

Public Forum Statement to the Recovering Warrior Task Force – 27 February 2013

The easiest way for the military to avoid paying disability benefits is simply to ignore disability laws and regulations. There is a serious lack of accountability and oversight in the process and this allows the military to systematically cheat our wounded warriors out of DoD disability benefits.

One of the first soldiers I represented was CPT James Wollman. In 2006, he was discharged from the Army without disability benefits because his PEB claimed his unfitting condition preexisted service without aggravation. The errors made and the regulations ignored in CPT Wollman's case are numerous. I have delineated them in a brief I attached to this statement. I presented this brief to Captain Wollman's Disability Review Board in February 2007. The Army Disability Review Board responded with a one page letter that upheld the PEB determinations but failed to provide any rationale to back their decision or to address the points raised at his board. I have attached this decision letter with this statement as well. I made numerous attempts to get the Army to provide rationale to back their decision and they refused to do so at every turn.

Jason Perry of Pebforum.com took the case to federal court. In a recent decision, the judge remanded the case back to the Army Disability Review Board and ordered them to provide rationale to back their decision. I have attached the judge's decision to this statement and it is a must read. A wounded warrior should not have to wait several years and have to get a federal court order to get the decision rationale used to deny their disability benefits. But that is the M.O. – Avoid decision rationale and you can avoid paying disability benefits.

Last month I presented the case of SGT Lynn Jarvis to the Task Force. He was diagnosed with brain cancer that the VA, his treating oncologist, his medical evaluation board and his Line of Duty (LOD) investigation have stated is due to his burn pit exposure in Iraq and that the condition began when he was on active duty. The Army Human Resources Command recently notified SGT Jarvis that they intend to overturn his favorable LOD thus making the cancer ineligible for DoD disability benefits. In doing so, the HRC refused to provide rationale for overturning the LOD as required by AR-600-8-4, *Line of Duty Investigations*. I have sent multiple emails to the Human Resources Command other Army entities trying to get the rationale used to overturn SGT Jarvis favorable LOD and all have refused to do so. I have included the emails and other documentation on this matter with this statement. Please read them.

What was true in CPT Wolman's case back in 2006 remains true today, the military can avoid paying disability benefits by simply ignoring laws and regulations and by avoiding decision rationale. The system is out of control and our wounded warriors and their families are paying the price.

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Attachments:

1. Brief to APDRB on CPT Wollman's Case
2. APDRB Decision Letter
3. Federal Court Decision/Order on CPT Wollman Case
4. AHRC Letter to SGT Jarvis Stating Intent to Overturn Favorable LOD (Letter Provides no Basis for Decision)
5. Emails Attempting to get AHRC and PEB Rationale as to why SGT Jarvis Favorable LOD should be Overturned