

The Elderlaw Forum: Calling all Vietnam veterans with Parkinson's disease!

by Professor_Michael_Myers

Governments lie to their citizens. It is the norm. We have come to expect it. Sometimes we like it that way. Lies can provide psychological comfort.

Lies are particularly well-absorbed in matters dealing with war and the military. Armed forces recruitment would be seriously impaired if we asked young men and women to bear arms for the economic benefit of Chevron, the American Israel Public Affairs Committee, Haliburton International, and unnamed global investors. It is better to ask that life and limb be forfeited for the furtherance of democracy and protection of the homeland.

It is also better to promise recruits that we will provide financial subsistence in the event they are injured or become ill in the service of their country. Promises, however, require funding—funding from federal tax revenues, which conflicts with the most-welcomed political promise of all—"I will not raise taxes!"

A senior legal helpline caller has encountered the contradiction of promises versus funding. He is a 62-year-old Vietnam veteran who served with the United States Marine Corp at the Chu Lai Air Base. "We were all exposed to Agent Orange during our tour of duty there," he said. "I found out in 2000 that I have Parkinson's Disease. I filed a claim in 2001 and was turned down."

The Veterans Administration ruled that “Despite the presumption of in-service herbicide exposure in Vietnam, the Board is not in a position to grant service connection because the veteran’s neurological disorder did not appear within weeks or months of exposure to herbicide agent and resolved within two years of onset.”

Mayo Clinic physicians believe the caller’s Parkinson’s is the result of his exposure to Agent Orange while serving in the Republic of Vietnam. “Mayo researchers have found that using pesticides for farming or other purposes increases the risk of developing Parkinson’s disease for men,” according to the June 2007 issue of Movement Disorders. Veteran’s law judges in two cases have found an Agent Orange-Parkinson’s connection, but their rulings are not binding on the Board of Veterans’ Appeals.

It is unlikely the current administration will add Parkinson’s to the list of Agent Orange residual conditions. A well-executed legal and political strategy is needed. If you or a person you know has Parkinson’s and served in Vietnam, contact me at 1-605-677-6343, or email at mmyers@usd.edu.

(Pro bono legal information and advice is available to persons 55 and older through the USD Senior Legal Helpline, 1-800-747-1895; mmyers@usd.edu. Opinions are solely those of the author and not the University of South Dakota).

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