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National Veterans Affairs and Rehabilitation Commission

1608 K Street, N.W. • Washington, D.C. 20006

K. Robert Lewis, Chairman - Connecticut

Barry A. Searle, Director - Pennsylvania

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VA Places Stay on Adjudication of Claims for New Agent Orange Presumptive Conditions Until Regulations are Finalized

On October 13, 2009, the Secretary of the Department of Veterans Affairs (VA) announced his decision to establish presumption of service connection for three additional illnesses (Parkinson's disease, ischemic heart disease, and B cell leukemia) associated with Agent Orange/herbicide exposure in Vietnam. Please see VA&R Bulletin 25-09, dated October 16, 2009, for additional information.

On October 30, 2009, VA issued instructions, effective immediately, directing its regional offices to stay the adjudication of all claims seeking presumptive service connection for all B cell leukemia, Parkinson's disease and/or ischemic heart disease until final regulations are published in the Federal Register.

As discussed in VA&R Bulletin 25-05, service officers should file presumptive claims now for these conditions without waiting for the completion of the regulation process. Additionally, VA will not automatically reopen a previously denied and final claim, so American Legion service officers are advised to review the files of veterans whose claims for such conditions have been finally denied and proceed with procedures to reopen these claims. Presumptive claims for these conditions that have been denied, but the denial is not yet final, should be brought to the attention of VA adjudication personnel for identification and action consistent with the current stay.

It is important to note that this stay only applies to the adjudication of claims, for the aforementioned conditions, based on Agent Orange/herbicide presumption and not claims where the evidence warrants the grant of service condition on a direct basis. Therefore, service officers should keep tabs on presently open claims, in which evidence has been presented that would enable the claim to be granted on a direct basis, to ensure that such claims are not erroneously placed in the stay.

Please contact Ian de Planque, Asst. Director for Claims Service, VA&R, at ideplanque@legion.org or (202) 263-5762 if you have any questions or need additional information.


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