

# SOUND OFF!



VOL. VII, NO 7

THE NEWSLETTER OF VETERANS UNITED FOR TRUTH, INC.

*"VETERANS STANDING UP FOR EACH OTHER"*

20 MARCH 2012

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## FIRST CALL – NOTES FROM THE FRONT

### FROM A GUEST CONTRIBUTOR

#### VETERANS SUIT AGAINST WEST L.A. VA WILL GO FORWARD

Terence Lyons

The lawsuit challenging VA policies that deny permanent housing on the West Los Angeles VA campus to veterans will now go forward, after the federal court in Los Angeles denied, for the most part, defendants' motion to dismiss the case.

On Friday, March 16, U.S. District Court Judge James Otero issued a 41-page decision in *Valentini v. Shinseki* denying the motion to dismiss that had been filed last October by defendants Eric Shinseki, Secretary of the U.S. Department of Veterans Affairs (VA), and Donna Beiter, Director of the VA Greater Los Angeles Healthcare System (GLAHS) as to three of the six claims presented in the complaint.

The class action suit was filed in June 2011 by disabled homeless veterans and the Vietnam Veterans of America, charging that "the VA has eliminated permanent housing for disabled veterans, many of whom now literally sleep outside its walls, and it now leases portions of the property to private companies."

John Ulin of Arnold & Porter LLP, one of plaintiffs' lawyers in the suit, said, "Thanks to this afternoon's brave and careful decision by the United States District Court, [veterans] will, at least, have an opportunity to convince the court to compel the Veterans Administration of Greater Los Angeles to do what it should have been doing all along – provide them with the housing and services they need to escape homelessness and use the West L.A. VA campus to house and serve veterans."

Judge Otero's March 16 ruling denied the motion to dismiss plaintiffs' claims that various land use deals for non-veteran-related uses were unlawful violations of the Administrative Procedure Act. He also denied the motion to dismiss as to two claims for violation of section 504 of the Rehabilitation Act, although he required plaintiffs to amend their complaint as to one of those claims. Under these claims, plaintiffs charge that the VA discriminates against veterans with severe disabilities and that such veterans do not have meaningful access to VA treatment unless that treatment is accompanied by permanent stable housing.

The ruling did dismiss three claims that alleged the VA breached a trust established by the 1888 deed under which the property was donated by Santa Monica founders John P. Jones and Arcadia B. de Baker to be "permanently maintained" as a home for veterans. Judge Otero ruled that the deed did create a trust under which the VA is a trustee and veterans are beneficiaries, and that 1866 Congressional action authorized the government to accept the property subject to the trust, but that the government's trustee obligations are not enforceable in the absence of an explicit statute. "While this result may seem shocking, this is the result the law dictates," said the court.

In this last connection, Judge Otero said, "If the allegations of the [plaintiffs' complaint] are true, the Government has essentially ignored the unenforceable promise it made with respect to much of the donated land that is now part of the [West L.A.] Campus."

Plaintiffs' statutory claims will now proceed toward trial under the ruling, which followed extensive briefing by the parties and by amicus curiae Metabolic Studio and the City of Santa Monica, both of which appeared on behalf of plaintiffs.

In a separate development, the plaintiffs have asked the court to set the case for trial in June, stating that it was "clear that mediation is not a viable avenue for chronically homeless veterans to obtain the relief they seek from [the VA] in this case."

The VA GLAHS did not respond to a request for comment on the decision.

*Terence Lyons is Veterans News Consultant at Metabolic Studio, a charitable organization, and a writer at the [Santa Monica Mirror](#)*

## WAITING UNDER THE CLOUDS

Some of the emails I received after last issue's blast at the Congress agreed with me; some defended individual Congresspersons; none defended the Congress as a whole.

I agree. There are a few good men and women in the Congress, but almost all fail when it comes to veterans' issues. Some fail because they just don't care enough. Some fail because they care but don't have a clue about what to do. Some fail because they try and others oppose them (although generally surreptitiously when it comes to veterans' problems).

One thing we can all agree on is that the word "Congress" is often a synonym for hypocrisy—veterans' issues or otherwise.

But there is enough blame to go around.

It is not just the Congress who fails veterans. The administration fails them (all administrations, not just the current one); the courts usually fail them; and yes, their fellow citizens fail them every day.

The broader indices fail them as well—jobs, the economy, positive health care results, education, etc.

The administration means well when it comes to veterans. President Obama makes his pronouncements about increasing budgets at the VA, which he did; working on veteran homelessness, which he is; support for military and veterans families, which he and the first lady and Dr. Biden have done and continue to do.

Do Presidential policies translate into action?

We can be sure that when the President announces a policy, e.g. concerning the VA budget, General Shinseki hears it and acts on it. He turns to his staff and says this is the President's policy, I support it, and I expect you to act on it.

That's where the black magic happens.

At some level just below the Secretary the policy announcement and the Secretary's directives hit the top of the bureaucratic cloud. That cloud is huge—a *cumulus humungous*—and there are a quarter million bureaucrats and various other actors in that cloud. Beneath the cloud are 22 million individual veterans and their families.

Those veterans have heard the policy announcement. They have faith in the Secretary that he is committed to carrying out the policy. They wait—and wait—and wait.

The student who needs his tuition waits. The homeless veteran waits. The widows and the orphans wait. The veteran who wakes screaming in the night as PTSD overwhelms her waits.

Great policies become lost in the cloud.

The President knows what he intended. The Secretary knows what was intended. The veterans know full well what was intended. Of course, even the bureaucrats and functionaries know what was intended, but they don't intend to carry those policies out in anything like a timely manner if doing so disturbs their firmly established bureaucratic processes.

First they will study, then they will analyze, then they will plan, then they will review, then they will re-plan and re-review—want's a few months or years among friends?. They remind themselves that this administration will eventually go away, but they will still be there until retirement.

Meanwhile, we all wait beneath the cloud.

This *cumulus humungous* cloud formation has many parts, of course. While the VA bureaucrats may constitute the largest part of the formation,, they are not necessarily the thickest part.

The Department of Defense has its large portion of the cloud as well.

The President's policies fall into the Defense complex precisely as they fall into the VA complex. Secretary Pinetta hears the policy and signs up for it. The staff salutes and says, "Yes sir!". And nothing happens, or what happens is contrary to the policy.

The worst part of the DoD complex is the career civilians, officers and NCOs who long for a war so that they can get their points and make their promotions. *[full disclosure, I was a career soldier]* They are the ones who refuse to walk up and say, "Enough!" Although some have the courage to do so, but seldom those who are on active duty.

They are the ones who pretend that we still have millions of men and women under arms and we can do anything that politicians and contractors want us to do anywhere in the world—even everywhere in the world.

They salute and move out when they should be saying, "Mr. President and Mr Secretary we cannot keep destroying these young men and women. No one can maintain the optempo we demand of them."

They should be walking up to the President's desk or the Secretary's desk and saying, "If you want me to send someone on their fourth tour in six years you can have my stars—you can have my stripes. I will not do this to my fellow soldiers—to my fellow citizens—to my fellow human beings."

And far below the cloud the serving soldiers wait not knowing that there is a storm out there and this is just the first of it. They have to face the DVA after this.

Our beloved Congresspersons have their own cloud. They generate it in their political speeches—calling on veterans and veterans' issues at every turn to show their faux-patriotism and their strong "support".

They draft legislation, occasionally, to address the serving military's and veterans' issues, and that legislation languishes in their own cloud—the introduction of the bill is the extent of their concern. They revel in "See what I started", but never in, "See what I really accomplished."

Since Congress was last month's subject I won't belabor their contribution to this storm except to remind you that we are nearly at the end of a two-year session and precisely three bills dealing with these issues have passed and been signed into law, although hundreds have been submitted—touted and trumpeted, then forgotten.

They do however get together occasionally to reduce benefits already in place, and they get the leaders of the serving military to support them—more for TRICARE; change the game on retirement; change eligibility requirements to add such juicy benefits as means testing—and on and on. That doesn't take them very long, does it? Not much wait there.

Meanwhile we do the waiting.

The administration and the Congress release speeches and position papers from time to time about the nation's need to support the military and veterans, but the mere printing of those papers seems to encompass the total effort for most.

Of course, some in other places in the administration don't quite get the message, or are operating under another set of instructions that we never hear.

The Justice Department, as we are reminded of in our guest article in this issue, seems to believe that its role is to deny all veteran's claims against the government, regardless of their validity. AG Holder owns a pretty big hunk of *cumulus humungous*.

If this is not the case, then why are so many veterans' suits opposed so vigorously? Why does the DoJ take the position that all of us have no standing to sue? Why do they assert that we have no constitutional right to our benefits? Why do they claim sovereign immunity in virtually every case involving veterans' claims against the VA and the DoD?

Just asking.

Fortunately the courts do not always agree, but our own case shows that one must still wait—and wait (over 4 ½ years and still waiting).

How does one wait when he or she needs serious psychiatric help—now? How does one wait when one needs a pay check this Friday but is told that one must wait until the file is cleared, until the claim is granted while one waits—and waits?

