

NEW HAVEN INDEPENDENT

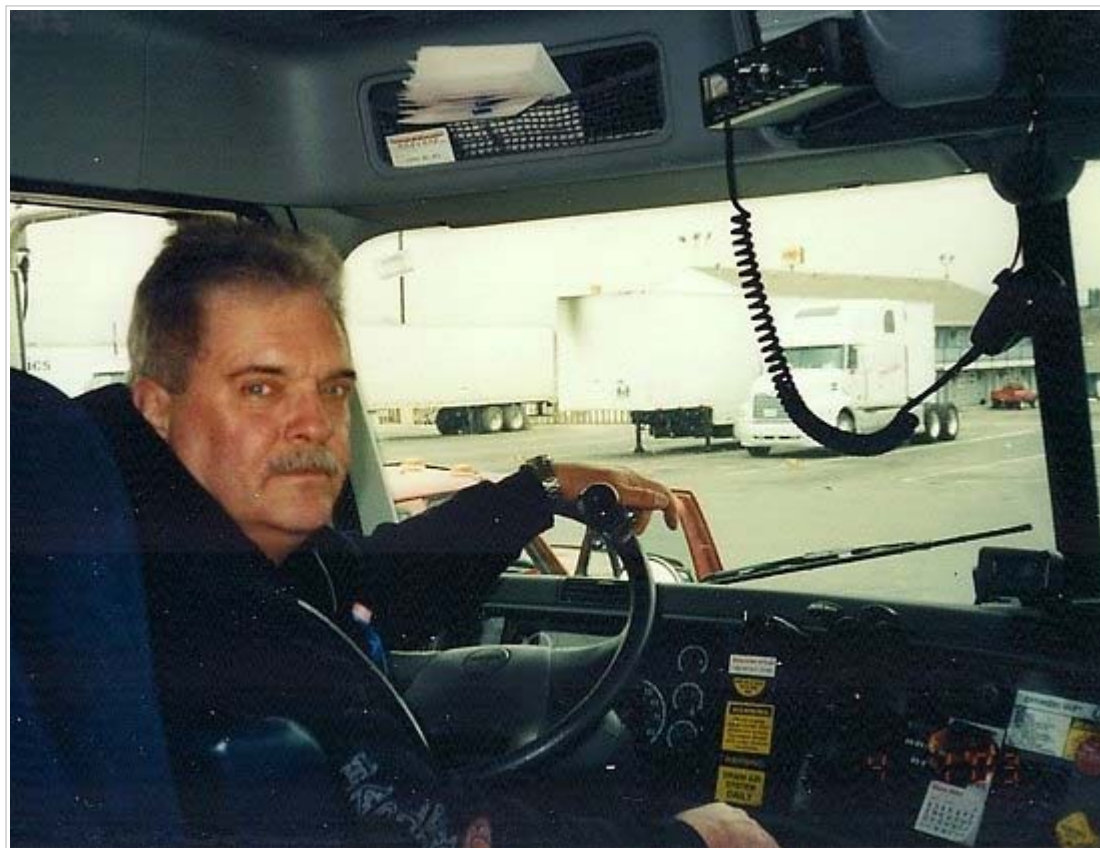
IT'S YOUR TOWN. READ ALL ABOUT IT.

Vietnam Vet Sues For Mental Health Benefits

BY **Melissa Bailey** | APR 22, 2011 11:16 AM

[\(5\) Comments](#) | [Commenting has expired](#) | [E-mail the Author](#)

Posted to: [Health Care](#), [Legal Writes](#)



CONTRIBUTED PHOTO

After John Shepherd blew up an enemy bunker and saw fellow soldiers die in Vietnam, the U.S. Army failed to acknowledge his “psychological wounds” and sent him home with an other-than-honorable discharge.

The Vietnam vet made those charges in a lawsuit filed Thursday in U.S. District Court against the Army, in an effort to remove a label of “shame” and grant him access to mental health care.

Shepherd, who's 63, lives in New Haven. He filed the suit with the help of students and lawyers from the Yale Law School Veterans Legal Services Clinic.

[Click here](#) to read the suit, which is filed against Secretary of the Army John McHugh.

