

# PRESS RELEASE

## **NVLSP SUES ARMY FOR DENYING LIFETIME BENEFITS & HEALTHCARE TO THOUSANDS OF VETS WITH PTSD**

*Advocates say veterans from Iraq & Afghanistan were shortchanged the support they are entitled to*

FOR IMMEDIATE RELEASE

December 18, 2008

WASHINGTON – In a class action lawsuit filed on December 17, 2008 in the U.S. Court of Federal Claims, the National Veterans Legal Services Program (NVLSP) charged that for many years, the U.S. Army shortchanged an entire class of soldiers who returned from service in Iraq and Afghanistan with post-traumatic stress disorder (PTSD) from the benefits to which they are entitled.

"I experienced firsthand the horrors of war" said Juan Perez, an Iraq veteran and one of five plaintiffs in the lawsuit. "My expectation was that the military would be there for me, and my country would be there for me. Instead, the way I was treated felt more like a slap to the face."

The five veterans of the war in Iraq and Afghanistan filing suit in the case seek to represent the large number of soldiers the Army found to be unfit for continued military service because of their PTSD, but who then were illegally deprived of the disability benefits and free health care to which they were entitled under federal law.

"I don't think we can do enough for the veterans who put themselves in harm's way to fight the war on terrorism," said James J. Kelley, a partner with Morgan, Lewis & Bockius, LLP, which is representing the plaintiffs on a pro-bono basis with counsel from NVLSP. "Sometimes the intervention of the court is required to ensure that the right thing is done."

For many years, the law has required the Army to assign a disability rating of at least 50% to all those it discharged for PTSD. A rating at 30% or more entitles a soldier to monthly disability benefits for the rest of the soldier's life, to free health care for the soldier and his or her spouse for the rest of their lives, and to free health care for their children while they remain dependents.

Instead of following the law, the Army rated the PTSD suffered by these soldiers as less than 50% disabling in a transparent effort to avoid its responsibility to care for its wounded soldiers. In most cases these soldiers were rated well below the 30% rating level needed to qualify for monthly disability benefits and free health care.

Cont'd ...

# PRESS RELEASE

On October 14, 2008, the Department of Defense called a halt to the Army's illegal conduct by ordering the Army to assign at least a 50% rating to those soldiers discharged due to PTSD in the future. The lawsuit filed by NVLSP seeks to hold the Army accountable for its failure to take any steps to rectify its failure to follow the law for those discharged in the last six years with a less than 50% rating, prior to the Department of Defense's order in October 2008.

One in five veterans returning from Iraq and Afghanistan suffers from PTSD or major depression, according to a study by the RAND Corporation announced in April 2008.

"Every American should be outraged that our veterans are being tossed aside when they can no longer serve and without the benefits they are entitled to," said Bart Stichman, co-executive director of NVLSP. "The denial of benefits hurts these veterans and their families in countless ways. They deserve better, and this lawsuit could potentially help thousands."

Stichman said that because of public outrage following investigative reporting into poor treatment of veterans returning from Iraq and Afghanistan at Walter Reed Army Medical Center in 2007, his office was swamped with calls from law firms wanting to provide free help to these veterans. Because of this outpouring of concern, NVLSP launched the Lawyers Serving Warriors™ project, which offers free legal help to active duty personnel who served in Operation Iraqi Freedom or Operation Enduring Freedom and are facing administrative separation, or going through a medical or physical evaluation board. They also help Iraq and Afghanistan veterans who have received an inappropriate discharge or disability rating, or are having difficulty with a claim with the VA for disability compensation, or a claim for Traumatic Servicemembers Group Life Insurance benefits.

**Operation Iraqi Freedom and Operation Enduring Freedom veterans seeking help from Lawyers Serving Warriors™ are urged to visit the website at [www.lawyerservingwarriors.org](http://www.lawyerservingwarriors.org) and submit information through the "Request Free Legal Help" button on the left side of the screen.**

More information and the legal complaint for the lawsuit are available at [www.LawyersServingWarriors.org](http://www.LawyersServingWarriors.org).

## **ABOUT NVLSP**

The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans service organization that has been serving active duty personnel and veterans since 1980. NVLSP strives to ensure that our nation honors its commitment to our 25 million veterans and active duty personnel by providing them the federal benefits they have earned through their service to our country. NVLSP offers training for attorneys and other advocates, connects veterans and active duty personnel with pro bono legal help, publishes the nation's definitive guide on veterans benefits, and represents and litigates for veterans and their families before the VA, military discharge review agencies, and federal courts. For more information go to [www.nvlsp.org](http://www.nvlsp.org).

Cont'd ...

# PRESS RELEASE

## **ABOUT MORGAN, LEWIS & BOCKIUS LLP**

Morgan Lewis is an international law firm with more than 1,500 lawyers in 22 offices located in Beijing, Boston, Brussels, Chicago, Dallas, Frankfurt, Harrisburg, Houston, Irvine, London, Los Angeles, Miami, Minneapolis, New York, Palo Alto, Paris, Philadelphia, Pittsburgh, Princeton, San Francisco, Tokyo, and Washington, D.C. For more information about Morgan Lewis, please visit [www.morganlewis.com](http://www.morganlewis.com).

**CONTACT FOR NEWS MEDIA/PRESS INTERVIEWS:** Ami Neiberger-Miller, Public Affairs, cellular 703.887.4877, [ami@steppingstonellc.com](mailto:ami@steppingstonellc.com)

###