

AMO Tip Sheet

Blue Water Navy Processing

Purpose



Effective January 1, 2020, all compensation and survivor benefit higher-level reviews (HLRs) and legacy appeals for issues related to herbicide exposure during Vietnam era service require processing by Appeals Management Office (AMO) designated processing personnel and/or the AMO Records Research Team (RRT). This is to implement Public Law 116-23, *Blue Water Navy Vietnam Veterans Act of 2019*, signed by the President on June 25, 2019.

This Tip Sheet highlights critical steps and helpful reminders for the designated processing and specialized research of claims with herbicide exposure that are impacted by the new law.

Audience



All AMO Claims Assistants (CAs), VSRs, Rating Veterans Service Representatives (RVSRs), Decision Review Officers (DROs), Quality Review Specialists (QRS), AMO designated processing personnel, and records research specialists (RRS) on the AMO RRT.

References



- Public Law 116-23, *Blue Water Navy Vietnam Veterans Act of 2019*
- 38 CFR 3.309(e), *Disease associated with exposure to certain herbicide agents*
- Blue Water Navy Centralized Processing Standard Operating Procedures (SOP)
- Records Research Team SOP
- VBA Letter 20-19-13, *Adjudicating Claims under the Blue Water Navy Vietnam Veterans Act of 2019*
- AMO BWN Workload Management Plan

Tips

Concessions of qualifying service, to include in-country, inland waterways, and eligible offshore waters as defined in the new law are the sole jurisdiction of the AMO designated processing personnel and AMO RRT.



Employees must adhere to the guidance found in the above-mentioned references, standard claims processing guidance in the M21-1, *Adjudication Procedures Manual*, and local routing procedures for processing BWN cases.



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Stage/ Personnel	Processing Reminders
Intake and Initial Review	<p>It is imperative to assign any necessary special issues and corporate flashes at the appropriate time for proper tracking, reporting, and routing. When intaking a new claim or identifying a pending legacy appeal impacted by the new law:</p> <ul style="list-style-type: none"> • establish a companion end product (EP) 335 with the correct claim label (e.g., ‘Appeal Review,’ or ‘PMC Appeals Review’) with all EP 030-HLRs, <i>or</i> • change the legacy appeal EP to the EP 335, and • add the <i>Blue Water Agent Orange</i> special issue to all 38 CFR 3.309(e) contentions listed on the EP 335 for legacy and the EP 040 for HLRs).
HLRs - Designated Processing DROs	<p>VA will treat HLRs impacted by the new law as duty to assist (DTA) errors. Therefore, designated processing DROs must:</p> <ul style="list-style-type: none"> • Add the below language on VA Form 20-0999, <i>Higher-Level Review Return</i>, to indicate the DTA return error: <p><i>A review was completed, and it was determined that additional development is necessary to determine if nautical service is present based on the Blue Water Navy Vietnam Veterans Act of 2019. [Veteran Statement dated MM-DD-YYYY]/[Evidence in file dated MM-DD-YYYY] indicates that Veteran served aboard a vessel during the Vietnam era and additional research is necessary.</i></p> <ul style="list-style-type: none"> • Include the following approved language in the rating narrative for each impacted issue: <p><i>A review was completed, and it was determined that additional development is necessary to determine if nautical service is present based on the Blue Water Navy Vietnam Veterans Act of 2019.</i></p> <ul style="list-style-type: none"> • Select the DTA error disposition (“Other”) in VBMS-R to ensure proper Caseflow establishment of the EP 040 - HLR DTA Error.
Designated Processing VSRs	<p>Designated processing VSRs must complete all work on HLR DTA Error Returns on the EP 040.</p> <p>If the designated processing VSR cannot establish qualifying service, the VSR must route the claim to the RRT for additional research and verification by adding:</p>



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	<ul style="list-style-type: none"> the <i>Special 12-Mile Review</i> special issue to all 3.309(e) contentions on the EP 335 for legacy or to the EP 040 for HLRs, and add the proper VACOLS diary and suspense for legacy.
Designated processing VSR - Authorizers	<p>Authorizers must ensure:</p> <ul style="list-style-type: none"> that a companion EP 335 with appropriate appeals claim label is pending with EP 030 - HLRs, or establish one if necessary, and to also clear (PCLR) the companion EP 335 only on authorization of the EP 040.
RRT	<p>The RRT will receive and conduct work for:</p> <ul style="list-style-type: none"> HLRs on the EP 040 (as the companion EP 335 resides with the National Work Queue (NWQ – station 499)), and Legacy Appeals on the EP 335 (only EP available). <p>To route claims back to designated processing personnel, RRT must:</p> <ul style="list-style-type: none"> remove the <i>Special 12-Mile Review</i> special issue from all 3.309(e) contentions, and for legacy appeals only, manually broker the EP 335 to the station with VACOLS jurisdiction per the ‘Brokering Claims’ instructions in the VBMS Core User Guide.

Important Reminder



Veterans may qualify for herbicide exposure on more than one basis (e.g., in-country and eligible offshore waters). Designated processing personnel must document all qualifying service areas in order to ensure the most advantageous decision is made on a Veteran’s claim.

Other Resources



- VA 4539988, *Blue Water Navy – Initial Training*
- VA 4539943, *Blue Water Navy - Centralized Processing Development Training*
- VA 4539945, *PL 116-23, Blue Water Navy Vietnam Veterans Act of 2019: Rating Processing*
- VA 4539945, *Blue Water Navy - Records Research Specialist*
- [VBMS User Guides](#)
- [VACOLS User Guide](#)

