

**NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
INDIANAPOLIS, INDIANA
OCTOBER 12-13, 2016**

**Resolution No. 23: Add Agent Orange Component to Code of Federal Regulations 4.16
Origin: Resolution No. 256 (IL) 2016 National Convention
Submitted By: Veterans Affairs & Rehabilitation Commission**

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 the 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 National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 12-13, 2016, That The American Legion support legislation to revise the Code of Federal Regulations 4.16 stating the Department of Veterans Affairs 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%, to include the following new subsection; (6) multiple presumptive disabilities from exposure to Agent Orange.