



VETERANS OF FOREIGN WARS OF THE UNITED STATES

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STATEMENT OF
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VETERANS OF FOREIGN WARS OF THE UNITED STATES
BEFORE THE
DEPARTMENT OF DEFENSE
RECOVERING WARRIOR TASK FORCE

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On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I thank you for the opportunity to discuss our views with the Recovering Warrior Task Force. The VFW shares the Task Force's beliefs on many issues such as the necessity for a joint VA/DOD interoperable system, a standardized Line of Duty policy for reserve component members, and the need to protect recovering warrior services and programs from the negative impact of sequestration. However, I am here today to discuss the issue of improperly diagnosing service members with psychiatric disorders for purposes of expediting their discharge.

Department of Defense (DOD) data shows that more than 32,000 service members separated from the military because of a Personality Disorder (PD) or Adjustment Disorder (AD) from 2001 through 2010. DOD considers PD a preexisting condition, and service members discharged on that basis cannot receive disability benefits or other benefits. The Government Accountability Office (GAO) indicated that thousands of improper PD discharges have occurred. GAO found that the military branches were failing to abide by the DOD's own directives for diagnosing and discharging veterans with PD, rather than sending the veteran through the disability evaluation process.

Many service members who experienced combat or were victims of military sexual assault were never properly diagnosed with Post Traumatic Stress Disorder (PTSD). Instead of properly diagnosing these troops with PTSD, the Defense Department diagnosed the service members with PD and discharged them from service. We are concerned that service members who are improperly discharged with an improper psychiatric diagnosis, but who suffer from PTSD, may have a difficult time reintegrating into society, and will not have access to the care they need. Veterans discharged with PD or AD, are not eligible for timely healthcare from the Department of Veterans' Affairs (VA), disability compensation, military retirement benefits, hiring priority and other economic opportunities afforded to veterans.

NO ONE DOES MORE FOR VETERANS.

The current process for overturning a wrongful diagnosis or improper discharge is arduous, and the decisions rendered are often described as arbitrary. The current procedure places the burden on the veteran to present evidence of administrative error or factual inaccuracy that results in injustice, requiring the veteran to hire a lawyer to investigate the error, collect evidence, and draft a petition for the board's evaluation. The boards that evaluate these cases do not have mental healthcare professionals as member of the board, or even consult with a mental healthcare professional; nor are they required to weigh outside clinical evidence such as VA records. Veterans who may have been wrongfully discharged for PD or AD deserve reasonable due process. More needs to be done to ensure fairness and bring credibility to the board's decision.

The VFW believes that veterans, who may have been improperly discharged with a false psychiatric diagnosis, should be entitled to have their case reviewed by the Physical Disability Board of Review. More so, we believe that when reviewing service members' mental health cases, it is necessary to have independent mental health professionals on the board who have expertise in diagnosing and treating PTSD. The VFW believes that veterans who were wrongly separated on the basis of a Personality Disorder or Adjustment Disorder, but who suffer from PTSD instead, should have access to the economic opportunities and military healthcare benefits they have earned and need; and we stand ready to work with Congress and the Administration to make sure the system is equitable for veterans.