

## WHAT SHOULD I DO NOW REGARDING MY DISABILITY CLAIM? October 27, 2015

There have been recent statements that might indicate that the Bays and Harbors have already been conceded by the VA to be areas of presumptive exposure.

At this point in time, that is not down in black and white. But we fully expect it to be in the very near future. The problem is: I can only guess at the date... and the VA will attempt to drag that out to the longest possible time.

Because of how it LOOKS as if things are going, I would like to offer my own opinion of a COMMON SENSE APPROACH to Blue Water Navy Claims:

If you were ever in a port or harbor, file immediately. Or re-file. If you've got a claim in the system, keep it alive by filing a Notice of Disagreement within one year of a denial.

The REASON for that is: if your claim is adjudicated under the current VA rules, you \*MAY BE\* entitled to back pay, possibly from the first date of claim. When the VA comes out with any new regulations, I don't know if those same back-pay rulings will apply. Your denied claim of over a year ago can be re-opened using the Gray Ruling as 'new and material evidence.'

If you were in the Territorial Waters of Vietnam (that would be true for anyone who was 'on the gun line' or on a ship that fired any shot in support of the ground troops) file immediately. Your New and Material Evidence will also be the Gray Ruling, but your argument will be a little bit different. Note if your ship was ever in the plume of a river mouth as the source of your exposure. If you don't know for certain, state that your ship was in the waters near the coast line.

If you were on a Carrier, there is less direct application from the Gray Ruling, but I believe you should still file, and read over my interpretation of the Gray Ruling from the Website posting: [http://www.bluewaternavy.org/8\\_29\\_15%20Opinion%20on%20CAVC%20Ruling.pdf](http://www.bluewaternavy.org/8_29_15%20Opinion%20on%20CAVC%20Ruling.pdf)

Use the "Dioxin on the Carriers" report

[http://www.bluewaternavy.org/DIOXIN\\_ON\\_THE\\_CARRIERS.pdf](http://www.bluewaternavy.org/DIOXIN_ON_THE_CARRIERS.pdf)

and the "Reanalysis...." Report <http://www.bluewaternavy.org/ReIOM.htm> as your new and material supporting documentation.

Remember, IN ALL CASES, you should still provide a strong medical statement to support your claim. This may still be necessary if there is a favorable change in the future. Even when the VA states that you should have presumptive coverage, they will STILL want to see the Nexus statement. They say that's not needed, but that is not what I have experienced on a consistent basis. However, if you don't have that Medical Nexus Statement and/or a medical statement that gives your disability a Level of Severity, file now anyway. That information can be provided and appended to your Claim as soon as you get it. (File first and develop as you go!)

Things will change, and I believe they will all be favorable changes. But I can't tell you WHEN that will happen. Also, even when a change is announced, or our legislation gets passed, there may still be many weeks or many months before everything will be in place to consistently accept Blue Water Navy Claims at every Regional Office.

Everything seems to be moving in the right direction, but we're not there yet. The filing of new claims will also pressure the VA to act quicker to solve this problem.

If you've filed and been denied, DON'T GIVE UP. This even goes for widow's claims. File now!

If you believe you need legal help, please send me back an email with all your contact information so that I can forward your information to our Legal Team.

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