

1. Tell your VSO that the claim is for 'direct exposure to herbicides outside Vietnam ', and is not a claim under P.L. 102-4 for presumption of exposure to herbicides in the country of Vietnam [38 CFR 3.307\(a\)\(6\)](#) and [38 CFR 3.309\(e\)](#). As evidence, make sure the following is submitted. Agent Orange use was terminated November 26, 1971, so use 'herbicides' as defined in M21-1MR, Part IV, Subpart ii, Chapter 2, Section C, paragraph 10a (<http://www.warms.vba.va.gov/admin21/m21%5F1/mr/part4/subptii/ch02/ch02%5Fsecc.doc>) and [38 CFR 3.307\(a\)\(6\)\(i\)](#),

Evidence: Your Military Orders to Korat with the dates of the assignment and DAFSC.

Evidence: A statement or performance report which states you performed duties along the perimeters of the base or in the MMS area.

Evidence: Attached copies of 'Mission Policy on Base Defense', 11/1/1969 from AFHRA FOIA 08-0020, this is the FOIA letter, you have the actual policy.

Evidence: Attached copies of 'Project CHECO: Base Defense in Thailand ', excerpt from AFHRA FOIA 07-066, this is the FOIA letter, I believe you should include only the top letter and the attached excerpt.

2. Tell your VSO that your claim is filed in accordance with current regulations, laws, and court decisions, and is in **no way** reliant on your award of the Vietnam Service Medal and that: 'Notwithstanding the aforementioned provisions relating to presumptive service connection, which arose out of the Veteran's Dioxin and Radiation Exposure Compensation Standards Act, Pub. L. No. 98-542, § 5, 98 Stat. 2,725, 2,727-29 (1984), and the Agent Orange Act of 1991, Pub. L. No. 102-4, § 2, 105 Stat. 11 (1991), the United States Court of Appeals for the Federal Circuit has determined that a claimant is not precluded from establishing service connection with proof of direct causation. *Combee v. Brown*, 34 F.3d 1039, 1042 (Fed. Cir. 1994); **see also 38 C.F.R. § 3.303(d)**.

Kurt