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United States Senate

COMMITTEE ON VETERANS' AFFAIRS
WASHINGTON, DC 20510

June 21, 2013

The Honorable Eric K. Shinseki
Secretary of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary Shinseki:

We write today about the Department of Veterans Affairs' (VA) efforts to improve the adjudication of posttraumatic stress disorder (PTSD) claims based on military sexual trauma.

It is deeply disturbing that an estimated 26,000 sexual assaults occurred in the military last year. While the Department of Defense has pledged to combat sexual assault in the Armed Forces, clearly much work remains to be done. As efforts to address this issue continue, VA must concurrently ensure all veterans who have experienced military sexual trauma receive the care and benefits needed to confront the emotional and physical consequences of this horrific experience.

VA's recent testimony at a Senate Committee on Veterans' Affairs hearing on pending benefits legislation outlined the steps the Department has taken to improve the adjudication of PTSD claims based on military sexual trauma. VA indicated that in April 2013, it sent letters to advise veterans of the opportunity to request review of their previously denied PTSD claims based on military sexual trauma. We commend VA, particularly Under Secretary Allison Hickey, for undertaking serious efforts to improve claims adjudication. However, we have reviewed the letter referenced in VA's testimony and have found it to be inappropriate for the task at hand given the enormity and sensitivity of this issue. As such, we have a number of concerns about VA's current approach to the review of previously denied claims.

First, the letter referenced in VA's testimony fails to detail the Department's ongoing efforts to improve VA's processes, sensitivity, and understanding of PTSD claims based on military sexual trauma. Veterans who may have had their claims for PTSD based on military sexual trauma improperly adjudicated may be hesitant to trust VA to review their claims without reassurance that VA will undertake a more comprehensive, practical, and sensitive approach, which utilizes all of the Department's recent efforts, to address this issue.

Second, the letter directs the veteran to contact his or her local regional office to request review of their military sexual trauma-related disability claim, but does not provide any contact information. Our understanding is that all benefits-related calls are directed to the National Call Centers. We would like to know what specialized training or notification has been provided to call agents to ensure they are prepared to deal with the unique needs and circumstances of veterans who request a review of their claim. Next, at a recent staff-level briefing, VA indicated

a significant number of callers are still unable to successfully connect with a call agent. For these reasons, we are concerned that veterans will be hesitant to request review without the ability to quickly connect to an experienced and compassionate individual standing ready to address their specific situations.

Finally, it is our understanding that veteran service organizations (VSOs) were not provided with advance notice prior to the mailing of this letter. For nearly a year, VA has been stating publicly that veterans whose PTSD claims based on military sexual trauma were denied would have the opportunity to request a review of their claim. Yet, when VA finally undertook the notification necessary to begin the review process, VSOs were not included in this effort. VSOs help file over half of the total claims received by VA and are a critical partner in the VA claims process. Adequate outreach, education, and collaboration with VSOs must accompany VA's efforts, which include the claims review, so that these organizations can be fully prepared to assist veterans in obtaining deserved benefits. This has not happened and must be remedied immediately.

To that end, we ask that you respond within thirty days of receipt of this letter with an outline of how VA will address our aforementioned concerns. Thank you for your continued attention to this very important and sensitive issue.

Sincerely,



Bernard Sanders
Chairman



Jon Tester
U.S. Senator