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LEGAL NEEDS OF MILITARY VETERANS, SERVICEMEMBERS, AND THEIR FAMILIES

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Special Considerations When Representing Military Veteran Clients

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Job turned his eyes to heaven.

“Lord,” Job said, “You have taken my wife, my children, everyone I hold dear.

“You have taken my house, my lands, my animals—every way I had to earn a living.

“Lord, I am living in a cave with no food to eat, only rags to wear, no shoes ... and still I praise your name. What more can you ask of me?”

The Lord looked down on his most faithful servant Job and spoke:

“Now go apply for VA benefits!”

It is an honor to fight for the legal rights of disabled U.S. military veterans, many of whom have risked injury and death in the service of their country. It is an honor, but not an honor that is for everyone.

There are reasons why this population and their fight should appeal to a broad section of legal aid staff and pro bono attorneys. Daily news coverage of the two wars we are fighting in Iraq and Afghanistan have raised great sympathy for the plight of veterans, with the secondary result that there is more funding available for this work. However, some issues may make this work very difficult, especially for legal aid staff who have limited choice in whom they represent and whom they turn away.

But before examining why veterans may make perfect and not-so-perfect clients, perhaps it is helpful to examine the single greatest deterrent to taking on this work: the Department of Veterans Affairs, still referred to as the VA.¹ (But in this special issue we call the agency “VA” and not “the VA.”)

VA

After you start to work on a few veterans benefit cases, you will begin thinking of the Social Security Administration as your best friend, the Environmental Protection Agency as your guardian angel. There is no bureaucracy in the history of the planet that rivals VA. I used to describe the pace of work at VA as glacial, but now, thanks to Al Gore, we know that the glaciers are picking up speed. VA is not. I now describe VA’s pace as geological.

Is this an overstatement? Here is an illustration.

¹The Department of Veterans Affairs Act of 1988 changed the former Veterans Administration to the Department of Veterans Affairs (VA) effective March 15, 1989.

I represent an 84-year-old World War II veteran. VA awarded him a 70 percent rating for posttraumatic stress disorder (PTSD).² But VA was not sure he was competent to receive the \$1,100 monthly award. So VA decided to keep the money until a hearing, which under the regulations should have been scheduled immediately, could be held. I chased his file from San Diego to Salt Lake City to Los Angeles. It was a slow chase since the file took more than six weeks to get to Salt Lake City, apparently by wagon train. I enlisted the help of his congressman's field deputy. I pitched the story to local journalists. The veteran, suffering from emphysema and using a walker, went to the local Los Angeles VA office and sat in the lobby all afternoon, but no one would see him because VA hadn't scheduled him for an appointment. We worked hard to keep him from becoming homeless. When the hearing was finally scheduled, some eight months after his award date, there was no indication of what had prompted the hearing; his file had apparently just worked its way to the surface of paperwork.

The hearing lasted two minutes. The World War II veteran got his retroactive award and found a new apartment.³

This is not rare. At the beginning of 2009 VA's backlog of applications and appeals reached 800,000. With a large increase in staffing, by July 2009 VA had "whittled" this down to 1,000,000.⁴ Approval or de-

nial of initial applications runs six months or more. To reach the first level of appeal after the denial—the Board of Veterans Appeals—takes, on average, four years.⁵

Although VA contends that these statistics are misleading, the numbers are their own.

One of my female clients was assaulted on an army base in Texas in 1962 and was hospitalized for six days. In 1970 she started requesting copies of her hospitalization records. Diligently, every couple of years, she would make a new request. Sometimes she never heard back, and sometimes she was told that they were missing or destroyed.

She received copies of her records in January 2009, a mere thirty-eight years after she started requesting them. The VA form letter did not apologize or explain; it merely began, "In response to your recent request, here are the documents...."

This backlog poses huge problems not only for the veterans but also for staff attorneys and pro bono attorneys. Anyone looking for quick cases with fast resolutions should exit here. Cases may pass through several hands before reaching a successful conclusion. Law firms should be expected to commit to developing a veterans benefits practice, or legal aid providers risk having cases returned whenever an attorney leaves the firm.⁶

²VA compensates veterans for a loss of earning capacity due to a current disability directly caused by an incident that occurred during active duty (see U.S. Department of Veterans Affairs, 38 C.F.R. Book C Schedule for Rating Disabilities (Reviewed/Updated July 13, 2009), www.warms.vba.va.gov/bookc.html#c). E.g., posttraumatic stress disorder is listed as Schedule 9411 under 38 C.F.R. § 4.130. A 70 percent rating has the following symptoms under Schedule 9440: "Occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood, due to such symptoms as: suicidal ideation; obsessional rituals which interfere with routine activities; speech intermittently illogical, obscure, or irrelevant; near-continuous panic or depression affecting the ability to function independently, appropriately and effectively; impaired impulse control (such as unprovoked irritability with periods of violence); spatial disorientation; neglect of personal appearance and hygiene; difficulty in adapting to stressful circumstances (including work or a worklike setting); inability to establish and maintain effective relationships."

³For an excellent discussion of the struggles of individual veterans, see MARTIN SCHRAM, *VETS UNDER SIEGE: HOW AMERICA DECEIVES AND DISHONORS THOSE WHO FIGHT OUR BATTLES* (2008).

⁴See U.S. Department of Veterans Affairs, 2009 Monday Morning Workload Reports (Reviewed/Updated Sept. 8, 2009), www.vba.va.gov/REPORTS/mmmwr/index.asp.