Here's what happened, according to the lawsuit:

During his year-long tour in Vietnam, Shepherd earned a Bronze Star for “destroying an enemy bunker while under fire,” and also witnessed the death of several fellow soldiers. He subsequently developed

symptoms of post-traumatic stress disorder (PTSD), a condition which at that time was not recognized by medical authorities. Shepherd continued to go out on patrol but “his psychological wounds prevented him from continuing the fight.” He was reprimanded for failing to obey a direct order, and three months later was given a discharge for “other than honorable” reasons.

Since his return, Shepherd has been barred from veterans’ benefits because he doesn’t have a disability discharge, according to the suit. The discharge “impaired his employment opportunities, grossly devalued his military service, and imposed upon him a lifetime of stigma and shame.”

In the 40 years since his return from Vietnam, Shepherd has “struggled with substance abuse, impulse control and emotional dysregulation,” the suit says. He had never heard of PTSD until 2003, when he sought treatment at the New Haven Veterans Center, which is run by the U.S. Department of Veterans Affairs. In 2004, the VA diagnosed him with PTSD and rated him “100 percent disabled on account of his service in Vietnam.”

He subsequently tried to get his “other-than-honorable” discharge upgraded, but the Army twice refused his request for reconsideration.

Shepherd is now seeking judicial review of that refusal.

“My other-than-honorable discharge has made me feel deeply ashamed for many years,” said Shepherd in a press release sent by the Yale Law clinic Thursday. “I hope this lawsuit can finally change that.”

Dr. Thomas Berger, executive director of Vietnam Veterans of America’s Veterans Health Council, said Shepherd is not alone.

“During the Vietnam era, people did not understand when service members like John Shepherd developed PTSD,” Berger is quoted as saying. “Honoring our commitment to veterans means making sure that all those with PTSD get the recognition and benefits they deserve, including an appropriate discharge upgrade.”

A U.S. Army spokesman could not be reached for comment Thursday.

Commenting has closed for this entry

Comments

posted by: tom on April 22, 2011 10:58pm

I don’t think he should be able to sue for upgrade. Probably everybody that was involved with this in the commanders side are probably dead and cannot refute his claim. He should have asked for this 35 years ago, not now. Being awarded the bronze star has nothing to do with the upgrade because awarding them without purpose was widespread with no control on if it was deserved or not. The article states that he had been in trouble before so I would have to say, no upgrade. To upgrade would be a slap in the face of the soldiers that did the correct things to start with.

posted by: MariaN on April 23, 2011 1:40pm

.... if he was diagnosed as 100 percent disabled due to ptsd and his service reports say that he was not able to complete orders due to psychological trauma, i think that’s pretty strong enough evidence. to publicly say this man should not be given the help he needs for a documented condition that has worsened over 35 years is the real slap in the face. ...

posted by: Sad on April 23, 2011 1:56pm

...

The man served our country as a soldier.

We have a responsibility dare I say, a duty to the men and women who served our country, especially those who fought on the battle field.

Simply dismissing Mr. Shepard and his claim because he did not do it 35 years ago, is absurd, especially

now knowing how we have treated veterans wounded psychologically.

I know a young man, 23, who suffered severe physical and mental trauma as a result of an IED in Iraq. His right side of his body took the force of the explosion and shrapnel. The Army doctors managed to save his leg. They kept his badly mangled arm, which now only has very limited use. He has spent nearly 14 months at Walter Reed and will be discharged, disabled, to the care of the VA. He has become addicted to the pain killers and is a shell of the once happy, vibrant, athletic young man we once knew.

I am just as concerned for him and I am for Mr. Shepard, because these veterans deserve our support and care, with the same dignity that they served our country. Semper Fi

posted by: dave plunkett on April 25, 2011 9:13am

Typical Army treatment of soldiers...

NO GOOD DEED GOES UNPUNISHED!

posted by: Kathy on April 25, 2011 5:12pm

This deplorable tactic is otherwise known as our Department of Defense's "cost cutting measures." Because the VA System takes its marching orders from the DOD, the DOD must first use command influence over commander's to ensure no more than a certain percent of veterans come home "eligible" for benefits. These misdeeds are well thought out way ahead of each and every military conflict. The public did not care back then, and still, to this day, do not.

This is a good story, with great intentions, but that's all it will be.