

Agent Orange Disability Not Listed

Q: If the disability I have is not listed on the Agent Orange presumptive list, can I still obtain disability benefits?

A: Yes. Linking a current disability to military service by using the presumption of exposure to Agent Orange is only one approach that is available—other approaches available to link your condition to military service include direct service connection, secondary service connection, and aggravation, to name a few.

To obtain benefits using the direct theory of service connection, the veteran must show that he or she has been diagnosed with a condition and that it is related to service by providing evidence showing that an incident in service caused the current disability. In the context of conditions possibly related to Agent Orange, the veteran would need to submit evidence detailing exposure to Agent Orange and obtaining a medical opinion demonstrating that the current condition was caused by the claimed exposure.

Although this opinion can be obtained in a C&P Exam in some circumstances, veterans attempting to prove direct service connection based on exposure to Agent Orange typically obtain more favorable results by getting this opinion from a private physician. It is important that the physician clearly state the reasons for his or her conclusion that your condition is at least 50 percent or more related to Agent Orange exposure.

Additionally, veterans seeking to obtain service connection on a direct basis should go back to other incidents in service that may have caused the current condition. For example, individuals stationed at Camp Lejeune, N.C., may be able to link their current conditions to exposure to the bad water there.

In addition to obtaining service connection on a direct basis, the veteran can obtain service connection on a secondary basis by claiming that his or her current condition is caused or aggravated by a service-connected condition. For example, individuals suffering from both PTSD and hypertension may be able to claim that their service-connected PTSD symptoms of anxiety and hypervigilance aggravate hypertension.