

Blue Water Navy Legal Battle Ends

VFW urges swift Senate passage of H.R. 299 to protect and expand benefits to thousands

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WASHINGTON — The Veterans of Foreign Wars of the United States is saluting a decision by the Justice Department to not contest [Procopio v. Wilkie](#), which now paves the way for the return of veterans disability benefits to some 90,000 so-called Blue Water Navy veterans.

“This is a huge victory for tens of thousands of deserving veterans who were arbitrarily stripped of their earned benefits,” said VFW National Commander B.J. Lawrence. “Now we need the Senate to quickly pass H.R. 299, the *Blue Water Navy Vietnam Veterans Act of 2019*, to ensure the Department of Veterans Affairs can never again interpret the intent of law differently.” The U.S. House of Representatives passed H.R. 299 on May 14 by a unanimous vote of 410-0.

In [Procopio v. Wilkie](#), VA Secretary Robert Wilkie was sued by Navy veteran Alfred Procopio Jr., who was denied service connection for prostate cancer and diabetes mellitus because he never stepped foot on dry land or served within Vietnam’s inland waterways. Procopio, a life member of VFW Post 6587 in Spring Lake Park, Minn., was assigned aboard the aircraft carrier USS Intrepid, which was stationed inside Vietnam’s 12-mile territorial waters. Both of his illnesses are listed among the VA’s [14 presumptive diseases](#) associated with exposure to Agent Orange.

On Jan. 29, 2019, the U.S. Court of Appeals for the Federal Circuit focused on the intent of the 1991 Agent Orange Act, which was to grant a presumption of service connection for certain diseases to veterans who “served in the Republic of Vietnam.” At issue was whether service within territorial waters constituted service “in the Republic of Vietnam.” By a 9-2

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decision, the Appeals Court ruled it did.

“The VFW is very glad this case is now over,” said the VFW national commander. “Now we can focus on getting H.R. 299 passed into law to protect VA benefits for Blue Water Navy veterans and expand much needed benefits for veterans who were exposed to Agent Orange in Thailand and the Korean DMZ, as well as continue research on Gulf War illnesses.”