

Rule aims to ease PTSD claims

BY TOM PHILPOTT

Many veterans filing disability claims for post-traumatic stress disorder will have fewer hurdles to clear to show service connection and receive disability benefits, under a regulation change proposed by VA.

Published Aug. 24 in the Federal Register, the draft regulation will reduce the evidence a veteran must present to VA if the claimed PTSD “stressor” is tied to fear of hostile military or terrorist activity.

PTSD sufferers can have chronic anxiety, depression, nightmares or feelings of helplessness.

Affected veterans could include those who drove trucks in Iraq or Afghanistan, or those assigned for long periods to areas exposed to mortar fire, suicide bombers or improvised explosive devices, said Bradley B. Flohr, assistant director for policy, compensation and pension service for VA.

The proposed rule is not limited to veterans of current conflicts. “It can be any veterans of any period of service” who have been diagnosed with PTSD and “experienced, witnessed or was confronted with an event or circumstance that involved actual, or threat of, death or serious injury, or a threat to the physical integrity of the veteran,” Flohr said.

Under current regulations, veterans who were not in actual combat must develop evidence, and submit considerable documentation, to show that fear of injury or death caused their chronic post-traumatic stress.

The proposed rule would recognize that servicemembers don’t need to be in combat to experience intense fear and, depending on the individual, that fear may linger and become debilitating, even when individuals are removed from a threatening environment.

Today a non-combatant veteran diagnosed with PTSD must present VA with a description of the source of stress, document when and where it occurred,

and provide “buddy statements” and other evidence to support the claim. VA also checks DoD records to verify a fearful event or stressful period of service. This review process can add an average of six to eight months to the claim process, Flohr said.

A discussion that VA Secretary Eric Shinseki had with his under secretary of benefits, Patrick W. Dunne, sparked the proposed change to regulations, Flohr said. VA claims data showed that most noncombatants with PTSD are found to have service-connected stressors. So a lengthy claims development merely delays a favorable decision in most cases, adding to a VA claims backlog that is approaching the 1 million mark.

Under the proposed regulation, veterans diagnosed with PTSD merely will have to show they served in places where hostile military action or terrorist activity would have caused fear.

Rep. John Hall, D-N.Y., chairman of the House Subcommittee on Disability Assistance, hailed the plan to relax evidentiary rules for many PTSD claims as a “giant step in getting veterans the benefits they have earned faster and easier.”

Hall said he has pressed VA for two years to relax its requirements for showing service-connection in PTSD cases. He introduced the Combat PTSD Act (H.R. 952), a bill that would be even more aggressive in easing evidentiary rules for the anxiety disorder. Hall predicted the proposed regulation would allow “major progress” in easing the claims backlog.

Flohr said he expects a final rule before next April. It will apply to all pending claims, but not to claims that have been denied by the Board of Veterans Appeals or to claims on which the one-year appeal period for board review has expired.

Tom Philpott, a former Coast Guardsman, has written about veterans and military personnel issues for more than 30 years.