BLUE WATER NAVY

Briefing for Veterans, Survivors and their Family members

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The Blue Water Navy Vietnam Veterans Act of 2019

One Act, Two Parts

Two separate topics are affected by the Blue Water Navy Vietnam Veterans Act.

1. Herbicide Exposure

The Act extends the presumption of exposure of herbicides such as Agent Orange to Veterans who served in the offshore waters of the Republic of Vietnam between January 9, 1962 and May 7, 1975.

2. VA Home Loans

The Act includes provisions that affect the VA Home Loan Program. These provisions affect **ALL** Veterans. Not just Blue Water Navy Vietnam Veterans.

This presentation has been divided into two Modules. Module 1 addresses the presumption of herbicide exposure, eligibility, and details about filing a claim. Module 2 addresses changes to the VA Home Loan program.

Module 1

Extending the presumption of herbicide exposure to Blue Water Navy Vietnam Veterans

Blue Water Navy Veterans and Agent Orange

What is the Blue Water Navy Vietnam Veterans Act?

The Blue Water Navy Vietnam Veterans Act of 2019 (PL 116-23) was signed into law on June 25, 2019, and takes effect January 1, 2020.

The law authorizes VA to extend the presumption of herbicide exposure, such as Agent Orange, to Veterans who served in the offshore waters of the Republic of Vietnam between January 9, 1962, and May 7, 1975. Veterans or their survivors may be eligible for benefits based on one of fourteen illnesses that have been related to contact with herbicides such as Agent Orange, used to clear trees and plants during the war.

Blue Water Navy Veterans and Agent Orange

What is Changing?

Effective January 1, 2020, VA is authorized to begin deciding claims for disability compensation under the provisions of PL 116-23. The Act also includes provisions that affect VA's Home Loan Program, which take effect on January 1, 2020.

Veterans who served in the offshore waters of the Republic of Vietnam may now be eligible for disability compensation and other benefits, for themselves and their families, for disabilities VA believes may be caused by herbicides such as Agent Orange. VA is also extending benefits to children with spina bifida whose Veteran parent was exposed while serving in Thailand.

Additionally, Veterans who served in or near the Korean Demilitarized Zone (DMZ) from September 1, 1967, to August 31, 1971, may now qualify for compensation and benefits for themselves and their family members.

Who may be eligible for benefits?

Veterans who served aboard a U.S. military vessel in the offshore waters of the Republic of Vietnam between January 9, 1962, and May 7, 1975.

The vessel must have operated not more than 12 nautical miles seaward from the coordinates listed in PL 116-23.

Blue Water Navy (BWN) claims will be processed under current prioritization criteria which include, but are not limited to, giving priority to claims of Veterans who are over age 85 or who have a terminal condition.

How can I find out if I am eligible?

- Work with an accredited claims representative or VA regional benefits office to understand eligibility requirements before filing a claim.
- Veterans do **not** need to prove contact with herbicides, such as Agent Orange, to be eligible

Which conditions may be caused by herbicide exposure?

Contact with herbicides such as Agent Orange may be related to several conditions, referred to as Agent Orange presumptive diseases.

You may be eligible to receive disability compensation or benefits if you have one or more of the following conditions:

- Chronic B-cell leukemia
- Hodgkin's lymphoma
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Prostate cancer
- Respiratory cancers, including lung cancer
- Soft tissue sarcomas
- Amyloid light-chain (AL) amyloidosis
- Chloracne
- Diabetes mellitus type 2
- Ischemic heart disease
- Parkinson's disease
- Peripheral neuropathy
- Porphyria cutanea tarda

How do I file an initial claim for Compensation Benefits?

If you want to file an initial claim for herbicide-related disability (that has not been previously decided by VA), please do **not** use or submit VA Form 20-0995. Use VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits. Please go to https://www.va.gov/disability/how-to-file-claim/ to initiate your new claim.

You can contact an accredited veterans service organization (VSO) to assist you with your application. For a list of accredited veterans service organizations go to https://www.va.gov/vso/. You may also contact your state office of Veterans Affairs at https://www.va.gov/statedva.htm, should you need further assistance with the application process.

How do I file a previously denied claim?

If you had an herbicide exposure claim with one or more presumptive conditions denied in the past, you are urged to file a new claim.

You should provide or identify any new and relevant information regarding your claim, such as the dates your vessel traveled within the offshore waters of the Republic of Vietnam or updated medical information. Please submit your claim on a VA Form 20-0995, Decision Review Request: Supplemental Claim. For more information about how to file a claim, please visit our website at https://www.va.gov/disability/how-to-file-claim/.

