

Thousands of Vets with PTSD Eligible for Better Benefits

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Legal notices are being mailed out this week to over 4,300 veterans with post traumatic stress disorder (PTSD) who might have been shortchanged by the military.

Veterans discharged for being unable to continue working in the military after serving in Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan due to PTSD are eligible.

The notices are part of a deal that was struck with the Department of Defense (DOD), the U.S. Court of Federal Claims, and the nonprofit National Veterans Legal Services Program (NVLSP) to review thousands of cases in which benefits were likely underpaid.

The lawsuit, filed on behalf of seven veterans by NVLSP and pro bono counsel Morgan Lewis & Bockius LLP, alleges that between Dec. 17, 2002, and Oct. 14, 2008, the military illegally denied benefits to an entire class of service members who returned from Iraq and Afghanistan with PTSD and were discharged from service.

The court has stayed the case until other veterans can opt-in to the case and possibly get better benefits.

By law, veterans diagnosed with PTSD are eligible for 50 percent benefits, including monthly checks, and health care for the veteran, their spouse, and children. Between 2003 and 2008 many veterans were given a 30 percent disability, which includes the same benefits. At least half of the 4,300 veterans receiving opt-in notices got a rating of less than 30 percent, which was simply a lump sum of money.

Who is Eligible?

All individuals who:

- Served on active duty in the U.S. Army, Navy, Marine Corps, or Air Force
- Were found by a Physical Evaluation Board to be unfit for continued service due, at least in part, to the individual's PTSD
- Were assigned a disability rating for PTSD of less than 50 percent, and, as a result
- Were released, separated, retired, or discharged from active duty after Dec. 17, 2002, and prior to Oct. 14, 2008 (regardless whether such release, separation, retirement, or discharge resulted in the individual's placement on the Temporary Disability Retirement List).

The military is expediting review of records to increase the disability ratings previously issued. NVLSP and Morgan Lewis have a team of approximately 100 volunteer lawyers to offer free counseling. Since the notices started going out last week, there have been at least 100 phone calls and e-mails from veterans who received the notices.

Bart Stichman, co-executive director of NVLSP, says that the military previously argued they

were not obligated by law to obey the 50 percent benefit minimum. But since October 2008 they

changed their position and began to follow it the standard.

“Our goal is to ensure that veterans get the benefits that they deserve,” says Stichman.

For those who opt into the lawsuit and have their rating increased, they may receive back pay of disability benefits, reimbursement for health care expenses the military should have covered, as well as future benefits to which they and their families are entitled—potentially millions of dollars in benefits over time.

Veterans who receive a notice in the mail must opt-in by July 24, 2010. Veterans who do not receive the legal notice, but think they might qualify as a class member in *Sabo vs. United States*, should visit www.ptsdlawsuit.com for more information.