NATIONAL CATHOLIC REPORTER DONATE NOW!
Published on *National Catholic Reporter* (http://ncronline.org)

A national precedent for a disgrace in treating our veterans with PTSD

Morna Murray | Jan. 23, 2013 NCR Today

On Jan. 16, history was made in Scranton, Pa.

The U.S. Department of Veterans Affairs was held accountable [1] for poor treatment of a military veteran with post-traumatic stress disorder. Finally.

In his federal lawsuit, Sgt. Stanley Laskowski III argued that he had suffered serious deterioration of his mental health because of the VA's failure to follow its own protocol and properly treat him for PTSD. After a lengthy trial, Senior U.S. District Judge James M. Munley agreed. This was a first. Suing the government is difficult enough; proving that the VA has been derelict in its duties to returning veterans is considered downright next to impossible.

Fortunately for Laskowski, Scranton attorney Daniel T. Brier, ably assisted by attorney Jack Dempsey, was not deterred. He believed in Laskowski and believed the Marine Corps veteran had done his best to get treatment from a governmental institution that is mired in bureaucracy and lacks sufficient funding to treat our returning veterans.

"Sergeant Laskowski served his country with courage and honor," Brier said during a conversation I had with him. "The very least we owe our returning heroes and heroines is prompt and proper attention to any injuries, physical or psychological, that they have suffered."

In this landmark decision, Munley awarded Laskowski and his wife, Marisol, $3.7 million in damages.

While this is a first, we might well ask ourselves, How has this not happened before now? The crisis returning veterans face in obtaining care, particularly mental health care, is monumental. While our country expects them to be ready and willing to make the ultimate sacrifice of their very lives, they then face enormous hurdles in obtaining the help they need when they come home from a war zone. This is one of the most disgraceful situations our country faces.

A poignant 2012 *Time* magazine article, "The War on Suicide? [2]", tells the stories of two veterans, both of whom committed suicide a continent apart on March 21, 2012, after their separate but similarly anguished battles for help. Michael McCaddon, one of the veterans, enlisted at the age of 17, served two tours in Bosnia and was ordered to Iraq in 2010. His wife, Leslie McCaddon, tells of the frustrations in seeking treatment when he returned and the mixed messages she would get from other spouses not to do anything that could possibly hurt her husband's career.

"He's in the army," Leslie McCaddon recalled saying to an Army doctor, "and you make him do everything else, you should be able to make him go to mental health counseling."

The stigma that military veterans face in getting help, in even admitting they need help when they are trained to

be warriors, is bad enough. Then convincing military personnel that the stress is due to combat and not "family issues" or other personal matters is another hurdle. Then there are the waits for appointments that can last weeks or even months. Organizations around the country like Veterans for Common Sense [3], Veterans United for Truth [4], Vietnam Veterans of America [5], Tragedy Assistance Program for Survivors [6], the National Veterans Legal Services Program [7], the Wounded Warrior Project [8], The American Legion [9] and more, have been determinedly pursuing better help and assistance for returning veterans transitioning back to "regular" life, particularly in claims with the VA.

Unfortunately, on Jan. 7, the U.S. Supreme Court refused to hear an appeal on a lawsuit filed by a group of veterans' organizations charging the VA with mistreatment of veterans suffering mental health problems. In response to this, the lead organization, Veterans for Common Sense, issued, in part, the following [10]:

> "Although Veterans lost on a technicality, no one disputes the number of preventable Veteran deaths associated with VA's negligence. Last year, the families of nearly 20,000 Veterans were paid disability benefits after the Veterans died. A shocking 18 Veterans commit suicide every day. More than 12,000 veterans call VA for suicide prevention each month. During our nation's worst economic disaster in 80 years, more than 1.1 million Veterans still await VA disability claim decisions. Of those, 900,000 cases wait an average of nine months for a new or re-opened claim decision, plus an additional 250,000 cases wait four more years for an appealed claim decision. VA's Inspector General reported in 2012 that VA makes errors in approximately 30 percent of VA's claim decisions. While our Veterans wait, they remain unable to pay their mortgage or rent, and face great challenges feeding their families."

Let me repeat a statistic in that statement. Eighteen veterans kill themselves every day. Every day. That number is higher than combat deaths. And so far, the three branches of government have not been able to make a government system operate effectively enough to get our veterans the help they need when they need it. In a hearing before the Senate Committee on Veterans Affairs last June, amidst questioning by Committee Chair Sen. Patty Murray as to why we were "losing the battle on mental and behavioral health conditions," Defense Secretary Leon Panetta responded in part [11], "... I'm not satisfied either. We're doing everything we can to try to build a better system between the Pentagon, the Department of Defense and VA. But there are still huge gaps in terms of the differences in terms of how they approach these cases and how they diagnose the cases and how they deal with them, and frankly, that's a whole area we have to do much better on."

A report quietly released [12] by the VA in October showed that 30 percent of the 834,463 Iraq and Afghanistan veterans treated at VA hospitals since 9/11 have been diagnosed with PTSD. There was apparently no effort to publicize this report or explain why it contradicts the official VA estimate of 20 percent or lower. Moreover, an internal investigation proved [13] that the VA's claim that 95 percent of veterans are evaluated and begin receiving therapy within its 14-day guideline is false. Roughly half were evaluated within 14 days. And of those treated, about 64 percent begin within two weeks. The rest -- about 94,000 in 2011 -- waited six weeks or longer.

Laskowski did not receive psychotherapy. As Brier explained in a recent NPR interview [14], "Since he never received any psychotherapy -- as the VA protocols require -- I'm afraid that in Mr. Laskowski's case, it was an issue of appropriate resources not being available."

The many reasons our veterans have to fight to receive the critical mental health care they need and deserve include resources, stigma, outright disbelief of veterans, bureaucratic red tape and more. Whatever the cause(s), Stanley Laskowski -- and Daniel Brier and Jack Dempsey -- are heroes in the fight to change this American disgrace.

Source URL (retrieved on *05/05/2015 - 23:34*): http://ncronline.org/blogs/ncr-today/national-precedent-disgrace-treating-our-veterans-ptsd

Links:

[1] http://citizensvoice.com/news/veteran-awarded-3-7-million-in-case-against-plains-twp-hospital-1.1430675
[2] http://www.time.com/time/magazine/article/0,9171,2119337-1,00.html
[3] http://veteransforcommonsense.org/
[4] http://www.veteransunitedfortruth.org/
[5] http://www.vva.org/
[6] http://www.taps.org/
[7] ttp://www.nvlsp.org/
[8] http://www.woundedwarriorproject.org/
[9] http://mobile.legion.org/
[10] http://veteransforcommonsense.org/2013/01/07/veterans-vow-continued-fight-to-fix-va/
[11] http://www.murray.senate.gov/public/index.cfm/newsreleases?ContentRecord_id=bda94e7b-7251-4e27-95b5-51da4dfa04e4
[12] http://www.thedailybeast.com/articles/2012/10/21/nearly-30-of-vets-treated-by-v-a-have-ptsd.html
[13] http://usatoday30.usatoday.com/news/health/story/2012-04-23/veterans-affairs-mental-health/54490440/1
[14] http://www.npr.org/templates/transcript/transcript.php?storyId=151319599