VA will be using the new law to automatically review claims that are currently with the VA review process or under appeal.

How do Survivors and Dependents apply for initial Dependency and Indemnity Compensation claim?

They can file a claim several different ways:

- By mail, using **VA Form 21P-534EZ**
- In person, at a **VA regional benefit office**
- With the help of an **accredited claims representative**
- Find more resources online @ https://www.va.gov/disability/get-help-filing-claim/.

If previously denied for DIC, how can Survivors and Dependents reapply?

They can file a claim several different ways:

- By mail, using **VA Form 20-0995**
- In person, at a **VA regional benefit office**
- With the help of an **accredited claims representative**
- Find more resources online @ https://www.va.gov/disability/get-help-filing-claim/.

DIC = Dependency and Indemnity Compensation. A benefit for eligible survivors of military servicemembers who died in the line of duty or eligible survivors whose death resulted from a service-related injury or disease.

Can I apply for compensation if I:

Have never applied before? **YES**

Have previously applied and been denied? **YES**

VA has sent letters to Veterans whose claims have been previously denied and who may now be eligible as a result of the new law. You do not need to wait for a letter if you have been previously denied. You may file a supplemental claim using VA Form 20-0995.

Am the surviving spouse, child, or parent of a Blue Water Navy Veteran who died of a presumptive condition? **YES**

However, you must meet certain conditions to receive Dependency and Indemnity Compensation. Please visit https://benefits.va.gov/compensation/types-dependency_and_indemnity.asp for more information.

Am the child of a Veteran with a spina bifida birth defect? **YES**

Your Veteran parent must have served in Vietnam or Thailand during the time period covered under PL 116-23 (previously only children of Veterans who served in Vietnam were eligible)

Can I apply for compensation if I:

Served in or near the Korean Demilitarized Zone (DMZ)? **YES**

If you served in the area from September 1, 1967, to August 31, 1971 (previously the start date was April 1, 1968), you may be eligible for the presumption of herbicide exposure. If you served in another area, you may still file a claim for service connection. You will need to show evidence of exposure in addition to the evidence described below.

Have a condition I believe was caused by service-connected herbicide exposure that is not on the list of presumptively connected conditions? **YES**

You will need to either:

- provide scientific and medical evidence that your condition is related to exposure to herbicides such as Agent Orange. Medical evidence can include an article from a medical journal or a published research study, **or**:
- show that your condition started during, or got worse because of, your military service

What benefits can I expect to receive if my claim is approved?

If you are eligible, you may receive a monthly disability compensation payment and free healthcare related to your disability.

The amount of compensation you may receive is determined by your diagnosed condition and level of disability.

What if I don’t know if my vessel was within the 12-nautical mile limit?

VA is partnering with the United States National Archives and Records Administration (NARA) to determine which U.S. military vessels were in offshore waters of the Republic of Vietnam between 1962 and 1975.

We’ve created a Vessel Locator Tool that will access these records and digitized deck logs to quickly determine the vessel’s location and verify eligibility.

The best way to determine if you’re eligible is to submit a claim with VA or work directly with a VSO representative. VA will then work with you and/or your family members to determine eligibility.

Module 2

VA Home Loan Additions and Changes

Changes to VA Home Loan Program

VA now allows the no down payment option on guaranteed loans, regardless of mortgage amount.

There will be a reduction in the funding fee required for Reservists and National Guard borrowers which aligns the fee with the funding fee paid by “regular military” borrowers.

Purple Heart recipients currently serving on active duty are exempted from paying the VA home loan funding fee.

VA has removed the loan limit for Native American Veterans seeking to build or purchase a home on Federal Trust Land.

Revised Funding Fee Schedule

- The VA funding fee is calculated as a percentage of the total loan amount. It must be paid or rolled into the loan at closing time.
- In Public Law 116-23, Congress has established rates for loans closed **on** or **after January 1, 2020**, and **before January 1, 2022** at the levels listed below:

Purchase, Construction, or non-IRRRL Refinance Loan

Note: Reduced fees only apply to purchase loans with a down payment of at least 5 percent

Type of Military Service	Down payment	Percentage for First-time Use	Percentage for Subsequent Use
Active Duty, Reserves, & National Guard	None	2.3%	3.6% *
	5% or more	1.65%	1.65%
	10% or more	1.4%	1.4%

* If the Veteran's only prior use of entitlement was for a manufactured home loan, the higher *subsequent use* fee does **not** apply

Veteran Scenarios

Herbicide Exposure

Meet John, a Veteran who previously filed a benefits claim.

