

From Military-Veterans Advocacy: A Blue Water Navy Update 6 Feb 2016

Yesterday we received confirmation that the VA will make no changes to their Blue Water Navy policy, effectively excluding tens of thousands of veterans from earned disability benefits. Worse, they have said they will no longer grant the presumption for borderline areas. They have decided to take the strictest possible construction of regulations as they apply to the Blue Water Navy sailors. In doing so they have defied the United States Court of Appeals for Veterans Claims, the United States Congress and have again breached faith with tens of thousands of veterans.

The insane and irrational approach taken by the VA is sure to inflame and infuriate our allies in Congress. The VA failed to even provide a courtesy notification to the Veterans Committee staff. Instead, in a well-orchestrated Friday afternoon barrage they issued their arbitrary and capricious regulation, a "fact sheet" and responses to the fourteen Senators who had demanded that they take action. All documents were released simultaneously. The substance of their policy is merely the same deceptive and mendacious hollow arguments that have been rejected by Congress, the courts and people who possess good will and common sense.

I Would say that I was surprised and shocked but I really am not. I had hoped that Deputy Secretary Sloan Gibson was a better man and my meetings with him were certainly cordial. But it turned out he was either being deceptive or was overruled by "Secretary Bob." We've been betrayed by the VA before so perhaps continued treachery was inevitable. Still, we had to give them a chance.

So where do we go from here. We keep fighting.

I talked with Congressman Gibson's staff last evening and they are prepared to move forward. Plans were in the works for a Sub-Committee hearing on HR 969, which would extend the presumption of exposure to the territorial seas. We currently have almost 300 co-sponsors on that bill. The VA's action will only accelerate plans for that hearing.

I also met with the Senate Committee staff late yesterday afternoon to discuss the new VA developments. They intend to push S-681 forward to a "mark-up" hearing probably in the Spring. We now have 37 co-sponsors in the Senate.

On March 10 we have an important oral argument at the Court of Appeals for the District of Columbia to ascertain whether the federal district court has the ability to review the VA actions under the Administrative Procedures Act. If we win this case, we can force the VA to show why their position is not arbitrary and capricious and/or unsupported by substantial evidence. Additionally, we now have three court cases pending in the Court of Appeals for Veterans Claims. One case concerns Da Nang Harbor, another Nha Trang Harbor and the third the territorial seas. We intend to

press forward with those cases and point out to the court how the VA has defied them.

How can you help? Several ways.

First of all we do not need any more co-sponsors in the House of Representatives. Please concentrate on the Senate. Keep writing them or using the contact form. Get your friends and family to do the same. Please concentrate on the Washington DC office. If you are planning to go to Washington, please call and schedule an appointment with the Military Legislative Assistant. You can download our Senate testimony from our website, [www.militaryveteransadvocacy.org](http://www.militaryveteransadvocacy.org). Please review it and take it with you

If you can, come to the March 10th oral argument. It starts at 9:30 am at the federal Court of Appeals for the DC Circuit, 333 Constitution Ave., NW Washington DC.

I would like to see a protest demonstration if someone can organize it. We can protest at the VA 810 Vermont Ave NW, Washington DC. There are many things that have to be done including securing a permit but it can be done. The problem is that we need quantity. Twenty people would be viewed as a joke. Two hundred would catch the eye of the media. I know that people are ill and that money is scarce so this might not happen.

We will be posting a press release within a couple of days. Please take it to your local newspaper, radio and television. Ask them to cover the story and to follow it up.

Don't get discouraged. This is much like a war and sometimes peace negotiations break down before the final push to victory. We are strong, we must stay united and we must be determined. Please focus your anger where it belong - on the VA, The problem is not with Congress or one political party or the VSOs. The problem is the VA. Let's focus our anger there.

"Secretary Bob's" cell phone number is out there. He won't answer but you can leave a message for one of his toadies to tabulate. Try to be polite but leave a message that we are not going away.

Let's go kick VA's butt!

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