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**DOJ Decision on AOBWN Case Delayed 30 Days**

The Supreme Court of the United States issued a 30-day extension to Department of Justice (DOJ) officials who are contemplating an appeal of a lower court ruling (Procopia v Wilkie). In January, the U.S. Court of Appeals for the Federal Circuit in Washington D.C. in 9-2 decision, extended presumptive VA disability benefits to the so-called Blue Water Navy veterans who served off the coast of Vietnam and who were exposed to toxic chemical defoliants during the Vietnam conflict.

Mr. Procopio is a Blue Water Navy Veteran who never stepped foot on land in Vietnam but was exposed to Agent Orange during his military service off the coast of the Republic of Vietnam. Due to this exposure, he developed medical conditions consistent with other veterans who had served on land, and were exposed to Agent Orange. He argued that he should be entitled to a presumptive category and thereby eligible for disability benefits. The FRA is listed as a "Friend of the Court" by the petitioner Blue Water Navy Veteran, Mr. Procopio.

Some court observers were surprised by the DOJ request since earlier VA Secretary Robert Wilkie had recommended that DOJ not appeal the decision. In lieu of Wilkie's recommendation, the Board of Veterans' Appeals removed a stay that prevented any decisions on Blue Water Navy appeals, a hold that had been in place since October. Many details remain undetermined, including the precise definition of Vietnam's nautical boundaries and the diseases that will be considered connected to herbicide exposure. The VA has indicated that a decision regarding the addition of bladder cancer, hypertension and other ailments would come in June, 2019.

Members are urged to use [the Action Center](#) to ask President Trump to direct the DOJ not to appeal the Procopia decision, thereby requiring the VA to provide this presumption to Blue Water Navy Vietnam veterans as they did before 2002.