

## Disabled Service Members - The 30% Shell Game

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Or  
How DOD is Short Changing Our Disabled Veterans

Congratulations, young man or woman! You were a patriotic member of the United States All Volunteer Military. You volunteered to serve with the full expectation that "Support the Troops" was not just empty rhetoric piously mouthed by politicians, generals, and the yellow-ribbon-displaying American public. You served honorably, sometimes with multiple tours in Iraq and Afghanistan. Unfortunately, you returned damaged to the point that you can no longer serve because of wounds, injury, illness, or Post Traumatic Stress Disorder (PTSD). You must be discharged from active service. You have just earned entry into the official 30% Shell Game.

There are two players in the 30% Shell Game: the Department of Defense (DOD) and the Department of Veterans Affairs (VA). You are the pea.

Ah, but you ask, "What is the prize in this Game?" The answer is your health care and your family's health care for the rest of your lives, as well as other benefits to which retired members of the Armed Forces are entitled.

How, you ask, is the game played? Let me explain and you will see:

The first player is the DOD who has already decided that you can no longer serve on active duty. They get to decide your level of disability. In this process, the DOD is not your friend.

The magic hurdle is a designation of 30% disability. At or above that hurdle you are retired from the military with full benefits for you and your family including Tri-Care, the health insurance that allows you and your family to acquire care in the civilian health care system. The catch for DOD is that they have to pay for both retirement pay and benefits.

Below the magic 30%, you are passed on to the next player, the VA. Now guess how eager the DOD is to keep you on their rolls. If you guessed not much, you would be correct. If you guessed not much and were in the Army, you would be twice as correct as if you were in the other services. The other services are almost twice as generous with the magic 30% disability designation as the Army; although, the Navy and Air Force are still pretty miserly. The Army rated less than 19 percent of those discharged for disability at or greater than 30% (<4% permanent and <15% temporary) while the Navy (includes the Marine Corps) was about 35 percent and the Air Force about 24%. Oh sure, there are appeals and enough bureaucracy to give the appearance of fairness and due process -- if you have a lot of time and if you have the money to hire lawyers to fight on your behalf. "The Chain of Command," you ask? Forget it. Let's just say that if you were short of the magic 30% hurdle with DOD in the first place, you're unlikely to clear it on appeal.

You are now the VA's pea in the great shell game with a few thousand dollars in severance from DOD. In all likelihood, if you deserved the 30% disability rating, you will get it from the VA.

Congratulations, you are now entitled to care in a VA facility and you get a lifelong disability check. Not so bad, huh? How about your family's medical care you ask, forget it. How about if the nearest VA facility is hours away? Too bad. How about if you have PTSD? The VA mental health system is already overwhelmed. To add insult to injury you will not receive any disability payments until the severance pay you received from DOD has been fully repaid to the military.

Welcome to the world of "Supporting the Troops";

The logical question is, "Why a service member who volunteered and served honorably should be deprived of medical care for his family because he or she is forced to leave the service, where his or her family has medical care, due to a service connected disability that resulted for his or her honorable service?" This sure does not sound honorable to me. The next logical question is, "What should be done about it?"

### Change the Law

Empowering Veterans, Inc. has drafted legislation and is currently circulating it in the Congress that would do the following for service members who are being discharged due to a service connected disability:

- Assign the VA the sole responsibility for determining the disability rating for a service member who the service has decided must be discharged due to a service connected disability.
- Retain a service member in an active status with full pay and benefits until the VA assigns a final disability rating.
- If the final disability rating is 30% or greater, the member will be retired from the military service with full benefits and will be immediately eligible for any additional benefits due from the VA.
- If the final disability rating is less than 30%, the member will be immediately eligible for any VA benefits due from the

VA. Additionally, the member's active health care benefits will be continued for 180 days from the date of discharge to allow for an orderly transition to the civilian health care system for the member and his or her family.

This bill will eliminate the current "gap" as the service member transitions from the military to civilian life and add a measure of justice and stability for his or her family.

Empowering Veterans wants the story of your first person experience with the 30% shell game. Please go to the website <http://www.empoweringveterans.org/> and click on "Record Your Story" -- we will publish it on the site as well as circulate it on the blogs. See Paula Span's story in the February 25 Washington Post Magazine for the account of a real soldier caught in the 30% Shell Game. <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/22/AR2007022200891.html>