

Eastern Kentucky University

## Encompass

---

Veterans Studies Undergraduate Capstones

Psychology

---

Spring 5-3-2022

### Blue Water Navy

Hannah Melinda Woods

Eastern Kentucky University, hannah\_woods15@mymail.eku.edu

Follow this and additional works at: [https://encompass.eku.edu/vet\\_undergradcapstones](https://encompass.eku.edu/vet_undergradcapstones)



Part of the [Legislation Commons](#), [Military, War, and Peace Commons](#), and the [Supreme Court of the United States Commons](#)

---

#### Recommended Citation

Woods, Hannah Melinda, "Blue Water Navy" (2022). *Veterans Studies Undergraduate Capstones*. 3.  
[https://encompass.eku.edu/vet\\_undergradcapstones/3](https://encompass.eku.edu/vet_undergradcapstones/3)

This Open Access Thesis is brought to you for free and open access by the Psychology at Encompass. It has been accepted for inclusion in Veterans Studies Undergraduate Capstones by an authorized administrator of Encompass. For more information, please contact [Linda.Sizemore@eku.edu](mailto:Linda.Sizemore@eku.edu).

Hannah Woods

Dr. Travis Martin

VTS Capstone

April 18, 2022

### Blue Water Navy Capstone Paper

Since the 1990s, we have been discussing the ramifications and the effects of Vietnam, particularly the use of different herbicides used during the Vietnam war. The most notorious being Agent Orange, a “tactical herbicide the U.S military used to clear leaves and vegetation for military operations mainly during the Vietnam War” (VA Website, Agent Orange). Since the use of this tactical herbicide, many Vietnam veterans have come back with illness that they did not have before going to Vietnam including many different types of cancers, heart disease, diabetes, and the list goes on. Just recently because of multiple years of studying the effects of Agent Orange Exposure, “the VA has recently announced 3 new illnesses to consider that could be related to Agent Orange exposure. It is expected to provide additional health benefits to approximately 50,000 previously denied veterans and their survivors. Previously denied cases included service-related bladder cancer, hypothyroidism and Parkinson’s-like symptoms. All these cases with these related diseases will automatically be reviewed by the VA” (Kassraie, 2021). Even some children of Vietnam veterans who were conceived post- Vietnam era have come down with diseases such as Spinal Bifida which have been linked to one of their parent’s exposures to the herbicide.

Even with this new information about this chemical and effects of exposure there are still veterans who are being denied access to lifesaving treatment and benefits from exposure during the war. These victims are called the Blue Water Navy, who are veterans who served on ship off the shore of Vietnam during the Vietnam War. Before the Vietnam Veterans Act of 2019 (PL 116-23), Blue Water Navy Veterans were automatically presumed not to have been exposed to Agent Orange due to them not being in-country. But as explained later in this paper, the chemical was airborne making it able to travel from land to the ships off the coast.

You are probably wondering, why are these veterans so important? For one thing, they served our country. Whether they went to war through the draft, or volunteered for the war, they went. Then they came home and now are having service-related illnesses and are being denied treatment. The United States is a country that prominently promotes equality to all. The fact that this country then denies its own service members equal access to care and benefits is uphauling. Not to mention, these Vietnam veterans are not getting any younger and would not be able to benefit from these changes once they have passed. Second, this is not only for the service members but their families as well. For a family member it is already hard to send them to war in foreign country when they don't know if they will come back alive, injured, or dead. Then they do come back, and they are often times diagnosed with a service-related illness and the country that your family member served for denied them access to treatment and benefits. Not to mention sometimes these illnesses can disable your family member from being able to work and live a normal life.