John, a U.S. Navy Veteran who served aboard the USS Valley Forge, a U.S. military vessel that patrolled the waters offshore of the Republic of Vietnam in 1967-1968 but never docked at a Vietnamese port, developed prostate cancer in 2015. He applied for a service-connected disability rating in 2016, but his application was denied because he had never gone ashore in Vietnam.

Can he apply again?

YES

Yes, he can. In fact, VA sent him a letter inviting him to reapply.

Use VA Form 20-0995

Mary is a nurse who has not previously filed a claim.

Mary, a U.S. Navy nurse who served offshore on the USS Sanctuary in 1970 within 12 nautical miles of the Republic of Vietnam, but never went ashore, developed non-Hodgkin's lymphoma (a type of cancer) in 2014. Because her condition is being successfully treated, and because she thought she was not eligible for compensation, she never filed a claim for benefits.

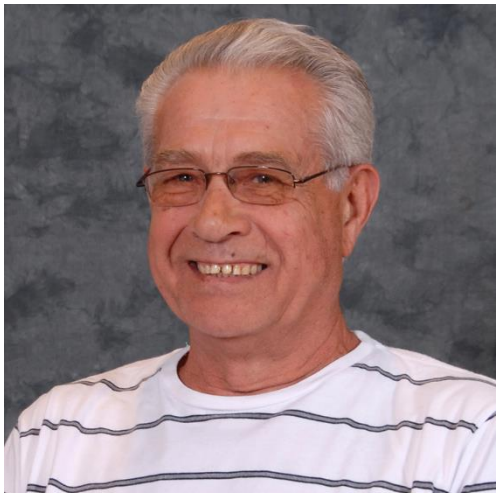
Can she do so now?

YES

Yes, she can.

Use VA Form 21-526EZ

Rocco has a legacy appeal currently pending.



Rocco, a U.S. Navy Veteran who served aboard the USS Dynamic in 1968, has a legacy appeal pending since December 2018 for service connection for diabetes mellitus type II. A Statement of the Case has not yet been issued.

What does he need to do at this time?

Nothing. After January 1, 2020, VA will be automatically reviewing claims that are currently with the VA review process or under appeal.

Joan is the widow of a Veteran and hopes to receive DIC.

Joan is the widow of a Navy Veteran who, in 1970, served on the USS St. Louis in the offshore waters of the Republic of Vietnam, who never went ashore, and who died of chronic b-cell leukemia in 2009.

Can she file for Dependency and Indemnity Compensation (DIC) as the survivor of a Veteran whose death resulted from a BWN service-related condition?

YES

Yes, she can, even if her claim was previously denied. As the surviving spouse, she may now be eligible to receive monthly DIC benefits, which are tax-free monetary benefits.

Use VA Form 20-0995 (if she previously applied for DIC benefits) otherwise use VA Form 21P-534EZ

Annie is the widow of a Veteran and receives DIC.

Annie is the widow of a U.S. Coast Guard Veteran who, in 1969, served on the US Coast Guard Cutter TANEY in the offshore waters of the Republic of Vietnam, who never went ashore, and who died of chronic b-cell leukemia in 2009. **Can she file for a home loan as a DIC recipient of a Veteran whose death resulted from a service-related condition?**

YES

Yes, she may be eligible for a home loan as a spouse of a Servicemember who died with a service-connected condition and/or is in receipt of DIC.

Use VA Form 20-0995 (if she previously applied) otherwise use VA Form 26-1817

Here's Stephen, a Veteran's child with spina bifida.

Stephen is the biological child of Bill, a Vietnam-era Veteran who served in Thailand in 1970, but not in Vietnam itself. Stephen was born with spina bifida, a birth defect. Neither Stephen nor Bill ever filed for VA compensation for Stephen's condition, because Bill was told that only the children of Veterans who served in Vietnam were eligible. **Can Stephen apply now?**

YES

Yes, he can, under the provisions of PL 116-23. However, his claim may be granted only if the evidence shows that Bill was exposed to herbicides. Stephen may also be eligible for vocational training or rehabilitative services if those are necessary for him.

Use Form 21-0304

Meet Sara, her claim for DIC, and her deceased husband Dan's claim for disability, were previously denied.

