

**NINETY-SIXTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Charlotte, North Carolina
August 26, 27, 28, 2014**

Resolution No. 248: Add Agent Orange Component to Code of Federal Regulations 4.16

Origin: Illinois

Submitted by: Convention Committee on Veterans Affairs & Rehabilitation

WHEREAS, The American Legion is a national organization of veterans who have dedicated themselves to the service of their community, state and nation; and

WHEREAS, After veterans are released from service they are able to apply for Department of Veterans Affairs (VA) compensation for their injuries and illnesses related to their active duty service; and

WHEREAS, Some veterans are given a VA rating that is less than total i.e. under 100%, but they are unable to secure gainful employment due to their service-related conditions(s); and

WHEREAS, Under VA regulations found in Code of Federal Regulations 4.16 the VA is able to grant a total rating for individual unemployability if the veteran has one disability rated 60% or a combined rating of 70% with one disability rated 40%; and

WHEREAS, Under this regulation the following will be considered as one disability: (1) Disabilities of one or both upper extremities, or of one or both lower extremities, including the bilateral factor, if applicable, (2) disabilities resulting from common etiology or a single accident, (3) disabilities affecting a single body system, e.g. orthopedic, digestive, respiratory, cardiovascular-renal, neuropsychiatric, (4) multiple injuries incurred in action, or (5) multiple disabilities incurred as a prisoner of war; and

WHEREAS, Some veterans who were exposed to Agent Orange are being granted compensation for various presumptive conditions e.g. residuals of prostate cancer, diabetes, coronary artery disease, etc. and have a combined rating of 60% or more; and

WHEREAS, They are unable to use the above cited regulation because the disabilities are not from a single accident, affect a single body system, incurred in action or incurred as a prisoner of war; now therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Charlotte, North Carolina, August 26, 27, 28, 2014, That The American Legion ask the Department of Veterans Affairs to review and revise Code of Federal Regulations 4.16 to include the following new subsection: (6) multiple presumptive disabilities from exposure to Agent Orange.