Not only is this unfair but I also have a personal connection to these victims. My grandfather, Commander William C. Kaag, served two tours in Vietnam as a Navy Officer upon

the U.S.S. Oriskany and later developed diseases that can be linked to possible Agent Orange Exposure. These diseases included things like prostate cancer, heart disease, and diabetes. Three of the most common serve related diseases that can come from exposure to Agent Orange and other related chemicals. The Department of Veterans Affairs denied him multiple times because he remained on ship during his time overseas fighting for our country. For years, Blue Water Navy veterans have been denied equal access to Veterans Affairs (VA) benefits related to possible exposure to tactical herbicide chemicals used in Vietnam such as Agent Orange. Not only is this problem denying access to 90,000 Vietnam veterans but it is also denying life-saving care and benefits because their role was to serve on ships. However, these veterans should receive these benefits because just like in-country veterans they breathed the same contaminated air. This paper will examine the issue and why the mistreatment of Blue Water Navy veterans, solutions to this problem and will look at why officials believe that Blue Water Navy veterans do not deserve service-related VA benefits.

So, if these Blue Water Navy Veterans have developed these diseases the same as people who served on land, then why have they been denied for years these benefits? Well, when the original Vietnam veteran's compensation bill was enacted, they were eligible. Originally in 1991 under the Agent Orange Act, the Department of Veterans Affairs was required to assume that all veterans who served between 1962 to 1975 in Vietnam to be presumed to be exposed to Agent Orange. That all changed in 2002 when the Department of Veterans Affairs changed its policy and started looking at whether each veteran served on land or on inland waterways in Vietnam (Iovino, 2020). Making Blue Water Navy veterans ineligible for Agent Orange benefits. Many Blue Water Navy veterans appealed under this, and we still

found to be not entitled for these benefits. That changed in 2019 in the court ruling of Procopio v. Wilkie. Under this case the plaintiff, Alfred Procopio Jr. was appeals a decision of the Court of Appeals for Veterans Claims because they denied his service connection for prostate cancer and diabetes mellitus as a result of exposure to an herbicide agent, Agent Orange, during his Vietnam War-era service in the United States Navy. He served on the U.S.S Intrepid from November 1964- July 1967, which during this time was off the shore of Vietnam and its territorial sea (Procopio v. Wilkie, 2019)

Since 2006, he has been seeking Veterans Affairs benefits each year and has been denied each time. In 2015 the Veterans Affairs stated in their denial “[t]he competent and credible evidence of record is against a finding that the Veteran was pre-sent on the landmass or the inland waters of Vietnam during service and, therefore, he is not presumed to have been exposed to herbicides, including Agent Orange,” (Procopio v. Wilkie, 2019)

The court found that “excluding Blue Water veterans would violate the plain meaning of the 1991 statute, overriding its prior 2008 decision that deferred to the VA’s interpretation of the law” (Iovino, 2020). Then based on the Procopio v. Wilkie decision, congress then looked to do something about this situation.

Beginning in 2020, Congress extended the Vietnam Veterans Act of 2019 (PL 116-23). Once enacted, roughly 90,000 Blue Water Navy veterans will now be eligible to receive benefits. Under the new act, veterans who served as far as 12 nautical miles off Vietnam are presumed to be exposed to herbicides like Agent Orange that could result in 14 different medical conditions that can leave lasting impact to veterans and children they conceive after

their time in the service. This act was a long time coming. This gives more veterans who served in Vietnam equal access to Veterans Affairs benefits that they would have previously been denied for. Veterans and family members can now reapply their previous rejected claim that was then denied due to lack of in-country service.

To receive these benefits however, veterans and their family, will have to prove that they were on a ship that was within 12 nautical miles off the coast of Vietnam or Cambodia. This is not an easy task. They will have to access the National Archive and Records Administration (NARA) as released ships' deck logs to the public. These logs were written by the captains that described locations and other information during the War. The NARA has not digitized them, so they become more accessible to others including the VA Administration and persons claiming Blue Water benefits (Temin, 2020). With the new change, this will affect 60,000 previous rejected claims but due to the COVID-19 Pandemic it could be years before anyone can reap the benefits of these funds (Stripes, 2021). But even with the pandemic, the "Blue Water Navy act of 2019 which entitled these veterans to the benefits of Agent Orange services and all they had to do was file a new claim. Up until November 2020 the VA has paid out roughly \$583.8 million" (Iovino, 2020).

