

Public Forum Statement for Recovering Warrior Task Force – January 2014

At the October 2013 business meeting, the Recovering Warrior Task Force received a brief from Mr. Jim Davis of the Physical Disability Board of Review (PDBR). Part of that brief covered the PDBR's Special Review Panel (SRP) which reviews past mental health based DES cases to ensure they were properly adjudicated. I recently received the results of a SRP review. Its contents demonstrate that the SRP process is fatally flawed and will do little to ensure the proper compensation of wounded warriors with mental health issues.

Troy Balke is an Iraq War veteran with over 10 years of service who underwent a MEB and PEB for both physical and mental health issues. Despite being diagnosed for PTSD while on active duty, his MEB and PEB changed his PTSD to a non compensable diagnosis of adjustment disorder with anxiety and depression. The outcome of the SRP process is an advisory opinion to the Board for the Correction of Military Records. Troy Balke's SRP advisory opinion is arbitrary, capricious and one-sided. It leaves out critical information that clearly demonstrates Troy Balke suffers from severe and unfitting PTSD.

The SRP admitted that Troy Balke was diagnosed with PTSD while on active duty. However the SRP stated that since both his MEB and PEB classified the mental health issue as adjustment disorder, Troy Balke was not disadvantaged in the process. In other words, as long as the MEB and PEB are consistently wrong, there is no problem. This is absolute BS. In addition, the SRP opined that Troy Balke's mental health issue was not unfitting. Nothing could be further from the truth.

Two key elements that the SRP conveniently left out their advisor opinion is Troy Balke's VA and Social Security determinations. The VA rated him 100% disabled (P&T) for PTSD effective the date of his separation. The VA based this rating on an extensive list of issues to include total occupational and social impairment, disorientation to time and place, persistent hallucinations and suicidal ideations. The Social Security Administration deemed Troy Balke totally disabled due to physical and mental conditions with an effective date 15 months prior to his separation from active duty.

Troy Balke's 100% VA PTSD rating decision specifically mentions his Social Security determination but the SRP made no mention of these facts in their advisory opinion. This leads me to conclude the SRP's structure, procedures and culture will not honestly evaluate mental health issues. Rather, the SRP is designed to do the least amount possible and they will be part of the chain that cheats wounded warriors out of proper DoD disability benefits.

Time limitations prevent me from sharing other concerns and issues of the SRP. To that end I have attached an information paper to this statement summarizing these concerns and issues. I have also attached key documents from Troy Balke's case for your review. This includes his SRP advisory opinion, his 100% VA PTSD rating and his Social Security determination.

Enclosures:

Summary of SRP Process Issues
Troy Balke SRP Advisory Opinion
Troy Balke VA PTSD Rating Decision
Troy Balke SSDI Decision

Michael A. Parker
LTC, USA (Retired)
Wounded Warrior Advocate