

Public Forum Statement to the Recovering Warrior Task Force  
29 October 2013

The use of administrative discharges for conditions that require DES processing simply has to stop. I raised several such cases to this Task Force in the past few months. Admiral Nathan has provided assistance on many of these cases but not all were properly adjudicated. We simply must bat 1.000 and ensure all wounded warriors who have compensable medical conditions are properly evaluated and compensated by the DES.

I have provided with this statement my email to Admiral Nathan last March that provides deeper details of the “condition not a disability” problem. In short, The Navy and Marines are improperly deeming compensable disabilities as a “condition not a disability”. This leads to administrative separation without DoD disability benefits. Enclosure 5 of DoDI 1332.38 (attached) lists “conditions not a disability” that are eligible for administrative separation. The list is short but the Navy and Marines continue to designate all kind of compensable disabilities as a “conditions not a disability” to avoid paying disability benefits.

One such case is that of PO2 Todd Bruder. Last November, PO2 Bruder broke his foot during command physical training. Even after Admiral Nathan’s intervention, medical authorities at Camp Pendleton stated that surgery could not be performed and that PO2 Bruder’s broken foot was a “condition not a disability”. PO2 Bruder was administratively separated for a “condition not a disability” and he and his family were kicked to the curb to fend for themselves. PO2 Bruder remains unemployed at this time and his TRICARE health insurance will soon expire. I have attached my email to Admiral Nathan on PO2 Bruder’s case.

Upon separation, PO2 Bruder sought treatment from a civilian orthopedist. The orthopedist confirmed his foot (sesamoid bone) is still broken and that surgery would fix the problem. The orthopedist wonders why the Navy would not perform surgery to fix the problem. PO2 Bruder and his family wonder the same. I have attached relevant medical documentation to this statement demonstrating PO2 Bruder’s foot was broken on active duty and remains broken today. PO2 Bruder wants to return to service, have his foot fixed and continue his naval career.

I have also attached a paper discussing several other improper “condition not a disability” cases that have recently been brought to my attention. Please read through the details to get a deeper appreciation of the problem. Again, the practice of calling compensable DES disabilities a “condition not disabilities” to avoid paying proper DoD disability benefits simply has to stop and past cases must be rectified.

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

Attachments:

1. Email to Admiral Nathan
2. Enclosure 5 of DoDI 1332.38
3. Email to Admiral on PO2 Bruder’s Case
4. PO2 Bruder’s Medical and Discharge Records
5. Other Examples of Improper “Condition Not Disability” cases