

Veterans Corner
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Percent COLA for 2008

The Federal government announced that the Cost of Living Adjustment (COLA) for 2008 for military retired pay, Social Security and other federal annuitants will be 2.3%. This compares to an increase of 3.3% in 2007 and a jump of 4.1% in 2006, which had been the biggest advance in 15 years. The COLA is based on the change in consumer prices from the July-September quarter of each year compared to the same period the preceding year. (Benefit payments have been tied to inflation since 1975.) Part of the Social Security increase will be eaten up by a rise in Medicare premium costs. Earlier in October, it was announced that Medicare premiums will rise 3.1% in 2008 (\$2.50 to \$96.40 per month) – the lowest Medicare premium increase in six years.

VA announces 46 grants for homeless programs

As the Department of Veterans Affairs (VA) marks the 20th anniversary of its homeless program, VA has awarded 46 grants worth over \$16 million to public and private non-profit groups to assist homeless veterans.

“For the last 20 years, VA has worked with its community partners to lift veterans out of homelessness,” said Gordon H. Mansfield, Acting Secretary of Veterans Affairs. “We are making progress by expanding treatment, rehabilitation and safe transitional housing for our homeless veterans, though more remains to be done.”

Based on VA’s national estimates, progress is being made for homeless veterans. The number of homeless veterans on any night has decreased 20% during the last six years, and veterans as a percent of the adult homeless population has decreased 10%.

This latest round of grants created 950 beds for homeless veterans, bringing to more than 12,000 the number of VA-funded community-based beds provided by public and community non-profit and faith-based organizations in 34 states and the District of Columbia.

The Three requirements for Disability Compensation based upon Agent Orange

To qualify for disability compensation based on Agent Orange exposure, a veteran only needs to satisfy two or three simple rules: (1) the veteran served in Vietnam during the Vietnam era; and (2) the veteran currently has one of the diseases, or the residuals of one of the diseases, recognized by the VA as linked to Agent Orange exposure to a disabling degree of 10% or more; and (3) for some of the recognized non-cancer diseases (but not for any of the recognized cancers) the disease manifested itself within a certain time period from the last day of service in Vietnam.

The Vietnam Service Requirement

Vietnam veterans do not need to prove actual exposure to Agent Orange or any other herbicide during service in Vietnam to qualify for presumptive service connection. The rules require the VA to assume that if a veteran served in Vietnam, the veteran was exposed. Therefore, the requirement of an in-service precipitating event reduces to showing that the veteran served at least one day in Vietnam during the Vietnam Era (boots on ground).

Service in Vietnam is defined as “active military, naval, or air service...in the Republic of Vietnam at some point during the period beginning on January 9, 1962, and ending on May 7, 1975. This includes service “in the water offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam.” Flying over Vietnam in an aircraft, without landing in Vietnam, does not qualify as service in Vietnam.

“Blue Water” Veterans

The biggest area of dispute that has arisen with regard to the Vietnam service requirement involves veterans who served aboard a ship in waters offshore Vietnam without any visitation to the landmass of Vietnam. These veterans are often referred to as “Blue Water” veterans. A very helpful provision included in Manual M21-1 from November 1991, to February 2002 (when the VA rescinded it), provided that “in the absence of contradictory evidence, ‘serving in Vietnam’ will be conceded if the records show that the veteran received the Vietnam Service Medal. Since the Vietnam Service Medal (VSM) was typically awarded to veterans who served aboard a ship in the waters offshore of Vietnam without any visitation on land in Vietnam, this manual M21-1 provisions appeared to eliminate any need for such a veteran to prove that he or she actually set foot on land in Vietnam. Even if a veteran was not awarded the VSM, but alleged service on a ship in the waters offshore Vietnam, Manual M21-1 required the VA to attempt to confirm that the ship was in the vicinity of Vietnam for some significant period of time (i.e., the ship did more than just transit through the area.) During the period that this provision was included in manual M21-1, the VA sometimes followed the provision, presumed service in Vietnam and therefore exposure to Agent Orange, and granted service connection for a disability under the VA’s Agent Orange regulations. However, in other similar cases, the VA denied service connection on the ground that the veteran never set foot on land in Vietnam and therefore was not entitled to the presumption of exposure of Agent Orange.

How some Veterans have proved that They Set foot on land in Vietnam

Described below is a true story about veterans who were able to prove they set foot on land in Vietnam, even though that fact was not documented in their service records. The methods used by these veterans to prove such service can be replaced by veterans with similar experiences.

The veteran served in the Navy with the Seabees during the Vietnam War. He testified that he was in Vietnam in April 1967. His DD214 showed that he served with the U.S. Navy Mobile Construction Battalion (NMCB) Four, based in Port Hueneme, California, but there was no verification that he set foot in Vietnam in his service records. The first result of a “Google” search using the term “Seabees” yielded the official website of the Navy Seabees (WWW.seabee.navy.mil). This website contains an index of the various Navy Mobile Construction Battalions, including NMCB Four. NMCB Four has its own section within the website, which includes a detailed history of the battalion. That history showed that NMCB Four conducted four tours during the Vietnam War, including one commencing in March 1967. This, in combination with the service records showing that the veteran was assigned to the battalion during the pertinent time period, verified the veteran’s presence in Vietnam and satisfied the veteran’s presence in Vietnam and satisfied the Vietnam service requirement.