Dan is a U.S. Navy Veteran who served aboard the USS Valley Forge that patrolled the waters offshore of Vietnam in 1967-1968 but never went ashore. He developed lung cancer in 2015 and applied for a service-connected disability rating in 2016. His claim was denied because he had never gone ashore. He died in 2017 and Sara claimed Dependency and Indemnity Compensation (DIC) two months later. Her claim was denied.

Can she apply again?

YES

Yes, she can. In fact, VA will be sending her a letter inviting her to reapply. VA may potentially grant entitlement to DIC and accrued benefits for the Veteran's previously denied claim.

Use VA Form 20-0995

Donna is the widow of Peter who died while his claim for compensation was pending.

Peter is a U.S. Navy Veteran who served offshore on the USS Okinawa in 1970 within 12 nautical miles of the Republic of Vietnam, but never went ashore. He claimed service connection for prostate cancer in 2019. He passed away before a decision was made.

Can his widow, Donna, file a claim?

YES

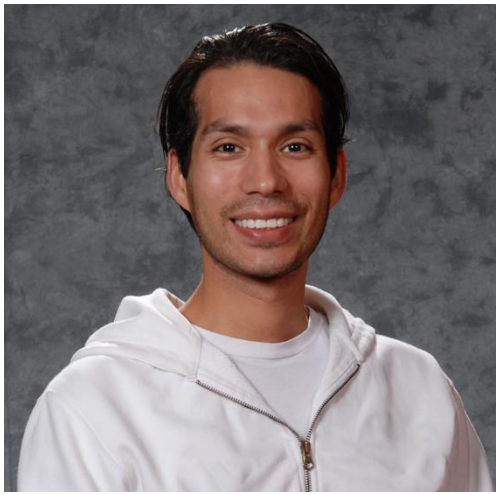
Yes, she can. VA may potentially grant entitlement to DIC and for accrued benefits for the Veteran's claim pending at the time of his death.

Use VA Form 21P-534EZ

Veteran Scenarios

VA Home Loan Program

Tim wants a VA home loan.



Tim, a U.S. Army National Guard Veteran who separated from service honorably in 2015, recently married and is now seeking to purchase his first home with the help of a VA home loan guaranty. He has never received disability compensation benefits. **Will he be required to pay the increased funding fee mandated in PL 116-23?**

NO

No, he would pay a lower funding fee. Also, he will have a no down payment option, no matter what the cost of the home he intends to purchase.

For a $350,000 home in Omaha, NE, with no down payment he will pay:

- **Prior to Jan. 1** – $8,400 funding fee
- **After Jan. 1** – $8,100 funding fee

Does Sally, wounded in combat, need to pay funding fees?

Sally, an active duty U.S. Navy Servicemember, was wounded while serving in Afghanistan in 2016, and received a Purple Heart award. She now wishes to purchase her first home. **Will she be required to pay the increased funding fee required of Servicemembers in PL 116-23?**

NO

No, she will not. As a Purple Heart recipient still on active duty, the home loan funding fee will be waived starting January 1, 2020.

For a $400,000 home in Silver Spring, MD, she will pay:

- **Prior to Jan. 1** – $8,600 funding fee
- **After Jan. 1** – No funding fee

Meet Patrick, who wants to buy a home in the NYC suburbs.

Patrick separated from the U.S. Marine Corps in 2010 and is now seeking a VA loan to help him purchase his first home for $1 million in the suburbs of New York City. He was previously advised that although NYC is a “high cost” area, the house price was still “too expensive” for him to receive a no down payment VA-guaranteed loan. **Is that information still correct?**

NO

Not any longer. PL 116-23 allows him to obtain a no-down payment, VA backed loan in all areas of the country regardless of loan amount.

For a $1,000,000 home in Scarsdale, NY, he will pay:

- **Prior to Jan. 1** – $21,500 funding fee, with $54,700 down payment
- **After Jan. 1** – $23,000 funding fee only

Eileen, a Navajo Veteran, wants to buy a home on Trust Land.

Eileen, a U.S. Army Veteran who retired from service in 2012, is a member of the Navajo Nation. She wishes to purchase a home on Federal Trust Land using her VA home loan benefit. **Is there anything she should know about the change to the Native American Direct Loan (NADL) program?**

YES

Yes. First, Eileen should be pleased to know that the Navajo Nation has an MOU in place with VA. An MOU is required before Veterans may use their NADL benefit on Trust lands. Secondly, PL 116-23 has enhanced the NADL benefit by removing the previous loan limit for NADL loans. She can contact her VA Regional Loan Center at (877) 827-3702 for additional details.