How does one wait when the college or trade school is demanding its tuition and fees while one is told that "the check is in the mail," "the claim is being processed," "a few more pieces of paper are needed," "the papers you provided were lost," "Oh yes, didn't I tell you, the check is in the mail,"—while one waits—and waits?

*See the letters section for some examples.*

And then there are our fellow citizens. Their cloud is huge and very complex.

A large number of them don't want to be bothered with our issues. They are disturbing to some, painful to others, and boring to far too many. So few of them are truly involved that we become a nuisance except to those very few who have seen the lives of their sons and daughters placed on the line.

Many—perhaps most—believe that, “Thank you for your service,” does it for their involvement—it fulfills their obligation.

There are even some who feel that they have given enough because their grandfathers served in WW II or Korea, or their fathers or uncles served in Vietnam. They even get choked up about it sometimes.

I don't want to denigrate the welcome home efforts of many, but these make sense and have real meaning only when the veteran comes to his home town.

The broad, general, national-level “thank you” is nearly meaningless. Parades are great for a day—a “tribute” or a “resolution in honor of” rings hollow to those who lack a job or who can't feed their families.

A hug from a neighbor means one hell of a lot more than a parade down Broadway in New York, especially when that neighbor says, “How can I help?”

A job is a far better “thank you” than a parade.” A job is a real “welcome home.” A timely receipt of a GI Bill check is a real “welcome Home.” A VA rep who not only listens but pushes the paperwork through accurately and with a sense of urgency is a real “welcome home.”

Our fellow citizens could start by making it clear to our lawmakers and our political leaders that we are not a war-like nation, even though, when required, we provide some fearful warriors.

*[[Some say that only those who have served should be able to take us to war. I disagree. I could support a Constitutional amendment, however, that says only those who have lost a first degree loved one in war should be allowed to take us to war. We'd be out of the war business fairly quickly, I imagine]]*

When will our fellow citizens say this? “Enough. No more wars unless you prove to us and our representatives that the war is necessary for our continued existence.” They could go on to say, “Prove the need and we will support a universal draft so that all serve, not just the few.”

When will they say this? “No more war for economic purposes. No more war for changing regimes in other nations. No more war even to maintain our supply of oil.”

They could even say, “No more defense budget to enable us to fight two full wars at the drop of a hat.” “No more sacrificing our children's future so that we can spend multiple multiples of what every other nation in the world spends on defense from a threat that no one can articulate.”

When will our fellow citizens say this to our Representatives? “No more war unless you get a spine and declare it in Congress.” (Do you even remember that troublesome little oath about the Constitution?)

Of course, it would help to use the Athenian rule and say, “No war unless you and your own children are prepared to personally take up arms, and unless you are prepared to make the entire nation pay for it.”

And to those of our fellow citizens who believe that veterans' benefits are just a handout to those “who knew what they were signing up for,” I ask you this:

Will you at least help protect them from those things they cannot control that have driven them into poverty and despair and often into homelessness?

Will you control the banks and the financial institutions so that they cannot destroy the value of the home that the soldier left his family in while he or she was off fighting your war? After all, you destroyed the value of their home, they didn't.

Will you freeze tuitions so that the soldier can come home and afford to go to college? After all, you voted against paying the taxes that would have kept tuitions down, they didn't.

Will you cap medical costs, even if it costs insurers, investors and Big Pharma their profit and bonuses, so that soldiers can keep their families and themselves healthy, and so that they can regain their health after your wars have destroyed it? Your war with its multiple deployments destroyed their health and their families, they didn't.

Will you guarantee soldiers employment when they have finished fighting your war for you? Your beating of the war drums, not to mention your need for profit—your greed—destroyed the jobs, they didn't.

*We are all waiting for your answer.*

Maybe then, if we all did our part, the clouds would start to part, and military and veterans would no longer be relegated to second class status, eternally standing in the shadow of the cloud of uncaring—the cloud of not-my-job—the cloud of disregard—the cloud of forgetfulness.

Waiting—Waiting—Waiting

**[Ed.]**

## REVEILLE - WAKE-UP CALLS – CALLS TO ACTION

### NEED LEGAL HELP IN AN APPEAL TO THE DVA?

Try these two organizations: Veterans Consortium Pro Bono Program [www.vetsprobono.net/](http://www.vetsprobono.net/); National Organization of Veterans' Advocates (NOVA) [www.vetadvocates.com](http://www.vetadvocates.com) .

Also, United States Court of appeals for Veterans Claims "Public List of Practitioners" are members of the court's bar <http://www.uscourts.cavc.gov/practitioners/>

## ASSEMBLY - PROGRESS OF THE ORGANIZATION

### VCS - VUFT LAWSUIT UPDATE: STATUS OF OUR CLASS ACTION LAWSUIT

Case Progress to Date:

| Date  | Action   | Days since previous action | Days since start of case |
|---|--|----------------------------|--------------------------|
| 7/23/2007                                     | Suit filed w/Federal District Court  | -                          | 0                        |
| 9/25/2007                                     | Defendant's motion to dismiss  | 64                         | 64                       |
| 2/11/2008                                     | VUFT motion for preliminary injunction   | 139                        | 203                      |
| 2/25/2008                                     | Preliminary injunction hearing – denied  | 14                         | 217                      |
| 4/21/2008                                     | Trial before Judge Conti   | 56                         | 273                      |
| 6/25/2008                                     | Judgment unfavorable (based on jurisdiction)   | 65                         | 338                      |
| 7/25/2008                                     | Appeal notice filed w/9th Circuit Court of Appeals   | 30                         | 368                      |
| 12/10/2008                                    | Appeal brief filed   | 138                        | 506                      |
| 12/15/2008                                    | <i>Swords to Plowshares &amp; Vietnam Veterans of America</i> file amicus brief (not accepted by court)                                | 5                          | 511                      |
| 12/22/2008                                    | <i>Military Spouses for Change &amp; United Spinal Association</i> file amicus brief (not accepted by court)                           | 7                          | 518                      |
| 3/4/2009                                      | Appeal will not be subject to Mediation  | 72                         | 590                      |
| 5/1/2009                                      | VUFT's brief filed   | 58                         | 648                      |
| 8/12/2009                                     | Oral arguments before 3-judge panel  | 103                        | 751                      |
| 9/14/2009                                     | No agreement on mediation. 9 <sup>th</sup> Circuit agrees to adjudicate  | 33                         | 784                      |
| 2010 No Action                                |  |                            |                          |
| 5/20/2011                                     | The 9 <sup>th</sup> Circuit Court of Appeals rules in part in our favor, specifically on the Constitutional issues in our claim.       | 613                        | 1397                     |
| 5/27/2011                                     | Case Management Conference before the original trial judge, Judge Conti, in Federal District Court in San Francisco                    | 7                          | 1404                     |
| 7/20/2011                                     | VA has requests a hearing by the full court.   | 54                         | 1458                     |
| 8/10/2011                                     | VA appeals to undo everything that has transpired over the last three years; claims veterans have no constitutional right to benefits. | 21                         | 1479                     |
| 11/16/2011                                    | Back to square 2—9 <sup>th</sup> Circuit panel ruling withdrawn  | 98                         | 1577                     |
| 12/13/2011                                    | <i>En banc</i> hearing before 11 judges  | 27                         | 1604                     |
| 3/20/2012                                     | <i>Today - waiting</i>   | 98                         | 1702                     |
| <b>1702 days = 4 years, 7 months, 27 days</b> |  |                            |                          |

We will keep you posted

Here is a link to the legal documents on the lawsuit. [www.veteransptsdclassaction.org/](http://www.veteransptsdclassaction.org/)

**BE A MEMBER** If you are getting this newsletter and have not yet joined, please go to [www.vuft.org/membership.html](http://www.vuft.org/membership.html) and join. Membership is free. The more our numbers grow, the greater voice we have. It shouldn't be that way, but it is, so join us and help us take the fight to Congress and the state legislatures. Please encourage your friends who either are veterans, are related to veterans, or who support veterans' causes to join VUFT, Inc. at [www.vuft.org/membership.html](http://www.vuft.org/membership.html)

**SUPPORTING THE CAUSE** If you wish to donate to our work you may do so via PayPal or Visa on our website "Donate" page at [www.vuft.org/donate.html](http://www.vuft.org/donate.html). Every little bit helps. We are a 501(c)(3): your donations are deductible on your federal taxes. You can also buy our handsome pins using the same method, or donate \$10 or more and we'll send you one anyway.

**The case is moving on and we must support our legal team. Please dig down and help us if you can. Any amount helps.**

**P L E A S E D O N A T E!**  
[www.vuft.org/donate.html](http://www.vuft.org/donate.html)

#### **MAIL CALL - LETTERS FROM MEMBERS AND OTHERS [SOME EDITED FOR LENGTH]**

Lots of letters this issue but maybe it is time for all of you to hear from someone besides me.

Hey Sandy,

As you know, I've dedicated a page to VUFT & the newsletter. I like the VUFT mission and how it's presented.

Your recent editorial made me think...a lot. Particularly the section where you begin, "Finally we come to the Congress. It is difficult to write about the Congress without sounding cynical."

