

VA Recommends Dropping Blue Water Navy Legal Battle

VFW member's lawsuit made it happen

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WASHINGTON — The Veterans of Foreign Wars of the United States is saluting Secretary of Veterans Affairs Robert Wilkie for saying during congressional testimony yesterday that he would recommend the Justice Department not contest a recent federal court ruling that will benefit some 90,000 so-called Blue Water Navy veterans. His support to move forward potentially paves the way for the return of earned disability benefits that regulatory changes arbitrarily stripped away in 2002.

In [*Procopio v. Wilkie*](#), Secretary 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.

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 decision, the Appeals Court ruled it did.

"The VFW salutes Secretary Wilkie for his support to move forward and take care of this group of forgotten Vietnam veterans," said VFW National Commander B.J. Lawrence. "We

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also support his recommendation that some type of historical research division be created within the Department of the Navy to ensure that all such ships are fully accounted-for in the VA's list of exposed ships," he said. "After a half-century, we need to get this done to reinforce to tens of thousands of Vietnam veterans that our nation is willing to provide them the care and benefits they have earned and deserve, and we urge Congress to pass H.R. 299, the Blue Water Veterans Act of 2019, to ensure the VA can never again arbitrarily strip veterans of their earned benefits."

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