



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

May 4, 2009

The Honorable Bob Filner
Chairman, U.S. House Committee on Veterans Affairs
335 Cannon House Office Building
Washington, D.C. 20515

By Facsimile and Regular Mail

Re: Support for H.R. 952, The COMBAT PTSD Act of 2009

Dear Chairman Filner:

The undersigned members of the Consortium for Citizens with Disabilities' (CCD) Veterans Task Force wish to express our strong support for the Compensation Owed for Mental Health Based on Activities in Theater Post-traumatic Stress Disorder Act of 2009 (the COMBAT PTSD Act, H.R. 952). The passage and implementation of this legislation will dramatically improve the lives of in-country veterans of all eras who suffer from mental disabilities incurred as the result of their military service, as well as those of their loved ones.

Currently, VA regulations make it unduly burdensome for veterans without documentary evidence of combat service to prevail in claims for service connection for PTSD. Even with a confirmed diagnosis of PTSD and medical nexus evidence that such PTSD is the result of a stressor during military service, if there is no official documentation to corroborate a veteran's assertion that he or she was involved in a combat situation, service connection will be denied. Without an award of service connection, veterans with PTSD remain ineligible for VA mental health care, as well as disability compensation and ancillary VA benefits.

The Act would amend 38 U.S.C. § 1154(b), which currently provides that in the case of a veteran "who engaged in combat with the enemy" the VA must accept as proof of service connection the veteran's assertion of the incident(s) that resulted in the incurrence or aggravation of any disease or injury, provided that the asserted stressor is consistent with the "circumstances, conditions, or hardships of such service". In such cases, the absence of official records to corroborate the incident(s) will not preclude an award of service connection. The problem has been the VA's narrow construction of "engaged in combat with the enemy". Under this construction, the VA requires that in order for a veteran to receive the benefit of the application of § 1154(b), there must be documentary evidence that the veteran was involved in a confrontation with hostile forces. Such evidence is generally in

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the form of a military occupational specialty or other designation that necessarily implies combat (*e.g.*, infantryman), an award or decoration that signifies combat service (*e.g.*, Combat Infantryman Badge, Combat Action Ribbon, Purple Heart or Bronze/Silver Star), or the statement of a buddy who served alongside the veteran in direct combat. Where a veteran who alleges a combat-related stressor cannot produce this kind of evidence, the VA invariably denies the application of § 1154(b) and, ultimately, the veteran's claim for service connection for PTSD.

H.R. 952 would expand the definition of "combat with the enemy" to include active duty service in a theater of combat operations during a period of war. This legislation will help to break down often insurmountable barriers facing veterans who experienced combat circumstances, but who do not have a combat designation, decoration or corroboration from a buddy.

According to a recent study by the RAND Corporation, the nation's largest independent health policy research program, nearly 20 percent of military service members who have returned from Iraq and Afghanistan report symptoms of PTSD and related disorders. Claims for disability compensation and health care have already begun to flood the VA. Historically, the extensive delays associated with the adjudication of PTSD claims have been caused by the VA's stringent stressor corroboration requirement. The expansion of the § 1154(b) definition of "combat with the enemy" will clearly benefit in-theater veterans without combat designations, but will also free the VA from its time-consuming statutory duty to assist these veterans in searching for corroborative stressor evidence. Consequently, the VA would be able to adjudicate these veterans' PTSD claims much more quickly and backlogs of these claims would dramatically decrease.

We thank you for your outstanding leadership on behalf of our nation's veterans. CCD and its Veterans Task Force stand ready to assist the Committee and Congress in any way in furtherance of our shared mission. For further information, please do not hesitate to contact a Veterans Task Force co-chair listed below.

Sincerely,

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