The Congress and particularly the veterans affairs committees are a root cause of my daily anxiety and they make me crazy. I receive the newsletters from the committees, of course. There are many days I wonder how they have time to accomplish anything when it appears that all they do is publish self-congratulatory newsletters on all of their many accomplishments.

Then it occurs to me that they have no accomplishments other than the newsletters lauding their performance. That's the point that I wrap my head tightly with duct tape to prevent it from exploding.

Your commentary was perfect: "Of these: 3 have been signed into law", is hard to debate. I hadn't tracked that to the sort of detail you did so although I wasn't surprised, it really drives home the point that these people do nothing but sit around and "harumph harumph" at the issues of the day. I can't help but flash back to one of my favorites, Blazing Saddles...<http://www.youtube.com/watch?v=JN99jshaQbY> ...

Jim Strickland – (Jim is webmaster and editor at <http://www.vawatchdog.org/>)

The following letters are taken from over 100 letters on just one site, where the writers are responding to a press release from the DVA that GI Bill benefits are delayed at "only one office" in New York. There are thousands more letters like these out there. Despite the DVA's protests to the contrary, these complaints smack of the truth of the situation far more than the DVA press releases do. Since these letters were not written to VUFT, I have suppressed the names of the writers. The ones I am publishing here were all written within the last five days and are the tip of the iceberg. They do not all deal with the GI Bill, rather they reflect broad disgust and rage at the entire system. Waiting! Waiting! Waiting!

- ❖ I live in Marietta GA and am a Viet Nam era vet. I CANNOT even get anybody on the phone to make an appointment with the doc in Rome, GA, 60 miles away, no matter how many times I call. I was on hold the last time I tried, for two hours, before I hung up and gave up. "W" 3/20/12
- ❖ Years ago when I got back from Nam. I went to the VA for help it is on my medical records . I did not push the issue when they blew me off back then . I was young and making good money . Now things are a lot different . I have the same

problems however much worse. And ya know they are still given me the same line of crap as they did 40 years ago . Even when the VA doctors agree with my problems . SAME OLD CRAP . By the time they will grant me my claims I will be DEAD. Thanks AMERICA "G" 3/19/12

- ❖ I am a twenty year retiree and filed for benefits in March 2008 and for the last four years I have waited . First they told me that I failed to report for a physical and after two years I found out why. I was never notified about date and time to get a physical at my present address and come to find out that all my paper work was sent to an address where I lived 12 years earlier and on all my claim forms I had my current address. I was injured on a parachute jump and had a broken foot in 1959 in Germany. Also when I retired I had high blood pressure after returning for two tours in Vietnam and prostate cancer from Agent Orange. I send a letter to the head of VA and never received an answer. "HW" 3/20/12
- ❖ How is that they are saying it is a NY office that has a backlog? I'm located in GA and my school has me on academic hold because the VA hasn't made a payment since Fall 1 semester. I cannot take another class until the VA pays so what am I supposed to do now? I called the VA only to get a recording saying they were having a high call volume. They called me back a week later and tried to blame my University saying the University never sent them a bill. Talked to the University and they told me they have sent the VA three bills in the last six months and each bill includes all charges owed. I got back with the VA and they said they now have a bill but they said it only has one course on it. That was over a month ago and the payment still hasn't been made. "C" 3/16/12
- ❖ My husband is supposed to be getting the GI Bill for on the job training as an electrician's apprentice.....they've had his application for 6 months! It's supposed to supplement the low pay grade so you can start low level and get yourself into a good career. Instead, during the cold months, when work was at its lowest, we had nothing. They've had his application for over 6 months and we've only heard from them ONCE, to say we were missing one form. We've sent in EVERYTHING and had it confirmed and they STILL haven't given him anything!! We have 4 small children and have had to choose between electricity and paying bills (electricity won and the bill collector's don't understand). Shame on them!! H's not begging for a hand-out, he's trying to get benefits he EARNED. "VW" 3/19/12
- ❖ I submitted in December and it hasn't cleared out here in CA yet either. Love the smile and be happy comment [*a cynical remark in another comment not published here*] cause I'm losing my car this month and that's what I've been living in since I got kicked out of my house last month. That's ok though I had no gas anyway. Really it's cool that you government employees are taking your time. No rush. "T" 3/16/12
- ❖ If you want to blame someone blame your friendly neighborhood Congress persons. I am a veteran myself and I used to work for VA. In the regional office and the VA Hospital, there have been MAJOR budget cuts. As workers retired in the regional office they weren't replaced. So it got down to one person doing the work of three people. ... VA has a shoestring budget for hiring personnel, the only real doctors there are old as dirt or interns. VA Hosp. Networks have gone from 23 to 8, putting quite a few longtime workers out of work. All because of budget cuts. So if it is taking too long for you to get your benefits, or multiple errors are being made because of inexperienced workers or the lack thereof, or if you go to the VA hospital and you find you are being seen by a bunch of interns from the nearest college, blame your Congress the people you put in office who make all the decisions about what VA can and can't do. "PM" 3/16/12
- ❖ I guess there's no hurry after seven years of crap to give my husband his benefits. Since they're waiting for him to die so they don't have to, guess what? He's almost there. Happy now? Since he's now sitting in a chair sleeping, not talking, can barely walk and they are going as slow as they can for job security. Now that I have been through seven years of this, guess what? I've lost all respect for the VA period. "LM" 3/19/12
- ❖ Well I finally was evicted by my landlord and dropped from my classes due to nonpayment and had to send my daughter to live with family in another state. Thanks VA! Now I'm homeless, disabled and can't find work due to not being paid my GI Bill for nearly 3 months. "U" 3/16/12
- ❖ I transferred my benefits to my daughter as soon as it was allowed. As the OIC of a Personnel Support Detachment I've verified the enrollment 6 ways from Sunday. We applied for benefits on 18 January through the Buffalo Office. We're now in week 9 waiting just for the verification that she can get benefits to come through... the last word was that it would take an additional 30-60 days to process...that's 5 months. "S" 3/20/12

And finally this one which should give us all hope because the VA apparently is making medical history (and is competing with some churches for miracle-worker status)

## VA Claims Miraculous Cure

In 2008 after repeatedly demonstrating cognitive and other neurological deficits a patient at the Dublin Georgia VA Medical Center was given a brain MRI for purposes of diagnosing traumatic brain injury from the war in 2003.

Atrophy was detected with other findings. The patient was sent to the VA Brain Trauma Center in Tampa Florida where another MRI was done in early 2010 which also found the atrophy and a cyst. The patient was returned to the VA Medical Center in Dublin with follow-up instructions for MRIs to be conducted each year.

The patient concerned about these findings had another exam done at the Mayo Clinic in Jacksonville Florida in summer 2010. Mayo performed its own MRI and found atrophy and a change from the earlier VA MRI.

In 2011, the Dublin VA Medical Center did another brain MRI. At that time, the patient was being examined by Social Security Disability, which decided to conduct its own medical exams and make its own medical findings. VA Dublin issued a report to the patient that he had a "normal MRI". Following that determination, Social Security Disability decided the patient was disabled and granted benefits based upon the cognitive and neurological findings. The patient requested clarification from Dublin VA and in February 2012 was told emphatically that he had a normal MRI and he "must have improved".

Before and during this same period the patient was also being examined by the Compensation and Pension section of the VA and underwent at least four exams which found that the patient had TBI -but for some reason would not award him any benefits without another exam.

Brain atrophy is a condition in which the brain is shrinking. Other findings of a cyst and enlarged crevices were made. Somehow, this patient grew additional brain matter, dissolved his own cyst, and no longer had any enlarged crevices. The patient had been told for more than four years there was no cure for neurological deficits and when atrophy was present, the prognosis was not favorable.

The idea medical history has been made is absurd. No announcements will be made but benefits will be denied. The callous lack of concern by the Dublin VA in the face of records from that facility, and two other facilities that included the Mayo Clinic, over the patient's condition points to an overwhelming disregard for the treatment and denial of benefits to veterans.

The beat goes on..... David H. Ward

## **RECALL - FEDERAL AND STATE LEGISLATION AND LEGISLATORS**

### **IS SEQUESTRATION REAL OR POLITICAL BRINKSMANSHIP?**

Terry Howell - March 08, 2012

Not to long ago, Rep. Jeff Miller (R-FL), Chair of the House Committee on Veterans' Affairs, wrote an editorial for Military.com's 'The Passdown' in which he explained his concern that the reality of sequestration – the congressionally mandated cuts that will automatically occur later this year due to the Joint Select Committee's failure to find \$1.2 trillion dollars in deficit reductions – is about hit home for veterans.

The first line of Miller's article reads: "As it stands right now, sequestration of government programs is imminent." Hard to say that is anything less than definitive. Miller's concern goes beyond the issue of how this will impact our national defense, Miller is worried that an ambiguity in the law could be used by the Office of Management and Budget to cut as much as two percent from the VA's Healthcare budget.

Chairman Miller wrote that the sequestration law was updated in 2010 with the intent to ensure VA's budget would be shielded. But the OMB seems to be ignoring the intent of the revision.

