

A REVIEW OF THE VE-HEROeS REPORT

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The Department of Veterans Affairs (VA) researchers released [U.S. Blue Water Navy Veterans of the Vietnam War: Comparisons from the Vietnam Era Health Retrospective Observational Study \(VE-HEROeS\)](#)¹ as published in the [Journal of Military and Veterans' Health](#). To conduct this study, data were gathered on the health of Blue Water Navy (BWN) sailors who served offshore Vietnam between February 1961 and May 1975. The final analysis, written by Dr. Victoria Davey, details the results of over 45,000 health surveys mailed to randomly selected veterans and non-veterans. The VE-HEROeS survey demonstrably shows that BWN sailors had herbicide-related health outcomes that were more similar to in-country veterans than to either non-theater veterans or non-veteran participants.

The purpose of this review is to use the VA's own research to finally determine which veterans who served within the Vietnam Theater of Combat Operation should be eligible for VA benefits based on having symptoms of specific diseases² determined by the VA to be related to herbicide exposure. Specifically, Aircraft Carrier personnel who served within the Theater of Operation are still not eligible for those benefits but should be, according to this latest VE-HEROeS health study.

HISTORY

The Agent Orange Act of 1991³ was a unanimous act of Congress that assigned certain VA benefits to veterans of the Vietnam War. In passing this legislation, Congress was reacting to the outrage and outcry of America's veterans who were suffering from a myriad of health problems upon their return from the War. The Act gave the presumption of herbicide exposure to all veterans who received the Vietnam Service Medal (VSM).

All veterans who served within the *Vietnam Theater of Combat Operation*, ashore or afloat, were awarded the VSM.⁴ These veterans not only received combat pay for entering 'harm's way,' but also received privileges of free mail, tax-free dollars, reduced price on certain items including cigarettes and other things while on active duty. Personnel on all US Navy ships located within the Theater of Operation were awarded the VSM and all associate privileges.

In 2002, the VA abruptly announced, without any supporting medical evidence, that it was limiting the presumption of herbicide exposure to only those veterans who had "boots on ground" (BOG) in Vietnam,⁵ to the exclusion of other veterans who served in the harbors and offshore waters but still within the Theater of Combat Operation. Beginning almost immediately, individuals and organizations in support of the disqualified veterans began pushing back on the VA and the United States Congress to correct this injustice.

PREVIOUS STUDIES

An Australian Government's Study (NARCET) from 2002 and an American Institute of Medicine (IOM) Study from 2011 came to the identical conclusions that contradicted the VA's then-existing stance. Both these studies concluded that the individuals who served on ships offshore Vietnam were possibly exposed to the toxins contained in herbicide compounds used to destroy jungle foliage.

MORE RECENT RULING

After much pressure from both BWN veterans and certain members of Congress, the Blue Water Navy Act of 2019⁶ was finally passed. However, the BWN Act created an imaginary line on the water 12 miles from a Baseline designating a limit to the area where BWN sailors must be located to receive VA benefits for herbicide exposure. This 12-mile line created a narrow strip near to shore only off the coast of what was then South Vietnam. That limiting area extends northward to the Demilitarized Zone (DMZ) which was the point where Vietnam was divided at the 17th Parallel. This is shown in the attached Figure 1 map.

The 12-mile limit excludes Aircraft Carriers⁷ that spent considerable time in Combat Support roles within the Vietnam Theater of Combat Operation, leaving a large population of BWN sailors still without VA benefits for herbicide exposure. The 985 BWN responses to the VE-HEROeS health study included sailors who were located throughout the Vietnam Theater of Combat Operation in both the north and south areas. Therefore, the entire Theater of Operation is represented in the BWN responses to the VE-HEROeS health study.

