

The Agent Orange Benefits Act

What is the Agent Orange Benefits Act?

The *Agent Orange Benefits Act*, Public Law 104-204, became law in 1996. The law established a benefits package for veterans' children who were born with Spina Bifida as a result of exposure of one or both parents to herbicides during active service in Korea or the Republic of Vietnam during war time.

The *Act* authorized the Department of Veterans Affairs to provide certain benefits effective October 1, 1997. These benefits include lifetime health care services for Spina Bifida and any disability associated with Spina Bifida, a monthly monetary allowance, and Veterans Affairs (VA) vocational training/rehabilitation services.

The VA defines Spina Bifida as *all* forms of Spina Bifida (except Spina Bifida Occulta). In establishing rules to determine the monthly monetary allowance, the VA indicated that "neurological deficit is the main determinant of disability for a person with Spina Bifida." An estimated 10-20% of the population may have Spina Bifida Occulta; however, Occulta is not considered to have a neurological deficit according to the VA. The *Women Vietnam Veterans' Children's Birth Defect Benefits Act* is an act modeled after the *Agent Orange Benefits Act*; however, it only provides benefits to children of women Vietnam veterans whose children suffer from certain birth defects, *with the exception of Spina Bifida*.

Are any VA benefits available for children of Vietnam veterans born with Spina Bifida?

Children of Korean or Vietnam veterans born with Spina Bifida are eligible for a monthly disability allowance and

for vocational training. A monthly allowance is set at three levels, depending upon the degree of disability suffered by the child. VA's Vocational Rehabilitation and Employment program administers a vocational training program to enable a qualified child to prepare for and attain suitable employment. Services may include counseling and rehabilitative services, education, training and employment services. VA pays for the costs of the services up to 24 months depending on need. For more information on Spina Bifida, please visit the VA's web site at <http://www.va.gov/hac/forbeneficiaries/spina/spina.asp> or contact your local VA regional office at 1-800-827-1000.

What is the first step in establishing eligibility for VA Spina Bifida healthcare benefits?

Since VA Spina Bifida healthcare benefits are based upon eligibility determinations made by VA regional offices, prospective beneficiaries must first contact a regional office to obtain an *Application for Spina Bifida Benefits* (VA Form 21-0304). The local VA regional office can be contacted





toll-free at 1-800-827-1000. Upon return of a completed application, the regional office will determine eligibility and notify the applicant of the determination.

Upon establishing eligibility through a VA regional office, what is the next step in obtaining VA Spina Bifida healthcare benefits?

Beneficiaries in receipt of a VA regional office Spina Bifida award should immediately contact VA's Health Administration Center (HAC) in Denver, CO, to register for health care benefits. The following information is required: name, address, and telephone number of both the beneficiary and veteran sponsor (and legal guardian when applicable); Social Security number of both the beneficiary and veteran sponsor; and, VA claim number of the veteran sponsor. Registration with HAC can be accomplished by telephone, fax, or mail.

The telephone number for Spina Bifida Healthcare Benefits Information/Registration is 1-888-820-1756. The fax number is 1-303-331-7807. The address is VA Health Administration Center, Spina Bifida Healthcare Benefits, P.O. Box 65025, Denver, CO, 80206-9025.

What other assistance is available?

The American Legion Service Officers (DSO) offer free advice and guidance for veterans who need to deal with the Department of Veterans Affairs (VA). This directory provides contact telephone numbers and addresses for the service officers in your area. Direct all correspondence to Department Service Officer. For the directory, please visit www.legion.org or call (202) 861-2700.

The National Veterans Legal Services Program specializes in legal issues and referrals for veterans. For more information, please visit www.nvlsp.org or call (202) 265-8305.

Additional resources

http://www.publichealth.va.gov/exposures/agentorange/birth_defects.asp

American Legion

www.legion.org

Help with Claims and Benefits, Health Issues Line
202- 861-2700

National Veterans Legal Services Program

PO Box 65762
Washington, DC 20035
202-265-8305
Fax 202-328-0063
Email: info@nvlsp.org
Web: www.nvlsp.org

VA Health Administration Center

Spina Bifida Healthcare Benefits Information/
Registration
P O Box 65025
Denver, CO, 80206-9025
1-888-820-1756
Email: spina.inq@med.va.gov
Web: www.va.gov/hac

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