According to my sources both Chairman Miller and Senator Patty Murray (D-WA), Chair of the Senate Committee on Veterans' Affairs, have contacted the OMB asking if they intended to touch the VA budget. Neither has received an answer; it is as if the OMB has gone darkened ship.

<More at: <http://militaryadvantage.military.com/2012/03/fear-of-sequestration-real-or-political-brinksmanship/#ixzz1pb1qr7oa>>

**THIS EXPLAINS, IN PART, THE RULING IN TERENCE LYONS' ARTICLE ABOVE  
MEDIATION IN HOMELESS VETERANS SUIT FALLS APART**

Associated - Press 03/15/12

LOS ANGELES —The veterans say in court papers filed Wednesday in U.S. District Court in Los Angeles that only one mediation session was held last fall and the case then fell dormant.

The veterans' lawyer, David Sapp of the American Civil Liberties Union-Southern California, says a trial is needed urgently because the men are mentally disabled and homeless.

Veteran Affairs spokesman Dave Bayard says he cannot comment on pending litigation.

The ACLU says the government is renting out much of a large tract of land West Los Angeles that was supposed to house veterans. [www.veteranstoday.com/2012/03/15/mediation-in-homeless-veterans-suit-falls-apart/](http://www.veteranstoday.com/2012/03/15/mediation-in-homeless-veterans-suit-falls-apart/)

**86-YEAR-OLD OHIO VETERAN CAN'T VOTE AFTER GOVERNMENT-ISSUED ID IS  
REJECTED AT POLL**

Travis Waldron - Mar 6, 2012

Paul Carroll, an 86-year-old World War II veteran who has lived in the same Ohio town for four decades, was denied a chance to vote in the state's primary contests today after a poll worker denied his form of identification, a recently-acquired photo ID from the Department of Veterans Affairs. The poll worker rejected the ID because it did not contain an address, as required by Ohio law. Carroll told the Cleveland Plain Dealer that he got the ID from the VA after his driver's license expired because he doesn't drive anymore: "My beef is that I had to pay a driver to take me up there because I don't walk so well and have to use this cane and now I can't even vote," said Paul Carroll, 86, who has lived in Aurora nearly 40 years, running his own business until 1975. <More at: <http://thinkprogress.org/justice/2012/03/06/439324/86-year-old-ohio-veteran-cant-vote-after-government-issued-id-is-rejected-at-poll/>

**RETIRED US GENERALS TO OBAMA: 'NO WAR OF CHOICE IN IRAN'**

Bryant Jordan - Military.com - 06 March 12

Several former high-ranking military, intelligence and State Department officials took out an ad in the Washington Post today urging President Obama to stand fast against political and lobbying pressure to attack Iran over claims it is trying to develop nuclear weapons.

The letter, signed by five retired generals, two senior intelligence analysts and a senior State Department official, is accompanied by a photo and quotes from other current military and defense officials warning against such an attack.

"There is a national reflex on the conservative part [of the] political spectrum to reach for the military option first and others second," said retired Army Maj. Gen. Paul Eaton, commander of the Coalition Military Assistance Training Team in Iraq from 2003 to 2004, when he developed and oversaw the training of the Iraqi military and security forces.

President Obama and others in the administration believe they can stop Iran from pursuing a nuclear weapon through economic sanctions. "We feel the need to give the president and those who endorse this approach as much space as possible to let ... the economic efforts guide Iranian behavior," said Eaton, who is a senior advisor with the National Security Network.

See the ad at: [General's advertisement from The Washington Post](#).

<More at: [www.readersupportednews.org/news-section2/330-131/10317-retired-us-generals-to-obama-no-war-of-choice-in-iran](http://www.readersupportednews.org/news-section2/330-131/10317-retired-us-generals-to-obama-no-war-of-choice-in-iran)>

**FATHER OF U.S. SOLDIER KILLED BY HIRED AFGHAN GUARD RUNNING FOR  
CONGRESS**

Guy McCarthy - March 9, 2012

The father of a soldier killed by an Afghan guard has decided to run for Congress against veteran incumbent Rep. Buck McKeon, on a platform that includes seeking change in the way the Department of Defense protects U.S. troops abroad.

Army Pfc. Rudy A. Acosta, the grandson of Banning Center for the Arts manager Clidine Roper, was deliberately killed March 19, 2011, by an Afghan security contractor who was hired to help protect U.S. forces in Afghanistan, military investigators said.

[Rudy's] father, Dante Acosta, is running [in the primary] to unseat McKeon, R-Santa Clarita, in the recently redrawn 25th Congressional District. McKeon, 73, is chairman of the House Armed Services Committee.

Rudy's death at the hands of hired Afghan security was not isolated. Such incidents have become a disturbing trend in Afghanistan, with "at least 26 murder/attempted murder incidents by ANSF or ASG members against ISAF/UNAMA members, resulting in the killings. <More at: <http://banning-beaumont.patch.com/articles/father-of-u-s-soldier-killed-by-hired-afghan-guard-running-to-unseat-mckeon>>

### **VETERANS AGENCY BROKE LAW IN CONTRACT AWARDS, U.S. WATCHDOG SAYS**

Kathleen Miller – Bloomberg News - March 15, 2012

The U.S. Department of Veterans Affairs violated a 2006 law that directs the agency to favor small businesses led by veterans, a government watchdog agency ruled for the third time in six months.

Aldevra LLC, a Portage, Michigan-based kitchen supplies vendor owned by a disabled Gulf War veteran, had protested the VA's attempt in December to buy an ice maker from a preselected group of government contractors.

Attorneys with the Government Accountability Office, Congress's investigative arm, agreed with Aldevra owner Rodney Marshall that VA buyers should have first researched whether veteran-owned companies were able to provide the device at a reasonable price before turning to other vendors.

... VA officials argued the agency is meeting its goals for contracting with veterans, and can prioritize spending with certain groups, including preselected vendors that often offer volume discounts, before turning to veteran-owned companies, according to the GAO decision.

If the agency changed its position, it might steer as much as \$3 billion in federal contracts a year toward small companies owned by veterans, according to data compiled by Bloomberg Government.

<More at: [www.businessweek.com/news/2012-03-15/veterans-agency-broke-law-in-contract-awards-u-dot-s-dot-watchdog-says](http://www.businessweek.com/news/2012-03-15/veterans-agency-broke-law-in-contract-awards-u-dot-s-dot-watchdog-says)

### **DOD PROPOSES NEW MILITARY HEALTH AGENCY**

FederalDaily Staff - Mar 05, 2012

The Defense Department sent Congress a plan to establish a new agency that would absorb the functions of Tricare and take over responsibility for common clinical and business processes across the military health system.

According to DOD, the creation of a new Defense Health Agency would enable the department to combine certain health system functions—such as health information technology, medical logistics and medical education—that could be shared by the three service branches to save money and increase efficiency. The Army, Navy and Air Force currently administer those processes separately.

The new agency also would absorb the functions of Tricare Management Activity, the civilian care component of the military health system. The move would have no effect on Tricare benefits, DOD said.

<http://federaldaily.com/articles/2012/03/05/dod-proposes-new-military-health-agency.aspx>

### **HMONG VETS SEEK EQUAL TREATMENT IN BURIAL RIGHTS**

Mark Brunswick - Minneapolis Star - Tribune03/01/201

In a small building in St. Paul, Minn., about a dozen Hmong veterans of the Vietnam War -- all trained, paid and armed to fight for the United States by the Central Intelligence Agency -- gather regularly to discuss upcoming public service events or festivities where their honor guard might be needed.

The meetings now come with a renewed urgency. When they die, these secret warriors of a secret American war want to be buried in veterans' cemeteries alongside their American comrades. But even though they are commonly acknowledged as having fought for the United States in northern Laos, they are prohibited by law from being buried in national or state veterans cemeteries, which are reserved for American service members and honorably discharged U.S. military veterans and their families. <More at: [www.scrippsnews.com/content/hmong-vets-seek-equal-treatment-burial-rights](http://www.scrippsnews.com/content/hmong-vets-seek-equal-treatment-burial-rights)>

### **OHIO VA CLINIC PAID \$940K IN CASES OVER 8 DEATHS**

Associated Press – Dayton Daily News - 03/11/2012

DAYTON, Ohio - The U.S. Department of Veterans Affairs paid out \$940,000 in cases related to the deaths of eight patients at the Dayton VA Medical Center, which came under scrutiny last year after allegations that a dentist at a clinic had used improper hygiene for years, according to public records obtained by a newspaper. Records requested by the Dayton Daily

News (<http://bit.ly/xV56TD>) reveal the center in southwestern Ohio has faced 72 medical malpractice claims since 2007, including those related to eight deaths between 2005 and 2008. There are pending claims over two deaths in 2009 and 2010. <More at: [www.newsnet5.com/dpp/news/state/Ohio-VA-clinic-paid-940K-in-cases-over-8-deaths#ixzz1piWyXSs9](http://www.newsnet5.com/dpp/news/state/Ohio-VA-clinic-paid-940K-in-cases-over-8-deaths#ixzz1piWyXSs9)

### **TRIWEST LOSES MILITARY BENEFITS MANAGEMENT CONTRACT**

Ken Alltucker - The Republic - Mar. 16, 2012

A Phoenix company that manages health [benefits](#) for U.S. military families lost a \$20.5 billion contract to a Minnesota-based health insurer, putting at risk the company's 1,000 Arizona jobs.

