=180](https://www.va.gov/vaforms/form_detail.asp?FormNo=180)

## **(10) SURVIVING FAMILY MEMBERS & FILING A CLAIM BASED UPON A VETERANS EXPOSURE TO AGENT ORANGE**

If a Vietnam Veteran dies of a medical condition considered to have resulted from exposure to AO during their military service, certain family members may be eligible for monthly VA compensation, through the VA's "*Dependency and Indemnity Compensation*" (DIC) program.

### **(11) FAMILY MEMBER ELIGIBILITY FOR DIC**

The family member must show they meet one of the following:

- If you were married to the veteran at the time of death, and you had lived with the veteran from the date you were married until the veteran's death, unless separation occurred because of the veteran's misconduct without fault on your part; you are not currently married, remarried after age 57; or you are not, currently living with another person and claiming to be the spouse of that person. There may be different rules that apply if you either were married to the veteran for less than one year or were in a common-law relationship with the veteran.
- If you are a son or daughter of the veteran under the age of 18, are unmarried, and there is no eligible surviving spouse.
- If you are a son or daughter of the veteran, 18 years old or older, and before you reached the age of 18, you became disabled and permanently unable to support yourself.
- If you are a son or daughter of the veteran, unmarried, between the ages of 18 and 23, and are currently attending a VA-approved school.
- If you are the surviving parent or parents of the deceased veteran. The term "parent" includes a biological, adoptive, or foster parent. A foster parent is a person who legally stood in the relationship of a parent to the veteran for at least one year before the veteran's last entry into active duty.

Eligibility for dependent parents' **DIC** is need-based. When countable income exceeds the limit set by law, no benefit is payable. Income limits are adjusted annually. Claims for the DIC program are filed in the same way as described in Slides 6, 7, 8, and 9.

### **(12) RESULTS FROM FILING YOUR CLAIM**

The VA will acknowledge that the claim has been received and you will receive periodic updates from the VA. Your medical record(s) you submitted may suffice for the VA's purpose or you may be asked to see a contracted VA doctor to substantiate your claim. **BE SURE YOU GO TO ALL APPOINTMENTS. BE ON TIME AND BE RESPECTFUL DURING THE EXAM.** When your claim is approved, go back to your VSO for your "**RATING DECISION LETTER**" to be explained to you and receive more information on additional benefits. If the claim is denied, your VSO will explain the reasons set out in your **RATING DECISION LETTER**. Your VSO will then explain to you the steps for an **APPEAL** and will help you through the appeal process.

## **VETERAN SERVICE OFFICER'S CONTACT INFORMATION FOR SELECT COUNTIES**

<b>County</b>	<b>VSO</b>	<b>City</b>	<b>Phone</b>	<b>Office Hours</b>
<b>AUSTIN</b>	<b>William G. Farrell</b>	<b>Bellville</b>	<b>(979) 865-8633</b>	<b>Wed, 8-5 Tues,Thur, appt only</b>
<b>BEE</b>	<b>R.A. Ferguson</b>	<b>Corpus</b>	<b>(361) 492-5992</b>	<b>M-F, 8-12, 1-5</b>
<b>BRAZORIA</b>	<b>Sonya Broadway</b>	<b>Angleton</b>	<b>(979) 864-1289</b>	<b>M-F, 8-5</b>
<b>CALHOUN</b>	<b>Ron Langford</b>	<b>Port Lavaca</b>	<b>(361) 553-4685</b>	<b>Tues, 8-12 Wed, 8-4</b>
<b>COLORADO</b>	<b>Eduardo Hernandez</b>	<b>Columbus</b>	<b>(979) 733-0903</b>	<b>Mon &amp; Tues, 8-5 Wed, 8-Noon Thurs/Fri as needed</b>
<b>DEWITT</b>	<b>J C Hull</b>	<b>Cuero</b>	<b>(361) 275-0862</b>	<b>Mon &amp; Wed, 8-5 Tues, 1-5 Thurs, 8-12</b>
<b>FAYETTE</b>	<b>Jacqueline Wessels</b>	<b>La Grange</b>	<b>(979) 968-5254</b>	<b>M-F, 8-5</b>
<b>FORT BEND</b>	<b>Dwight A. Marshall</b>	<b>Rosenberg</b>	<b>(281) 341-4550</b>	<b>M-F, 8-5</b>
<b>GOLIAD</b>	<b>Jo Ann Ybarbo</b>	<b>Goliad</b>	<b>(361) 645-8221</b>	<b>M-F, 8-5</b>
<b>GONZALES</b>	<b>Juan Gaytan</b>	<b>Gonzales</b>	<b>(830) 672-3244</b>	<b>T&amp;W, 8-12 &amp; 1-5 Thurs, 8-12</b>
<b>JACKSON</b>	<b>NO VSO AT PRESENT TIME</b>			<b>Call the Texas Veteran's Commission @ (713) 383-2756</b>
<b>KARNES</b>	<b>Humberto Benevidas</b>	<b>Karnes City</b>	<b>(830) 780-2780</b>	<b>Mon, Tues, 8-5</b>
<b>LAVACA</b>	<b>Donald McAfee</b>	<b>Hallettsville</b>	<b>(361) 798-3289</b>	<b>Wed &amp; Thurs 8-12 &amp; 1-5</b>
<b>MATAGORDA</b>	<b>David Libby</b>	<b>Bay City</b>	<b>(979) 244-7691</b>	<b>M-F, 8-5</b>
<b>REFUGIO</b>	<b>Richard Sanchez</b>	<b>Refugio</b>	<b>(361) 526-4413</b>	<b>Tues Wed Thurs 8- 12</b>
<b>SAN PATRICIO</b>	<b>Dolores Hinojosa</b>	<b>Sinton</b>	<b>(361) 364-9305</b>	<b>M-F, 8-5</b>
<b>VICTORIA</b>	<b>Mary Ann Adam</b>	<b>Victoria</b>	<b>(361) 582-5810</b>	<b>M-F, 8-4</b>
<b>WALLER</b>	<b>Gerald L. Norwood</b>	<b>Huntsville</b>	<b>(936) 435-2475</b>	<b>Tues, Thur, 8-4</b>
<b>WHARTON</b>	<b>Don Montoya</b>	<b>Wharton</b>	<b>(979) 532-1311</b>	<b>Mon, Tues, Thurs 8-12 &amp; 1-5 Wed in El Campo 9:30-3:30 Fri, 8-12, By Appointment</b>