

President's Report

Can Midway Vietnam Veterans qualify for VA benefits determined to be caused from exposure to Agent Orange (A.O.) and other herbicides and defoliant chemicals used in Vietnam?



Complicating the answer to this question is the research that would have to be done to establish if the ship was anywhere within the 12-mile limit of the coastline of South Vietnam (SVN). As we currently understand it, the ship was within the designated area during Operation Frequent Wind, so anyone onboard then would meet at least that one condition. Beyond that, there were nine additional at-sea periods/cruises when Midway was on station in the area – Yankee Station, Gulf of Tonkin, etc. As was pointed out to us when doing the research for this piece, the Navy has chronicled more than 22 million pages of deck logs for the more than 700 Navy vessels that saw service during the Vietnam war. Between them, Karl Zingheim (the Midway Museum's historian) and Phillip Eakin (senior researcher for the Museum library), have spent many hours with hand navigation tools to establish the 'line of demarcation' – the 12-mile limit, and the Midway's positions from a number of deck logs from the ship during its Yankee Station deployments.

It would take a cadre of folks familiar with navigation charts and tools to determine the

ship's positions at any given time/date off the coast of SVN. In all, my research shows, there were 10 periods that Midway was actually on station in the waters off SVN.

So, let's get down to cases here!

All indications that I've read or come across are that the exfoliation that was done in Vietnam during the prescribed period was accomplished by the Air Force under the guise of its program, 'Operation Farm Hand.' The defoliants and herbicides were deployed by the Air Force using C-123 aircraft, based primarily out of Tak Li, Thailand. To the best of my knowledge there were never defoliantes or herbicides (such as A.O.) aboard Midway at any time.

It is understood that you don't have to have actual physical contact with the defoliants, but you do need to establish that we were within a particular 'line of demarcation' (aka 12-mile limit from coastal SVN), be it 12 or 50 miles, depending on where the ship was along the coastline. The 12-mile line is a reference point only, and the actual presence of the ship in the area may be enough to satisfy the '12-mile' rule, even though it may be well beyond that navigation point.

The VA links 14 'presumptive diseases' to exposure from herbicides and defoliant chemicals such as A.O., and you have to have one or more the diseases to be eligible to qualify for a disability compensation award from the VA. Game over, if you don't. The list of the VA's 'presumptive diseases' caused by A.O. can be found at:

<https://www.publichealth.va.gov/exposures/publications/agent-orange/agent-orange-2020/presumptive.asp>.)

My best advice is to encourage Midway Vietnam veterans to apply, based on their personal medical histories, and see what kind of response they get from the VA. I know that is sort of where I started this whole 'soiree', but after much reading and research on the subject, I'm of a mind that the VA has complicated this consideration for a good reason – they don't want to have to do the work needed to establish any medical justification for any of our veterans meeting the VA's presumptive diseases.

Let's talk some more!

Okay, Oscar, right back at you. Dave Payson here, MVA's newsletter editor. I asked you to take on this issue in your report because of its importance to Midway veterans who served on Midway during the Vietnam War, i.e., those 10 separate periods that the ship operated in Vietnam waters. In total, those missions would have included many thousands of Midway sailors.

I totally agree with you that to effectively use all the deck logs, charts, navigational tools, etc., required to determine Midway's position at any given time/date during her various Vietnam missions would be a daunting task. That said, I'm skeptically optimistic that this confounding jigsaw puzzle the VA has placed before Blue Water Navy sailors can be navigated successfully with the help of the right people to prove the veterans ships' locations along the SVN coastline some 55 years ago.

The right people, in my book, are the dedicated, experienced VA-accredited service officers (most of whom are military veterans themselves). They work independent of the VA and are specially trained to help veterans file and win VA disability compensation awards. I've used these service officers since

2014, when one of them filed and won a hearing disability settlement for me with the VA. As you can tell, I have a very high opinion of these veterans' advocates and their commitment to helping military veterans.

I interviewed several of these service officers for this piece, asking them what they thought the chances would be for a Midway Vietnam veteran to win a Blue Water A.O. service-related compensation award from the VA, if the veteran had one or more of the VA's presumptive diseases.

One of these service officers answered in this way: **“Any sailor on board during the times that Midway shows it was within the 12-mile radius AND has one of the presumptive A.O. diseases should file for it to be service connected.”** That answer, to me, accurately reflects the attitude of these VA-accredited but independent service officers – to never-give-up. They are in it with the veterans to win. Nothing surprising about that, really – to win a service-related disability award from the VA, the Midway veteran would have to follow VA's rules closely to even have a chance to win. Which is why a Midway Vietnam veteran would be smart to find and use one of these service officers. See the link to the VFW's website below.

The service officer also shared a link with me to an interactive map tool used by service officers to help Blue Water sailors determine if their ships operated inside the 12-mile coastline of SVN during Vietnam. A novice user, I tried the tool, and Midway came up in its pull-down menu as a Blue Water ship. This tool showed Midway to be inside the 12-mile zone several times, most of them, I think, during Operation Frequent Wind operation.

Midway being listed in the map tool's database as a VA-recognized Blue Water Ship is good news, because the VA hasn't published an updated Blue Water Ship's list since the Blue Water Vietnam Veterans Act of 2019 became effective at the beginning of 2020. Why not, I wonder? It's just one more missing piece of the VA's Blue Water Navy jigsaw puzzle. One more question to ponder.

As Oscar mentioned earlier in this report, he sent the link to the interactive map tool to one of the Museum's experts, Phillip Eakin, to test. After testing, Phil responded positively on the map tool's accuracy to pinpoint Midway's movements off the coast of SVN during Vietnam. Here's his analysis:

“ . . . At this point [the interactive map tool], lists more qualifying points than any other site at the moment . . . It shows that Midway veterans who made the entire 1965, 1971 or 1972/73 cruises, or who participated in Operation Frequent Wind in 1975, are in the qualifying category as far as being in the zone is concerned.”

In conclusion, Oscar and I would like to hear from Midway Vietnam veterans who have filed with the VA for service-related disability awards for exposure to A.O. Win or lose, we'd like to hear your stories and pass the information on to our members, keeping your names anonymous, if you so choose. (Find our contact information in the "Contacts" side-link on MVA's home page from which this article is linked.

compensation claim with the VA (A.O.-related or otherwise), we recommend that you use the services of a VFW VA-accredited service officer in your area. To find one of these service officers, go to VFW's national website and follow this link:

<https://www.vfw.org/assistance/va-claims-separation-benefits>.

Important: Midway veterans, if you're looking to file a service-related disability