The Department of Defense on Friday said it chose UnitedHealth Group over Phoenix-based TriWest Healthcare Alliance to serve 2.9 million military family members across 20 Western states and western Texas. The nearly six-year, \$20.5 billion contract will begin April 1, 2013.

<More at: [www.azcentral.com/business/articles/2012/03/16/20120316triwest-loses-military-benefits-management-contract-arizona-jobs-jeopardy.html#ixzz1pPJf7M6L](http://www.azcentral.com/business/articles/2012/03/16/20120316triwest-loses-military-benefits-management-contract-arizona-jobs-jeopardy.html#ixzz1pPJf7M6L)>

### **SAIC WINS MORE TRICARE BUSINESS**

Bob Brewin – Nextgov.com - 02/06/12

File this one under irony. Science Applications International Corp., the outfit that [jeopardized the health care records of 4.9 million TRICARE beneficiaries](#) when computer tapes containing the data were stolen from an employee's car, just received a sole-source contract to continue supporting the Defense Department core electronic health record system.

In 1988, SAIC won a \$1 billion contract to develop the Composite Health Care System, rebranded in 2005 as the Armed Forces Health Longitudinal Technology Application by William Winkenwerder, at the time the Pentagon's top doc.

Whatever its name, CHCS or AHLTA (which some military docs say really stands for Ah Hell, Let's Try Again), it seems destined to live forever. <More at: [http://whatsbrewin.nextgov.com/2012/02/saic\\_wins\\_more\\_tricare\\_business.php](http://whatsbrewin.nextgov.com/2012/02/saic_wins_more_tricare_business.php)>

## **TO THE COLORS – GATHERINGS**

| <u>Date</u>  | <u>Time</u> | <u>Where</u>   | <u>What</u>                        | <u>Who</u>                                  | <u>Notes</u>  |
|--------------|-------------|--|------------------------------------|---|---|
| Every Sunday | 1300-1600   | Wilshire & San Vicente Blvds. NE Corner, Los Angeles, CA               | Save Our Veterans Land             | Veterans Revolution                         |   |
| 3/21-5/21    |             | Las Vegas, NV  | Stand Down                         | <a href="#">Shalimar Cabrera</a>            | 702-366-0456  |
| 3/26-4/1     |             | March Field Museum<br>Riverside, CA                                    | The Wall That Heals                | Orange Square Veterans                      |   |
| 3/31         |             | Cocoa, FL  | Resource Fair                      | <a href="#">Bill Vagianos</a>               | 321-431-0364  |
| 4/5          |             | <i>Location TBD</i><br>Atlanta, GA                                     | Southeast Regional Career Event    |   | <a href="#">Register</a>  |
| 4/11         |             | Winston-Salem, NC  | Resource Fair                      | <a href="#">Teri Hairston</a>               | 336-721-9378  |
| 4/13         |             | Detroit, MI  | Resource Fair                      | <a href="#">Theresa Paruskiewicz</a>        | 313-841-9641  |
| 4/19         |             | Baltimore, MD  | Mid-Atlantic Regional Career Event |   | <a href="#">Register</a>  |
| 4/19-4/21    |             | Simms Center<br>Harrisonburg, VA                                       | The Wall That Heals                | Harrisonburg Rockingham Chamber of Commerce |   |
| 4/20         |             | Hickory, NC  | Resource Fair                      | <a href="#">Larry M. McMullen</a>           | 828-758-7892  |
| 4/21         |             | Kalispell, MT  | Resource Fair                      | <a href="#">Allen Erickson Sr.</a>          | 406-756-7304  |
| 5/9/12       |             | San Francisco Women's Building<br>3543 18th Street<br>San Francisco CA | SHOUT! Art by Women Veterans       | Swords to Plowshares                        | <a href="http://www.swords-to-plowshares.org/shout/">http://www.swords-to-plowshares.org/shout/</a> |

**We are a non-partisan organization. We will advertise all legitimate veterans' events, regardless of purpose or affiliation.**

## **TATTOO - CURRENT ISSUES**

### **THE VA DECLARATION THAT STARTED THE CASCADE OF LETTERS SAMPLED ABOVE N.Y. VA OFFICE CLEARING GI BILL CLAIM BACKLOG**

Rick Maze - Staff writer - Mar 16, 2012

A backlog of Post-9/11 GI Bill claims pending for more than seven weeks at the Veterans Affairs Department's regional office in Buffalo, N.Y., is quickly disappearing after student veterans complained about the delay in receiving tuition and living stipends.

The Buffalo office still has 4,000 unpaid claims, but that is down from 17,000 pending claims one week ago, VA officials said Thursday.

Nationwide, about 17,000 unpaid GI Bill claims are stalled for a variety of reasons, including certification and eligibility questions that are unrelated to the understaffing problem in Buffalo.

VA spokesman Josh Taylor blamed the claims processing delays at the Buffalo office on a simple miscalculation: "We received more [claims] than anticipated in that region."

Taylor said VA "apologizes for any delay or hardship this has caused student veterans. The corrective actions VA put in place are working and we expect to address any remaining delays in the coming days."

<More at: [www.armytimes.com/news/2012/03/military-buffalo-va-office-clearing-gi-bill-claim-backlog-031612w/](http://www.armytimes.com/news/2012/03/military-buffalo-va-office-clearing-gi-bill-claim-backlog-031612w/)>

### **WAITING IN DETROIT TOO**

#### **CONGRESSMEN: VETERANS MISSING OUT ON BENEFITS AS BACKLOG SLOWS CLAIMS AT DETROIT BENEFIT CENTER**

Jonathan Oosting - February 23, 2012

U.S. Reps. Hansen Clarke and Dan Benishek are crossing party lines to help Michigan veterans suffering as a result of a substantial request backlog at the Detroit Benefit Center. Clarke, a Detroit Democrat, and Benishek, a Republican representing parts of northern Michigan and the Upper Peninsula, met with officials today at the Veterans Affairs regional office in the McNamara Federal Building, which processes benefit requests from veterans around the state.

An influx in vets returning from wars in Iraq and Afghanistan, along with aging Vietnam veterans developing symptoms later in life as a result of chemical warfare, has created a backlog of benefit requests around the nation. "There are more and more veterans who are disabled and need benefits," Clarke told MLive.com by phone after meeting with officials this morning. "They're disabled because they served our country, but they're not getting their benefits in a timely fashion."

Of the 19,000 veteran claims pending review at the Detroit Benefit Center, government records indicate that 12,700 of them are more than 125 days overdue, meaning thousands of Michigan veterans may be missing out on care they believe they need. <More at: [www.mlive.com/news/detroit/index.ssf/2012/02/congressmen\\_veterans\\_missing\\_o.html](http://www.mlive.com/news/detroit/index.ssf/2012/02/congressmen_veterans_missing_o.html)>

### **TEXAS TOO??**

#### **VA WORKS TO RESOLVE PROBLEMS AFTER DOCTORS, VETERANS COMPLAIN ABOUT SLUGGISH REIMBURSEMENTS FOR CARE**

Rhiannon Meyers - March 18, 2012

CORPUS CHRISTI — Disabled veteran Roy Stamper, 54, spends his days in front of a television, hobbling around his apartment on a cane and managing the constant sharp pain and numbness in his artificial hips with daily morphine pills.

For months, Stamper tried to find a local orthopedic surgeon to take a look at his hips and diagnose the pain, but over and over again, he found that doctors simply refused to accept a voucher that promised reimbursement for care from the U.S. Department of Veterans Affairs.

Some local doctors have stopped seeing veterans because the VA has taken too long to reimburse them for the treatment.

The VA now is working to resolve the backlog of claims after U.S. Rep. Blake Farenthold, R-Corpus Christi, complained that slow payments put local veterans at risk of not getting the care they need.

<More at: [www.caller.com/news/2012/mar/18/va-works-to-resolve-problems-after-doctors-about/](http://www.caller.com/news/2012/mar/18/va-works-to-resolve-problems-after-doctors-about/)>

## **WHICH ONE OF THE FOLLOWING STORIES IS TRUE? ~ BOTH CAN'T BE!**

### **LABOR NUMBERS SHOW 2011 WAS ESPECIALLY HARD ON YOUNG VETS**

Leo Shane III - Stars and Stripes March 20, 2012

WASHINGTON — Post-Sept. 11 veterans had a tougher time finding work in 2011 even as the overall veterans employment situation improved slightly from the year before, according to new data from the Department of Labor.

The figures suggest that even with recent encouraging trends in the job market, officials still face a formidable challenge in finding careers for thousands of young veterans.

According to a Bureau of Labor Statistics report released Wednesday, veterans who served in the Iraq and Afghanistan War eras averaged a 12.1 percent monthly unemployment rate in 2011, slightly worse than the 11.5 percent average from a year earlier.

