

Is it too Late to Submit a Claim for Illness Due to Agent Orange Exposure?

For civilians, the mention of [Agent Orange](#) immediately conjures up imagery of the Vietnam War seen over many decades in movies, as well as described in books dramatically (and rightly so) as the poisonous herbicide that was sprayed copiously by the US military to destroy the thick jungles used by the North Vietnamese troops as cover.

It took decades of work by many veterans and their dependents for the United States to finally recognize and acknowledge all the diseases associated with Agent Orange. Congress passed the [Agent Orange Act of 1991](#) that requires VA to consider numerous diseases as presumptively related to herbicide exposure for those stationed in Vietnam from 1962 to 1975. Most veterans, such as those who served in Vietnam, do not have the burden of having to prove that they were exposed to Agent Orange when seeking disability benefits. In many cases there are also benefits available to their dependents and survivors.

The Details on Agent Orange

While it may seem that Agent Orange exposure is a thing of the past, you can indeed still file a disability claim if you were exposed during service. Common diseases and health issues associated with Agent Orange, according to the [U.S. Department of Veterans Affairs](#), span everything from leukemia to Hodgkin's disease to Parkinson's, AL Amyloidosis, Ischemic Heart Disease, and a range of other [conditions](#) and [cancers](#) that are life-threatening.

The nickname Agent Orange originated from the orange stripes on the containers the herbicides were kept in. It was composed of equal amounts of 2,4-dichlorophenoxyacetic acid (2,4-D) and 2,4,5-trichlorophenoxyacetic acid (2,4,5-T), and was contaminated with 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), commonly referred to as just dioxin.

Dioxin is a controversial and highly toxic chemical that causes major health consequences, as most of us are aware today. Even though it is no longer produced in the United States, the [EPA](#) points out that it is a 'persistent organic pollutant' that takes many, many years to break down in the environment. It is also a known cause of cancer as well as very serious reproductive health issues, and more. And while it was indeed a poisonous component in Agent Orange used in military operations overseas, dioxins continue to cause health problems in the US decades later due to being released into the air by man-made emissions.

Presenting Your Case to the VA

It's important to keep in mind that the use of Agent Orange, and/or its component herbicides such as 2,4,5-T, was not confined just to Vietnam, but also used in many other locations such as Korea, Thailand, and other military bases like Fort McClellan in Anniston, Alabama. If you are suffering due to exposure to Agent Orange (or any other herbicides) during your service in the military, you may be entitled to benefits. And while it may be obvious to you that your medical condition was caused by exposure or another issue while you were in service, it may be surprising to find out how challenging it can be to prove that to the [U.S. Department of Veterans Affairs](#). If your condition is not one that is listed as presumptive, then it will be up to you to prove the connection between your health issues and your military service.

Contact Our Office

If you are a veteran who was exposed to Agent Orange or its components and you have been denied benefits, a consultation with the attorneys at [Chisholm, Chisholm & Kilpatrick](#) is to your advantage as you consider filing an appeal. Our lawyers are experienced in fighting for VA benefits, and we work diligently to file claims for veterans with all types of conditions and disabilities.

Call us for immediate help at 1-800-544-9144 or [contact us](#) online at [Chisholm, Chisholm & Kilpatrick](#).

VETERANS' COURT FINDS "FACILITY-WIDE" USE OF HERBICIDES AT FORT MCCLELLAN

CCK won a case in the Court of Appeals for Veterans Claims in which the Board had denied a veteran service connection for Parkinson's disease due to herbicide exposure at Fort McClellan, Alabama. Despite VA acknowledging that there was "facility-wide" use of herbicides at Fort McClellan, and that VA considers Parkinson's disease associated with herbicide exposure, it denied service connection stating the Veteran's exposure was "routine." The Court found the Board had no basis in law to deny benefits to a Veteran simply because the application of herbicides was "routine." The Court reversed the Board's decision, meaning VA must award the Veteran service connection for Parkinson's disease.



This is the first Court reversal of a Board decision for a Fort McClellan herbicide exposure case. This ruling has the potential to impact the outcomes of other Fort McClellan-Veteran herbicide exposure cases.

To read the Court's decision, [click here](#).