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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.

The FRA NBOD Visits Pentagon

Due to a scheduling conflict, the National Board of Directors' (NBOD) April meeting occurred during a week that Congress was in recess. In lieu of visiting Capitol Hill, the NBOD along with the President and Vice President of the FRA Auxiliary visited the Pentagon. The Board met with several Pentagon officials including OPNAV Command Master Chief Richard James who was representing Master Chief Petty Officer of the Navy (MCPON) Russell Smith. He was out-of-town at the time.

NBOD members expressed alarm about off-base privatized housing conditions. These conditions include faulty wiring, exposed plumbing, poor water quality, vermin infestations, mold and lead contamination, raw sewage and other toxic exposures. The conditions have had negative health impacts for all residents, many of whom are young children. NBOD Shipmates are also concerned that active duty members are not getting adequate financial education pertaining to investment options under the new Blended Retirement System (BRS). The FRA wants to ensure the Defense Department implements a high-quality education program that assists members under the new retirement system in developing prudent investment strategies. Military spouses should be included as fully as possible in the BRS education program.

The tour also included a visit to the 9/11 Pentagon memorial to honor victims of the attack on September 11, 2001.

FRA Salutes Coast Guard's 2018 Enlisted Persons of the Year

The FRA continued a long-standing tradition of recognizing individual excellence by honoring the Coast Guard's 2018 Enlisted Persons of the Year (EPOY) this week. During a ceremony at USCG Headquarters in Washington, D.C., FRA's National President, Robert Washington recognized Active Duty EPOY, BM3 Jakob R. Blass, USCG Station Port Canaveral, Fla., and Reserve Component EPOY, BM1 Michael A. Gould, USCG Port Security Unit 311, San Pedro, Calif. Both honorees received FRA Challenge Coins, 2-year membership and a certificate.

Marines Name Next SMMC

The nominee for Commandant of the U.S. Marine Corps David Berger has announced that Sgt. Maj. Troy E. Black will serve as the next (19th) Sergeant Major of the Marine Corps (SMMC).

Black is now serving as the Sergeant Major of Manpower and Reserve Affairs. He will replace Sgt. Maj. Ronald L. Green at a ceremony this summer. Green served 35 years in the Marines including 4 years as SMMC.

Black. originally from Louisville, Ky., is 50 years old and has been the sergeant major for manpower and reserve affairs since 2017. He enlisted in the Marine Corps in 1988 and he was sent to infantry school at Camp Geiger, North Carolina to be trained as a machine gunner. He has deployed multiple times throughout his career, including in support of Operation Desert Storm/Desert Shield, Operation Iraqi Freedom, and Operation Enduring Freedom.

His awards include the Legion of Merit with gold star, Bronze Star with Combat Distinguishing Device, Meritorious Service Medal with two gold stars, Navy and Marine Corps Achievement Medal with a gold star and a Combat Action Ribbon with two gold stars.

The rank of Sergeant Major of the Marine Corps was authorized in 1970. SMMC is selected by the Commandant of the Marine Corps and typically serves a four-year term, though his service is at the discretion of the Commandant.