In contrast, both the national unemployment rate and jobless claims for all veterans dipped slightly during that span. Nearly 1 million of the 12.3 million Americans looking for work last year were veterans, and nearly a quarter of them left the military in the last decade. <More at: [www.stripes.com/news/labor-numbers-show-2011-was-especially-hard-on-young-vets-1.172181](http://www.stripes.com/news/labor-numbers-show-2011-was-especially-hard-on-young-vets-1.172181)>

### **JOBLESS RATE FOR VETERANS PLUNGES**

Aaron Smith - @CNMMoney - March 15, 2012

NEW YORK (CNMMoney) -- More veterans are coming back from war and getting back to work in the civilian job force, thanks to efforts by both employers and the government, as well as the improving economy. The **jobless rate** for Iraq and Afghanistan veterans has fallen to 7.6%, well below the overall U.S. unemployment rate of 8.3%, and nearly five percentage points below the 12.5% rate for veterans a year ago. <More at: <http://money.cnn.com/2012/03/15/news/economy/veterans-jobs/>>

### **RETURNING MILITARY MEMBERS ALLEGE JOB DISCRIMINATION — BY FEDERAL GOVERNMENT**

Steve Vogel, Published: February 19

Every year, more than a thousand National Guard, reserve and active-duty troops coming back from Iraq, Afghanistan or other military duties complain of being denied jobs or otherwise being penalized by employers because of their military obligations.

The biggest offender: the federal government.

It is against federal law for employers to penalize service members because of their military service. And yet, in some cases, the U.S. government has withdrawn job offers to service members unable to get released from active duty fast enough; in others, service members have been fired after absences.

In fiscal 2011, more than 18 percent of the 1,548 complaints of violations of that law involved federal agencies, according to figures obtained under the Freedom of Information Act. <More at: [www.washingtonpost.com/world/national-security/returning-military-members-allege-job-discrimination-by-federal-government/2012/01/31/gIQAxyYvNR\\_story.html](http://www.washingtonpost.com/world/national-security/returning-military-members-allege-job-discrimination-by-federal-government/2012/01/31/gIQAxyYvNR_story.html)>

### **SUICIDES AMONG ARMY PERSONNEL UP 80% IN FOUR YEARS**

Shari Roan, Los Angeles Times / For the Booster Shots blog March 8, 2012, 9:56 a.m.

Suicide among young Army personnel is among the saddest tolls of the country's two long wars this century. A report released Thursday found suicides among U.S. Army personnel rose 80% between 2004 and 2008.

For the last years in which data were available in this study, 2007 and 2008, 255 soldiers took their lives. The authors estimated that 25% to 50% of the suicides were directly related to the combat commitments in Iraq and Afghanistan. From 1977 to 2003, suicide rates among active U.S. Army personnel were decreasing.

<More at: [www.latimes.com/health/boostershots/la-heb-army-suicide-20120308.0.7002109.story](http://www.latimes.com/health/boostershots/la-heb-army-suicide-20120308.0.7002109.story)>

## **JUST IN CASE YOU THINK THERE IS NO PROBLEM**

### **IRAQ WAR VET KILLS SISTER, SELF**

Julia Prodis Sulek, Lisa Fernandez and Joe Rodriguez - San Jose Mercury News - March 16, 2012

A 27-year-old Iraq War veteran who suffered from post-traumatic stress disorder killed his 11-year-old sister, before fatally turning a gun on himself, according to Gilroy police, who also feared he may have also killed or seriously wounded their mother.

"It's horrible," said Gilroy police Sgt. Chad Gallacinao. "We have no idea where the mom is."

Gilroy police said they rushed to the Redwood Apartments complex on Kern Avenue on Wednesday night after a report that something there might be wrong. When officers arrived, they found the 11-year-old girl -- Lucero -- dead, with a bullet in her head. They also found the body of her older brother, Abel Gutierrez, who had served with the U.S. Army in Iraq. Police said he may have shot their mother, Martha Gutierrez, 52, before turning the gun on himself.

<More at: <http://www.military.com/news/article/iraq-war-vet-kills-sister-self.html>>

## **VETS PRONE TO DRUG ADDICTION GET RISKY PAINKILLERS**

Lindsey Tanner - Associated Press - Mar 6, 2012

CHICAGO (AP) — Morphine and similar powerful painkillers are sometimes prescribed to recent war veterans suffering from post-traumatic stress along with physical pain, and the consequences can be tragic, a government study suggests.

These vets are at high risk for drug and alcohol abuse, but they're two times more likely to get prescriptions for addictive painkillers than vets with only physical pain, according to the study, billed as the first national examination of the problem. Iraq and Afghanistan vets with PTSD who already had substance abuse problems were four times more likely to get these drugs than vets without mental health problems, according to the study.

Subsequent suicides, other self-inflicted injuries, and drug and alcohol overdoses were all more common in vets with PTSD who got these drugs. These consequences were rare but still troubling, the study authors said.

<More at: [www.newsvine.com/news/2012/03/06/10594023-vets-prone-to-drug-addiction-get-risky-painkillers](http://www.newsvine.com/news/2012/03/06/10594023-vets-prone-to-drug-addiction-get-risky-painkillers)>

## **BRANDING A SOLDIER WITH 'PERSONALITY DISORDER'**

James Dao - February 24, 2012

Capt. Susan Carlson was not a typical recruit when she volunteered for the Army in 2006 at the age of 50. But the Army desperately needed behavioral health professionals like her, so it signed her up.

Though she was, by her own account, "not a strong soldier," she received excellent job reviews at Fort Leavenworth, Kan., where she counseled prisoners. But last year, Captain Carlson, a social worker, was deployed to Afghanistan with the Colorado National Guard and everything fell apart.

After a soldier complained that she had made sexually suggestive remarks, she was suspended from her counseling duties and sent to an Army psychiatrist for evaluation. His findings were shattering: She had, he said in a report, a personality disorder, a diagnosis that the military has used to discharge thousands of troops. She was sent home.

She disputed the diagnosis, but it was not until months later that she found what seemed powerful ammunition buried in her medical file, portions of which she provided to The New York Times. "Her command specifically asks for a diagnosis of a personality disorder," a document signed by the psychiatrist said.

Veterans' advocates say Captain Carlson stumbled upon evidence of something they had long suspected but had struggled to prove: that military commanders pressure clinicians to issue unwarranted psychiatric diagnoses to get rid of troops.

"Her records suggest an attempt by her commander to influence medical professionals," said Michael J. Wishnie, a professor at Yale Law School and director of its Veterans Legal Services Clinic.

Since 2001, the military has discharged at least 31,000 service members because of personality disorder, a family of disorders broadly characterized by inflexible "maladaptive" behavior that can impair performance and relationships.

<More at: [www.nytimes.com/2012/02/25/us/a-military-diagnosis-personality-disorder-is-challenged.html](http://www.nytimes.com/2012/02/25/us/a-military-diagnosis-personality-disorder-is-challenged.html)>

## **'PERSONALITY DISORDER,' A DISPUTED DIAGNOSIS**

James Dao - February 24, 2012

The Times today writes about new questions on an old issue: [whether the military manipulates psychiatric diagnoses](#) either to save money or to swiftly discharge service members it does not want.

The article focuses on one Army captain, a social worker, who obtained records in which an Army psychiatrist says that her command "specifically asks for a diagnosis of a personality disorder," raising questions of whether there was improper

command influence on a clinician. The Army denies that was the case, saying that her commander was “asking if one existed, not ordering to diagnose a personality disorder.”

The issue first gained national attention in 2007, after articles in [The Nation](#), which prompted Congress to hold hearings and the Pentagon to tighten its regulations on personality disorder. As a result, personality disorder diagnoses dropped, Pentagon data indicate.

But the issue has roared back into national focus with recent reports out of Joint Base Lewis-McChord that a special forensic psychiatry unit at Madigan Army Medical Center was reversing diagnoses of post-traumatic stress disorder for soldiers being medically evaluated for discharge. In several of those cases, the soldiers were left with diagnoses of personality or adjustment disorder — illnesses that, unlike PTSD, did not automatically qualify them for medical discharges and certain benefits.

Those reversals may have been motivated by efforts to save the Army money. A memorandum written by an Army ombudsman quotes a psychiatrist at Madigan who warns that “at the rate we are going the Army and the Department of Veterans Affairs will be broke” because of the high costs of treating PTSD.

<More at: <http://atwar.blogs.nytimes.com/2012/02/24/personality-disorder-a-disputed-diagnosis/>>

## **AND THIS IS SUPPOSED TO HELP?**

### **RESPITE LEAVE CUT**

When members of the Minnesota National Guard Brigade Combat Team (BCT) known as the "Red Bulls" return from their current deployment, they will be greeted by a big cut in their paid readjustment leave, known as “post deployment / mobilization respite absence” (PDMRA) leave.

The Red Bulls already hold the post-September 11, 2001 record for all active, Guard and Reserve forces for the longest continuous deployment, a 22-month deployment to Iraq in 2005 – 2007.

In 2007, the Pentagon created the PDMRA to help stressed-out families deal with multiple deployments and insufficient “dwell” time between them. Minnesota Guard veterans of the 2005-2007 call-up are currently deployed again, this time to Afghanistan. Under a complex formula, some soldiers would earn up to four days respite leave per month of deployment upon their return.

