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United States Senate

COMMITTEE ON VETERANS' AFFAIRS

WASHINGTON, DC 20510

January 21, 2009

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Honorable Patrick W. Dunne
Under Secretary for Benefits
Veterans Benefits Administration
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Admiral Dunne:

I have recently heard from veterans who expressed concern that VA regional offices lack clear instructions for identifying claims of Navy veterans who served on vessels which sailed in the inland waters of Vietnam or docked at ports within Vietnam during the Vietnam Era. These veterans are concerned that their claims are being stayed under the Haas decision, rather than being adjudicated as claims of direct service connection as required by Fast Letter 06-26. It seems clear to me that this is an incorrect result and should be rectified.

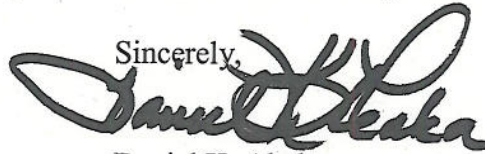
There is also a concern that VA does not have procedures for advising claimants of the specific information needed to support direct service-connection claims, such as the name of the ship on which they sailed and the specific dates and location of inland waterway service or docking at a Vietnam port which provides a basis for the claim. In addition, veterans have indicated that some VA regional offices do not comply with the requirement to obtain deck logs to verify allegations of relevant service when such claims identify the ship and dates of service.

During oversight visits, Committee staff members have noted that some regional offices, such as the Honolulu Regional Office, maintain copies of deck log information by naval vessel, so that if a subsequent veteran alleges similar service the needed information is readily available for verification. The Board of Veterans' Appeals has agreed that because of the geographical configuration of Da Nang Harbor within the territory of Vietnam, that location should be treated as in-country for purposes of exposure to Agent Orange. While such a decision is not precedential, it would be incongruous for only claimants who appeal to the Board to receive such recognition. It would appear that an electronic data base of ship location information could be of significant assistance to all regional offices.

Please advise me as to what guidance has been provided to regional offices related to the specific procedures that are to be followed when a Vietnam Era Navy veteran alleges service within the inland of waterways, during ports of call or other presence in Vietnam.

Thank you for your cooperation in ensuring that Navy veterans of the Vietnam Era are provided with appropriate assistance in the development of their claims.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel K. Akaka". The signature is written in a cursive, flowing style with large, connected letters.

Daniel K. Akaka
Chairman