

Agent Orange-Exposed Vets Score Another Court Victory

Ruling demands that VA pay benefits to vets suffering from a type of leukemia caused by defoliant exposure.

by Tim Dyhouse

A San Francisco appeals court in July rejected VA's attempt to deny benefits for Vietnam veterans suffering from chronic lymphocytic leukemia caused by Agent Orange exposure. The unanimous 3-0 ruling July 19 by the U.S. Ninth Circuit Court of Appeals is the sixth time a court or federal judge has ruled in favor of veterans since the case first went to trial in 1986.

Judge Stephen Reinhardt noted in the court's decision that it was "difficult for us to comprehend" why VA would resist providing benefits when it agreed to do so after losing the initial case in 1989.

"We would hope," he wrote, "that obstructionist bureaucratic opposition will now cease, and that our veterans will finally receive the benefits to which they are morally and legally entitled."

The 1989 ruling led to legislation that forced VA to study what types of dis-

eases other than the skin condition chloracne were caused by Agent Orange exposure. After tests by the National Academy of Sciences, 10 other conditions (see box below) were considered to have been caused by Agent Orange. Vietnam vets with those conditions were then eligible for VA benefits.

But veterans with chronic lymphocytic leukemia had to take VA to court to receive compensation. They prevailed in December 2005. VA appealed the decision, which led to the July 19, 2007, ruling. The Ninth Circuit Court was flabbergasted that VA would so "vigorously" resist payment.

"Those young Americans who risked their lives in their country's service and are even today suffering greatly as a result are deserving of better treatment from the Department of Veterans Affairs that they are currently receiv-

VA Offers Information

To get more information on what VA can do to help veterans suffering from diseases related to Agent Orange exposure, contact the Agent Orange Helpline at 1-800-749-8387 or e-mail GW/AOHelpline@vba.va.gov. Also, access the Agent Orange section of its Web site at www1.va.gov/agentorange.

ing," Reinhardt wrote.

As with any service-connected condition, veterans can seek help from VFW service officers when applying for VA benefits.

"I am no longer able to work the way I used to," said Orlandes Shuemake, who served in Vietnam from 1969-70 and was diagnosed with the leukemia in 2001. "With the help of VFW, I felt that there was a pathway to get some support."

Diseases Considered to Have Been Caused by Agent Orange Exposure

VA offers compensation and benefits for Vietnam veterans suffering from the following 11 diseases:

Type 2 diabetes is the most common form of diabetes. It is characterized by the body not producing enough insulin or the cells ignoring the insulin. As a result, cells may be starved for energy, or high blood glucose levels may damage the eyes, kidneys, nerves or heart.

Chloracne is an acne-like eruption of blackheads, cysts and pustules. The lesions are most frequently found on the cheeks, behind the ears, in the armpits and in the groin region.

Hodgkin's disease is characterized by swollen but painless lymph nodes often occurring in the neck, but also in the chest.

Multiple myeloma is a type of cancer of plasma cells, which are immune system cells in bone marrow that produce antibodies. Symptoms vary greatly.

Non-Hodgkin's lymphoma is a group of cancers arising from lymphocytes, a type of white blood cell. It may develop in any organ associated with the lymphatic system (e.g. spleen, lymph nodes or tonsils).

Acute and subacute peripheral neuropathy are nerve disorders. Common symptoms include numbness, a tingling or prickly feeling, pain, a burning sensation, inability to feel intense heat or cold, cramps, extreme sensitivity to touch,

loss of coordination, weakness and loss of reflexes.

Porphyria cutanea tarda results from low levels of the enzyme responsible for production of hemoglobin, the molecule that carries oxygen in the blood. Symptoms include skin sensitivity to sunlight, blistering, scarring, changes in pigmentation and increased hair growth.

Prostate cancer develops in the prostate, a gland in the male reproductive system. It can cause pain, difficulty in urinating, erectile dysfunction and other symptoms.

Respiratory cancers occur in the lung, bronchus, larynx or trachea. Symptoms may be very subtle or not occur and include pain, a scratchy sensation, alteration of tolerance for hot or cold foods, a tendency to aspirate liquids, airway alteration or a slight change in the voice over several weeks.

Soft-tissue sarcoma is a malignant (cancerous) tumor that develops in mesenchymal tissue, which encompasses all the muscle, connective tissues and bones of the body. The first noticeable symptom is usually a painless lump or swelling. As the tumor grows, it may cause other symptoms, such as pain or soreness, as it presses against nearby nerves and muscles.

Chronic lymphocytic leukemia is a type of leukemia, or cancer of the white blood cells. CLL results in swollen lymph nodes, spleen and liver, and eventually anemia and infections.