But under a policy change announced last September – and applied to people already deployed - PDMRA is reduced to two days per month for Iraq or Afghanistan tours and one day a month for Kuwait deployments.

In other words, the soldiers hardest hit by the new policy are the very troops the policy was originally meant to help - those with multiple, lengthy, stressful combat tours following short “dwell” times at home.

<More at: [www.moaa.org/Main\\_Menu/Take\\_Action/Legislative\\_Update/2012\\_Legislative\\_Updates/March\\_16\\_2012.html](http://www.moaa.org/Main_Menu/Take_Action/Legislative_Update/2012_Legislative_Updates/March_16_2012.html)>

## **MAYBE THE FEDS WILL CATCH UP WITH THE STATES AND LOCALS??**

### **RECLAIMING THE REHABILITATIVE ETHIC IN MILITARY JUSTICE: NEW ARTICLE PROPOSES PLAN TO SAVE VA BENEFITS FOR ACTIVE DUTY WOUNDED WARRIORS FACED WITH COURT-MARTIAL CHARGES**

Kelila Shapiro - Los Angeles, CA (PRWEB) February 22, 2012

Military attorney and author, Major Evan R. Seamone, proposes use of local veterans treatment courts to obtain treatment and preserve VA benefits for active duty wounded warriors facing court-martial charges in new article, “Reclaiming the Rehabilitative Ethic in Military Justice: The Suspended Punitive Discharge as a Method to Treat Military Offenders With PTSD and TBI and Reduce Recidivism,” published by The Military Law Review.

Although estimates vary, approximately 20% of combat veterans suffer invisible wounds of war including Posttraumatic Stress Disorder (PTSD), a figure that increases dramatically with the number and length of repeated deployments.[1] In less than four years, over 88 Veterans Treatment Courts (VTCs) have emerged across the Nation in recognition that traditional confinement options often fail to treat the underlying mental health needs of war-traumatized veterans.[2]

<More at: [www.prweb.com/releases/2012/2/prweb9202585.htm](http://www.prweb.com/releases/2012/2/prweb9202585.htm)>

## TALK ABOUT WAITING!

### REVISED VA RULES HELP EX-SAILOR WAKE FROM 27-YEAR NIGHTMARE

Kate Wiltrout - The Virginian-Pilot - March 10, 2012

One rainy night in 1985, Navy Seaman Katherine Glover was raped while on duty at a NATO base in Italy. Ashamed, fearful of losing her security clearance, and distrustful of her male superiors, Glover didn't report the attack. She says she didn't breathe a word of the trauma until 2002, when she finally told a representative from the Department of Veterans Affairs.

The woman helped get Glover into treatment for post-traumatic stress disorder. But with nothing in her record to corroborate what happened that long-ago night in Naples, Glover's quest for disability benefits from the VA always ended the same way: denied. Without proof that she'd been raped - or a link between her Navy service and her medical condition - the agency's benefits division had long refused to grant Glover status as a service-disabled veteran. Last week, more than five years after filing her latest claim, Glover, 59, finally got good news.

Working with a revised set of guidelines for handling claims involving sexual trauma, the VA concluded that Glover's anxiety, panic attacks and depression render her unable to work. She will receive a monthly stipend of almost \$2,800, as well as \$150,000 in retroactive benefits, dating to her 2006 application for disability compensation.

### NEW STUDY GIVES SCOPE AND COST OF COMBAT-RELATED CONDITIONS AMONG VETERANS

John H. Cushman Jr. - February 24, 2012

It's difficult to know just how many of the two million people who have served in the wars in Iraq and Afghanistan have been afflicted with two common combat ailments, post-traumatic stress disorder (P.T.S.D.) and traumatic brain injury (T.B.I.). But a [new study of six years of data](#) from the Veterans Health Administration, published this month by the Congressional Budget Office, illuminates not just the extent of the treatment that is needed, but its costs.

In a sampling of nearly half a million veterans of the two wars, 21 percent had P.T.S.D., 2 percent had symptoms of T.B.I., and 5 percent had both. For a variety of reasons, it's hard to extrapolate these rates to the entire group of those who served. But the notable finding of the report is this: Taken together, the afflicted group's first-year treatment costs ran four to six times as high as patients without these conditions.

From 2004 to 2009, the Veterans Health Administration spent \$3.7 billion on the first four years of care for all the veterans tracked by the study. Sixty percent of that sum, or \$2.2 billion, went for the care of patients with P.T.S.D. or T.B.I., or both. About half of that went for therapies specific to P.T.S.D. and T.B.I.

In the first year of treatment, the cost of treating a typical patient with P.T.S.D. averaged \$8,300, one with T.B.I. \$11,700, and one with both \$13,800. The average cost of the first year's treatment for a patient with neither diagnosis was \$2,400.

<More at: <http://atwar.blogs.nytimes.com/2012/02/24/new-study-gives-scope-and-cost-of-combat-related-conditions-among-veterans/>>

## MEANWHILE, HERE AT HOME

### LOCAL TV NEWS REPORT SPREADING AWARENESS ABOUT MOLDY MILITARY HOUSING

NewsChannel 3, of Hampton Roads, Virginia recently conducted an investigation into mold in military housing. A follow up investigation found that Lincoln Military Housing is spending millions to try to solve the problems uncovered by that investigation three months ago, hoping to make things right with the residents. It also found more problems.

Since that investigation revealed the extent of mold and maintenance problems in Lincoln Military Housing, hundreds of mold tests have been completed and countless families have been moved into hotels.

Yet the company is simultaneously trying to get off the hook in the courtroom by filing a notice for removal, i.e., an attempt to move their lawsuits to federal court. If a judge rules in their favor the company plans on using their status as a government contractor as a defense. This makes them eligible to claim sovereign immunity.

Because they work on behalf of the Navy, they would be considered an extension of the federal government, so no one could sue them based on performance. <More at: [www.trea.org/Legislative/20120309.html](http://www.trea.org/Legislative/20120309.html)>

## USDA TO TAP VETERANS FOR CAREERS IN AGRICULTURE

February 28, 2012

Agriculture Secretary Tom Vilsack and the American Legion National Commander Fang Wong signed a Memorandum of Understanding this week to help veterans and transitioning military service members find positions that promote agriculture, animal and plant health, food safety, nutrition, conservation and rural communities.

<More at: [www.cattlenetwork.com/cattle-news/USDA-to-tap-veterans-for-careers-in-agriculture-140769683.html?ref=683](http://www.cattlenetwork.com/cattle-news/USDA-to-tap-veterans-for-careers-in-agriculture-140769683.html?ref=683)>

## MEASURES WILL AID MILITARY SERVICEMEMBERS HURT BY MORTGAGE ABUSES

President Obama announced a range of new measures aimed at helping military servicemembers and veterans who were hurt by mortgage abuses during the economic downturn.

According to a White House [fact sheet](#), the new remedies come in addition to relief servicemembers will receive under a \$25 billion settlement the federal government and state attorneys general completed with major loan servicers last month. Under the new measures outlined March 6, major loan servicers will be required to:

- Review records of every servicemember foreclosed upon since 2006 and provide any who were wrongly foreclosed upon with compensation equal to a minimum of lost equity, plus interest and \$116,785;
- Refund servicemembers money lost because they were wrongfully denied the opportunity to reduce their mortgage payments through lower interest rates;
- Provide relief for servicemembers who are forced to sell their homes for less than the amount they owe on their mortgage due to a permanent change in station;
- Pay \$10 million dollars into the Veterans Affairs fund that guarantees loans on favorable terms for veterans; and
- Extend certain foreclosure protections afforded under the Servicemember Civil Relief Act to servicemembers serving in harm's way.

The White House also said the Federal Housing Administration will cut fees for refinancing loans that are already FHA-insured, a move that could lower costs for several million eligible borrowers.

<http://federaldaily.com/Articles/2012/03/06/Measures-will-aid-military-servicemembers-hurt-by-mortgage-abuses.aspx>

## VETERANS CRISIS HOTLINE

The hotline for anyone needing immediate help with mental health issues is **800-273-8255**.