Even with the evidence that Blue Water Navy Veterans were exposed and have come down with illnesses related to Agent Orange exposure, there are still a few who don't believe these veterans deserve these benefits, particularly 4 former VA secretaries. According to a Navy Times article by Leo Shane III, the 4 former secretaries

*“Wrote to the Senates Veterans Affairs committee urging senators not to grant presumptive illness status to 90,000 blue water veterans. They believed that there is inconclusive evidence to support that the crews were exposed to Agent Orange. This statement was also supported by the current VA secretary at the time Robert Wilkie. Advocates for blue water navy veterans have blasted the VA saying this stance is unfair and inhumane. Advocates argued that the scientific proof is impossible since the proper sampling was not done decades ago. They believe that large number of unusual illnesses among blue water veterans should be enough evidence given the circumstances. The house has sense passed legislation that would require the VA to automatically assume Vietnam veterans were exposed whether they were on the ground or on a ship. If passed VA officials have stated that the estimated cost of extended benefits could be upwards of \$5.5 billion over the next 10 years” (Shane, 2018).*

What is “circumstantial” about thousands of veterans, whether they were on a ship or on land, experiencing the same symptoms post-service. Not to mention, as Veterans Affairs secretaries of the United States, is it not only their job not just to oversee veterans benefits after service but also make sure they have equal access to the treatment based on what health issues arise do to their service. Just to add fuel to the fire, Agent Orange is an herbicide sprayed to kill vegetation. The United States decided to load this chemical onto planes and then sprayed the chemical across Vietnam making it airborne. Why should it matter where you were if the chemical was airborne?

With the new legislation it is uplifting to hear that veterans can soon have equal access to benefits they were once denied. As a family member of a Blue Water Navy veteran who’s

relative was previously denied, it gives me hope that they will finally receive the benefits they deserve as part of their years of service. It is not over until all those who are eligible receive their benefits but at least it is a step in the right direction for these veterans.

Work Cited:

“Agent Orange Exposure and VA Disability Compensation.” *Veterans Affairs*, 4 Feb. 2022,

<https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/>.

Department of Veterans Affairs, Veterans Benefits Administration. “Va.gov: Veterans

Affairs.” *Blue Water Navy Vietnam Veterans Act of 2019*, 2019,

<https://benefits.va.gov/benefits/blue-water-navy.asp>.

Iovino, Nicholas. “VA Must Pay Retroactive Benefits to Blue Water Vietnam

Vets.” *Courthousenews.com*, 2020, [https://www.courthousenews.com/va-must-pay-](https://www.courthousenews.com/va-must-pay-retroactive-benefits-to-blue-water-vietnam-vets/)

[retroactive-benefits-to-blue-water-vietnam-vets/](https://www.courthousenews.com/va-must-pay-retroactive-benefits-to-blue-water-vietnam-vets/).

Kassraie, Aaron. “VA to Reopen Agent Orange Claims of Blue Water Veterans.” *AARP*, 2021,

<https://www.aarp.org/home-family/voices/veterans/info-2020/court-order-blue-water-claims.html>.

Procopio v. Wilkie, No. 17-1821 (Fed. Cir. 2019).

<https://www.casebriefs.com/blog/law/torts/torts-keyed-to-dobbs/contract-and-duty/thorne-v-deas/>

Stripes, Nikki Wentling/Stars and. “VA to Automatically Review Thousands of 'Blue Water' Navy

Claims.” *The American Legion*, 19 May 2021,

<https://www.legion.org/veteransbenefits/252567/va-automatically-review-thousands-blue-water-navy-claims>.

Temin, Tom. "Blue Water Navy Veterans Can Thank Nara for Their New Benefits." *Federal News Network*, 8 Apr. 2020, <https://federalnewsnetwork.com/veterans-affairs/2020/03/blue-water-navy-veterans-can-thank-nara-for-their-new-benefits/>.