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## Costly Agent Orange-Heart Disease Link Looms

Tom Philpott | December 31, 2009

The cost of war -- on veterans' health and taxpayer wallets -- will loom a little larger in the new year when the Department of Veterans Affairs issues a final rule to claim adjudicators to presume three more diseases of Vietnam veterans, including heart disease, were caused by exposure to Agent Orange.

The rule, expected to be published soon, will make almost any veteran who set foot in Vietnam, and is diagnosed with Parkinson's disease, B cell leukemia or ischemic heart disease (known also as coronary artery disease), eligible for disability compensation and VA medical care. The exception would be if credible evidence surfaces of a non-service cause for the ailment.

Katie Roberts, VA press secretary, said no estimates will be available on numbers of veterans impacted or the potential cost to VA until after the rule change takes effect sometime in 2010. But the National Association for Uniformed Services was told by a VA official that up to 185,000 veterans could become eligible for benefits and the projected cost to VA might reach \$50 billion, said Win Reither, a retired colonel on NAUS' executive board.

NAUS also advised members that VA, to avoid aggravating its claims backlog, intends to "accept letters from family physicians supporting claims for Agent Orange-related conditions." It said thousands of widows whose husbands died of Agent Orange disabilities also will be eligible for retroactive benefits and VA Dependency and Indemnity Compensation.

"This is huge," said Ronald Abrams, co-director of the National Veterans Legal Services Program. NVLSP has represented veterans in Agent Orange lawsuits for the last 25 years. The non-profit law group publishes the "Veterans Benefits Manual," a 1900-page guide for veterans' advocates to navigate the maze for VA claims, appeals and key court decisions.

Abrams said he can't guess at how many more thousands of veterans previously denied disability claims, or how many thousands more who haven't filed claims yet, will be eligible for benefits. But numbers, particularly of those with heart disease, will be very large, he suggested.

All of the veterans "who have been trying to link their heart condition to a service-connected condition won't have to do it now if they're Vietnam vets," Abrams said. For VA, it will mean "a significant amount of money -- and many, many, many people helped."

The excitement over expansion of benefits for Vietnam veterans, and worry by some within the Obama administration over cost, flows from an announcement last October by VA Secretary Eric K. Shinseki. He said three categories would be added to the list of diseases the VA presumes were caused by Agent Orange. Veterans with the presumptive Agent Orange ailments can get disability compensation if they can show they made even a brief visit to Vietnam from 1962 to 1975. With a presumptive illness, claim applicants don't have to prove, as other claimants do, a direct association between their medical condition and military service.

Shinseki said he based his decision on work of the Institute of Medicine (IOM) of the National Academies. VA contracts with IOM to gather veterans' health data and investigate links between diseases and toxic herbicide used in Vietnam to destroy vegetation and expose enemy positions.

In a speech last July, Shinseki, former Army chief of staff and a wounded veteran of Vietnam, expressed frustration that "40 years after Agent Orange was last used in Vietnam, this secretary is still adjudicating claims for presumption of service-connected disabilities tied to its toxic effects." VA and the Defense Department should have conducted conclusive studies earlier on presumptive disabilities from Agent Orange, he suggested.

"The scientific method and the failure to advocate for the veteran got in the way of our processes," Shinseki bluntly concluded.

In last October's announcement he said VA "must do better reviews of illnesses that may be connected to service, and we will. Veterans who endure health problems deserve timely decisions based on solid evidence."

When a disease is added to VA's list of ailments tied to Agent Orange, veterans with the disease can become eligible for retroactive disability payments, back to the date original claims were rejected, if after 1985.

Joe Violante, legislative director for Disabled American Veterans, praised Shinseki's decision. But he said VA faces a "logistical nightmare" in trying to find veterans turned down on earlier claims. A VA official told Violante, he said, that cost of the search could be part of that nightmare.

Chairman of government affairs for Vietnam Veterans of America until last October was John Miterko. He said he wasn't surprised that Shinseki added ailments to the Agent Orange presumptive list including heart disease.

"If you look at the Vietnam veteran population, the diseases we've contracted and the mortality rate, the only group dying faster rate are the World War II veterans," Miterko said. "We're picking up diseases by our '60s that we shouldn't be getting until our late '70s, early '80s. So his adding other diseases, heart disease in particular, isn't a surprise."

Both Shinseki and his predecessor, James Peake, former Army surgeon general, had long military careers and served in Vietnam. "That's a hell of a bonus for us," Miterko said. Both of them have shown "much more empathy, much more understanding. They would have seen many of their own peer group suffering from the effects of exposure to Agent Orange."

Miterko doesn't believe anyone can estimate how many veterans will benefit from the new presumptive diseases. VA will continue to process claims individually, he said, and likely won't be accepting Agent Orange as the cause of heart disease for someone "who has smoked for 40 years and is morbidly obese. Common sense is going to have to prevail as well."

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