## TAPS – PASSINGS AND WAR STATISTICS

### OIF/OEF – HACK DATE WEDNESDAY 21 MARCH 2012

#### OP'N IRAQI FREEDOM/**NEW DAWN** (2,721/568 DAYS)

|  |                     |
|--|---------------------|
| KILLED US                              | 4,408/78            |
| WOUNDED US [3/5/12]                    | 31,921/2,515        |
| OTHER US CASUALTIES [3/5/12]           | 40,374/2,624        |
| DIED OF SELF-INFLICTED WOUNDS [3/5/12] | 223/12              |
| MISSING OR CAPTURED US                 | 1                   |
| KILLED UK                              | 179                 |
| KILLED OTHER COALITION                 | 139/1               |
| WOUNDED/INJURED COALITION              | 1,819               |
| **KILLED CONTRACTORS [1/9/08]          | 1,182               |
| KILLED IRAQI POLICE/MILITARY [1/25/09] | ≥ 48,874            |
| KILLED IRAQI CIVILIANS [3/21/12]       | ≥ 115,514–1,455,590 |
| WOUNDED IRAQI MIL/CIVILIANS [9/20/10]  | ≥ 400K–1.556M       |
| IRAQ REFUGEES INT./EXT. [9/27/07]      | 2.1M/2.5M           |

#### OP'N ENDURING FREEDOM (3,819 DAYS)

|   |                   |
|---|-------------------|
| KILLED US                                 | 1,913             |
| WOUNDED US [3/5/12]                       | 15,438            |
| OTHER CASUALTIES US [3/5/12]              | 15,730            |
| DIED OF SELF-INFLICTED WOUNDS [3/5/12]    | 77                |
| MISSING OR CAPTURED US                    | 0                 |
| KILLED COALITION                          | 1,017             |
| WOUNDED/INJURED COALITION (12/2/07)       | 1,602             |
| KILLED AFGHANI POLICE/MILITARY [7/4/09]   | ≥ 11,152          |
| KILLED AFGHANI CIVILIANS (9/10/2010)      | ≥ 8,813           |
| WOUNDED AFGHANI MIL/CIVILIANS (2/24/2009) | 46,322            |
| AFGHAN REFUGEES INT./EXT. [9/27/07]       | 1.75M/4.8M        |
| COST OF IRAQ WAR TO DATE                  | \$802,063,429,185 |
| COST OF AFGHAN WAR TO DATE                | \$512,164,309,940 |

*NOTE: SOME NUMBERS DO NOT CHANGE BETWEEN ISSUES BECAUSE UPDATED FIGURES ARE NOT AVAILABLE AT PRESS TIME*

\* This entry has been changed to "Non-mortal casualties" which includes wounded, non-hostile casualties, and diseased where medical air transport was required. \*\* Includes 280 additional contractor casualties reported in international press but not in US official figures

## **NATIONAL GUARD AND RESERVE ACTIVATED AS OF MARCH 13, 2012**

This week the Army, Air Force and Marine Corps announced a decrease in activated reservists while the Coast Guard announced an increase. The Navy announced no change. The net collective result is 665 fewer reservists activated than last week. At any given time, services may activate some units and individuals while deactivating others, making it possible for these figures to either increase or decrease. The total number currently on active duty from the Army National Guard and Army Reserve is 52,350; Navy Reserve, 4,763; Air National Guard and Air Force Reserve, 9,221; Marine Corps Reserve, 4,804, and the Coast Guard Reserve, 759. This brings the total National Guard and Reserve personnel who have been activated to 71,897, including both units and individual augmentees. A cumulative roster of all National Guard and Reserve personnel who are currently activated may be found on line at <http://www.defense.gov/news/d20120313nqr.pdf>.

## **AFTERTHOUGHTS ~ MISCELLANEOUS AND OTHER STUFF**

### **EX-MARINE GETS OK TO CARE FOR RETIRED MILITARY SERVICE DOG**

James O'Rourke - The (Westchester, N.Y.) Journal News - Mar. 20, 2012

NEW YORK — There were no tearful embraces Monday evening, but as former Marine Cpl. Megan Leavey stood beside the man who advocated on her behalf, she was relieved to know her partner Rex would live out his days in peace.

"I'm just so happy that I can be the one to take care of him because really, he has taken care of me in so many different situations that it's my pleasure," Leavey said. "I just can't wait for him to retire now and relax and be a pet and live the good life."

Leavey and Rex, the military service dog that was standing with her when an improvised explosive device was detonated near them outside of Ramadi, Iraq, in September 2006, are expected to officially be reunited in a matter of days.

... The imminent reunion was announced in the office of Sen. Charles Schumer, D-N.Y., on Monday.

Schumer, after being informed of Leavey's attempts to adopt the animal, wrote letters to key military staffers and organized a nationally circulated petition urging military officials to allow the adoption.

<More at: <http://www.app.com/article/20120320/NJNEWS18/303200028/Ex-Marine-gets-OK-to-care-for-retired-military-service-dog>>

### **NAVY, MARINES TO START RANDOM ALCOHOL TESTS**

Nathan Hodge

NORFOLK, Va.—The Navy and Marines said Monday they plan to introduce random breath tests of personnel on duty as part of a broader health-and-safety push, a move officials concede will be a tough sell with weary troops after a decade of war.

The U.S. military already randomly tests members of all branches for illegal drug use. But resorting to breath tests—which detect blood alcohol levels from a breath sample—represents a first for military personnel.

Some Navy crew members, for instance, will have to take a breath test when reporting aboard a ship for duty and other sailors will be subjected to random inspections.

Officials described the alcohol-testing program as an "inspection and prevention" tool to identify sailors or Marines who may need counseling or treatment. Service members who test positive for alcohol won't be allowed to go on duty, but won't be penalized with a permanent record of the result. The Army and the Air Force don't have policies on breath tests.

<More at: <http://online.wsj.com/article/SB10001424052970204276304577263882094905596.html>>

## **ADD-ON ~ STUFF OF INTEREST**

### **DD-214 DISCHARGE PAPERS ARE NOW ONLINE.**

The National Personnel Records Center (NPRC) has provided the following website for veterans to gain access to their DD-214s online:

<http://www.archives.gov/veterans/military-service-records/>

This may be particularly helpful when a veteran needs a copy of his/her DD-214 for employment purposes. NPRC is working to make it easier for veterans with computers and Internet access to obtain copies of documents from their military files.

Military veterans and the next of kin of deceased former military members may now use a new online military personnel records system to request documents.

Other individuals with a need for documents must still complete the Standard Form 180, which can be downloaded from the online web site. Because the requester will be asked to supply all information essential for NPRC to process the request, delays that normally occur when NPRC has to ask veterans for additional information will be minimized.

The new web-based application was designed to provide better service on these requests by eliminating the records centers mailroom and processing time.

### **EARLY RETIREMENT INFO FOR RESERVISTS**

This is the early retirement info from the Army Reserve (citation is after the quoted section). It is nearly impossible to get a full credit for time served since the periods aggregate in Fiscal Years because orders are not mindful of the fiscal quarters so they do not start or stop in time to capture the full 90 days.

#### **NDA OF 2008 (REDUCED AGE RETIREMENT)\***

National Defense Authorization Act (NDAA) of 2008 reduces the retirement age for RC Soldiers from 60 to a lesser age but not below age 50 for those who have served on AD in an eligible status on or after 29 Jan 08. If a Soldier is called to AD for the express purpose of Overseas Contingency Operations (formerly the Global War on Terrorism (GWOT) or its derivatives on or after 29 Jan 08, each day on that AD tour counts toward a reduction in retirement age. However, even though each day counts, days are credited in aggregates of 90 days only within any Fiscal Year. You must be under the authority code 12301(d), 12302, or 12304. National Guardsmen must be on 502(f) orders.

To receive credit when applying for your retirement benefits, include with your retirement application (DD Form 108 and DD Form 2656) copies of your mobilization orders, your DD 214's and orders transferring you to the Retired Reserves. Annotate across the top of your DD Form 108 "EARLY AGE DROP".

\*(Please note: This early age retirement only qualifies for receipt of retired pay. TRICARE is not included. You will not be eligible for TRICARE until age 60).

From:

#### **RETIREMENT INFORMATION**

The Adjutant General Directorate Reserve Component Retirements

#### **A COMPENDIUM OF INFORMATION**

(This information attached is current as of January 30, 2012). (Previous editions are obsolete.)

U.S. Army Human Resources Command

ATTN: Army Personnel Records Division AHRC-PDP-TR

1600 SPEARHEAD DIVISION AVENUE, DEPT #482

FORT KNOX, KENTUCKY 40122-5420

## NOTICE

If at any time you cannot open a link in this newsletter to an article or web page that interests you, please let me know at [scook@vuft.org](mailto:scook@vuft.org); I keep a copy of most of the full articles, or can research an alternative route to the information. [Ed.]

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**EDITOR'S NOTE:** I have been asked what guides my selection of articles. In general, I try to stick with articles that deal exclusively with our target group: serving military, veterans, retirees, and their families. I also favor articles that deal with the effect of Legislative or Executive inaction or bad actions that adversely affect our target group. I try not to pick those articles that have already been beaten to death in the regular press, but rather try to bring the reader articles that he or she might not run across in another medium. While we are non-partisan, I do not believe articles critical of government actions to be partisan as long as they are accurate and fair. Criticism, like dissent, is fair. Finally, I screen hundreds of articles for inclusions and for every article I include, I throw five or six away – good articles, but not as important as the ones selected.

I always appreciate contributions, whether it is opinion in Letter-to-the-Editor form, or articles that the reader believes would be good for our readership. Since I get a chance to vent once in awhile in these newsletters, I will certainly consider Op-Ed copy for inclusion. I always welcome reader comment or complaint. Sandy Cook, Editor [mailto:scook@vuft.org](mailto:mailto:scook@vuft.org)

If you need to call us, our number is 1.805.530.6417.

The phone is covered by a voice recorder 24 hours a day. We'll get back to you ASAP.