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 VA benefits available for children of Korean and 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. The VA Spina Bifida Health Care Benefits Program authorizes VA-financed health care benefits and processes claims for medical care, pharmacy, durable medical equipment and supplies for eligible Spina Bifida beneficiaries.

For more information on Spina Bifida please visit the VA Spina Bifida Health Care Benefits Program web page at: http://www.va.gov/PURCHASEDCARE/programs/dependents/spinabifida/index.asp or contact the Denver Colorado VA Regional Office at 1-303-914-2900 or by email at bdefects.vbaden@va.gov.
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 Denver VA Regional Office can be contacted at (303) 914-2900 or by email at bdefects.vbaden@va.gov. Upon return of a completed application, the Denver VA Regional Office will determine eligibility and notify the applicant of the determination.

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

Beneficiaries in receipt of a Spina Bifida award letter from the Denver VA Regional Office should immediately contact the Spina Bifida Health Care Benefits Program 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); and Social Security number of both the beneficiary and veteran sponsor. Registration with the Spina Bifida Health Care Benefits Program can be accomplished by telephone, fax, or mail.

The telephone number for Spina Bifida Health Care Benefits Program is 1-888-820-1756. The fax number is (303) 331-7807. The address is CBOPC/Spina Bifida, P.O. Box 469065, Denver, CO, 80246-9065.

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

- American Legion Service Officers Veterans Affairs & Rehabilitation
  (202) 861-2700
  www.legion.org

- Birth Defects in children of Vietnam and Korea Veterans
  http://www.publichealth.va.gov/exposures/agentorange/birth
defects/index.asp

- Government Accounting Office Report to Congressional Requesters VA Spina Bifida Program

- National Veterans Legal Services Program
  PO Box 65762
  Washington, DC 20035
  (202) 265-8305
  Email: info@nvlsp.org
  Web: www.nvlsp.org

- Spina Bifida Health Care Benefits Program
  CBOPC/SPINA BIFIDA
  P O Box 469065
  Denver, CO, 80246-9065
  1-888-820-1756
  Email: spina.inq@med.va.gov
  Web: www.va.gov/PURCHASEDCARE/programs/dependents/spinabifida/index.asp