VE-HEROeS

The VA's VE-HEROeS survey is based on self-reported health problems. It is important to note that self-reporting is first based on self-knowledge. In this respect, the Vietnam BOG veterans [in this survey called "theater" veterans] had been told by the VA for more than a decade that they had been exposed to herbicide while serving in Vietnam. The very awareness of this made the BOG veterans more likely to connect poor health conditions with their exposure and to report such problems more immediately to their health care providers. The study acknowledges that the BOG veterans may have been "more aware of and vigilant about their health than the other groups because of the long-time and well-publicized concerns regarding hazardous Vietnam War exposures."

BWN veterans, on the other hand, had no reason to connect their health issues with their previous in-service activities because they were not advised of their contamination. As a result, they would generally be less likely to self-report many health conditions potentially related to herbicide exposure and would alternatively blame outside conditions, bad luck or fate for their poor health. Some percentage would probably fail to mention to their providers some conditions (or at least the early symptoms of some conditions) that could be linked to their toxic exposure during service.

Because of the rule change of 2002, all BWN veterans were actively discouraged from filing disability claims with the VA for herbicide-related diseases. Many of those veterans had claims denied and have died of their toxic wounds without having received any VA benefits⁸. Discouragement was repeated in 2019 when many Aircraft Carrier sailors were once again left out of those benefit eligibilities. Any claims that managed to get filed with the VA were denied outright.

Figure 2 of Dr. Davey's analysis provides visual evidence that BWN participants in this survey reported *nearly twice as many herbicide exposure problems than did the Navy non-Theater veterans*. The VE-HEROeS study itself comes to this same conclusion, but uses different wording. It states that the comparison of BWN to non-Theater Navy veterans revealed a higher proportion of BWN-reported health risks "unique to the Vietnam War" rather than saying "unique to the Vietnam Theater of Operation." The results of that wording change would be identical. This in itself should be enough evidence for the VA to re-classify all Vietnam Theater of Operation veterans, including the Aircraft Carrier veterans, as eligible for presumption of herbicide exposure.

The VE-HEROeS survey did not make any distinction between being offshore Vietnam in either the North or the South portions of the country. For that reason, the Study's findings should help clarify that the entirety of offshore waters within the Theater of Operation should be considered an undivided area eligible for the presumption of exposure to herbicide.

CONCLUSION

The Agent Orange contamination controversy has raged since before the Agent Orange Act of 1991. The final players in that travesty of events are the Blue Water Navy sailors who were located offshore both North and South Vietnam.

No guarantee can ever be given that any Vietnam veterans were contaminated by that toxic herbicide because there was never even a single day of environmental study done to provide incontrovertible proof of any veteran's exposure. However, indicators like symptoms and diagnoses of specified diseases have historically been taken by the VA as proof of herbicide exposure.

Blue Water Navy personnel can show current evidence of suffering the same specified diseases as all other Vietnam Theater veterans. The VE-HEROeS Health Study finally shows that the health of the BWN veterans was more like those men who had their boots on the ground than like those non-Vietnam veterans who served outside the Theater of Combat Operation. No better proof will ever be possible.

Based on the results of the VA's own VE-HEROeS study, all military personnel, including Blue Water Navy veterans who served on any type ship including Aircraft Carriers within in the Vietnam Theater of Combat Operation and who currently have symptoms of the acknowledged Agent Orange-related diseases, should be eligible for presumption of exposure to herbicide and should receive the associated VA disability and health care benefits.

FOOTNOTES

1. <https://jmvh.org/article/u-s-blue-water-navy-veterans-of-the-vietnam-war-comparisons-from-the-vietnam-era-health-retrospective-observational-study-ve-heroes/>
2. <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/agent-orange/#am-i-eligible-for-va-disability>
3. <https://uscode.house.gov/statutes/pl/102/4.pdf>
4. <https://www.history.navy.mil/browse-by-topic/heritage/awards/service-campaign/vietnam-service-medal.html>
5. <http://oldbluewater.com/M21%20-1%20Manual%20Changes.pdf>
6. <https://www.congress.gov/bill/116th-congress/house-bill/299/text>
7. <http://oldbluewater.com/BWNCarrierReports.htm>
8. <http://www.oldbluewater.com/VeteransDied.html>

Figure 1.