⁵"For veterans who pursue an appeal to completion, it takes, on average, 1,419 days to receive a Bureau of Veterans Appeals (BVA) decision after filing a Notice of Decision (NOD). It takes approximately 4.4 years—182 days for an initial Regional Office (RO) decision plus 1,419 days for a BVA decision—for a veteran to adjudicate a claim all the way to a BVA decision. This 4.4 years excludes the time between an RO's initial decision and a veteran's NOD filing, which may be as long as one year" (citations omitted) (Memorandum of Decision, Findings of Fact and Conclusions of Law, *Veterans for Common Sense v. Peake*, No. C-07-3758-SC (N.D. Cal. June 25, 2008) <http://bit.ly/1asPaI>).

⁶In my experience, I have found the VA claims process to favor denying claims strongly in order to make case-processing quotas (Plaintiffs' Trial Brief at 21–22, *Veterans for Common Sense v. Peake*, No. C-07-3758-SC (N.D. Cal. filed April 17, 2008), <http://bit.ly/hOEh6>).

So the first consideration: everyone, staff attorney and pro bono attorney, must be in this for the long haul.

And what is the second consideration? To practice veterans benefits law, study quantum mechanics.

The physics of subatomic particles comes down to odds, not absolutes. You cannot predict when or how something will occur; you can only consider the likelihood.

Some veterans advocates advise never getting a congressional representative's office involved in advocacy other than to secure a combat medal or something similar. They believe it will slow the process. Others believe that you marshal whatever resources you can find when the situation becomes dire. Who's right? Who knows. In some regions, one approach might work better. In some circumstances, you might advise a different approach. But answers? Welcome to uncertainty.

Pro bono attorneys are used to calling a mentor at a legal aid provider to discuss strategy. They are not prepared for a discussion of odds. "Will this work, or would that work better?" "Have we blown that deadline?" "Should we make that argument?" Since VA goes to great lengths to shield the anonymity of the decision makers, I cannot give absolute answers to these questions. It's all guesswork.

What do we know for certain? Do not use legalese. Never argue in the alternative. Instead of saying "if A doesn't apply, then B should," just argue that your client should get the benefits for reasons A, B, and C.

Beyond that, give evidence that satisfies each element and never, never trust VA to imply or infer a result. A friend of a friend returned from Iraq with shrapnel imbedded in his body, and his initial application was denied for no evidence of service connection. Perfectly understandable, since you can pick up shrapnel almost anywhere these days!⁷

I have little doubt that this veteran—and others in his situation—will eventually get service connection for shrapnel. But if the

application allows any wiggle room, or if it leaves any inference for VA to make, expect it to go against your client.

John D. Roche, who first worked as a claims adjudicator before resigning in order to represent veterans, tells the story of a colleague who gleefully found a way to deny a claim. The applicant stated that he was injured in Saigon. The adjudicator rejected the application because he looked in his atlas and couldn't find any city named Saigon. Denied! Of course, if the veteran appeals and writes down "also known as Ho Chi Minh City," the claim will go through—unless another adjudicator can find another inference to perpetuate the cycle.⁸

Veteran clients often have trouble readjusting to civilian life. Even though combat raises many ethical issues, they are used to rules and orders. They can find civilian life too ambiguous with too many options. Explaining that there is no way to predict outcomes or time frames is especially upsetting to clients who are used to certainty.

This is where attorneys can create the greatest impact for veterans. Structuring an application, making sure all the crucial points are made and backed with documentary evidence, will make an application go through the process as fast as lightning—lightning in a geological time frame, that is.

Veterans as Clients

For legal aid attorneys, veterans benefits work has much to recommend it. Unlike large immigrant populations that pose language and cultural challenges, almost all veterans speak English fluently; almost all are acclimated to the American way of life; almost all are citizens.

And, if you have spent any time practicing government benefits law, this will seem very familiar. The two major programs—disability compensation and pension—have much in common with workers' compensation and Supplemental Security Income (SSI). The prongs are few and the

⁷For a discussion of the case of Garrett Anderson, see SCHRAM, *supra* note 3, at 260–64.

⁸See JOHN D. ROCHE, *THE VETERAN'S PTSD HANDBOOK: HOW TO FILE AND COLLECT ON CLAIMS FOR POST-TRAUMATIC STRESS DISORDER* XV (2007).

evidentiary standard—generally “as likely as not”—is even lower than preponderance of the evidence.⁹

Although generalizations are often risky, most veterans are very respectful—I’ve never been called “sir” so often in my life. Discipline and structure, even after years of homelessness or incarceration, are still part of veterans’ past. Veterans are very grateful that you will try to help them in their battles with VA. For many, denial of their claims for benefits is also a denial of the role they played and the dangers they faced. They want VA to acknowledge that “I was there!”

Yet there are language and cultural barriers for nonveteran attorneys. Grab a book that will help interpret military jargon.¹⁰ Ask questions. Get a feeling for the structure and culture.

And within that military world are a variety of subcultures, officers, and enlisted men and women. If you go back even further, there are draftees. There are the five primary branches of military service—the Army, Air Force, Coast Guard, Marines, and Navy—and the National Guard. There are those who served in combat and those who were never deployed overseas. There are the rangers, the cooks, the medics, and the musicians. All served but had very different experiences.

Approximately 12 percent of Americans are veterans.¹¹ A far larger population did not serve but has one or more close relatives who did. There are families who have enlisted generation after generation; there are World War II veterans who urged their sons to stay out of Vietnam. Thus, even though there is a military culture that any attorney representing veterans needs to learn and understand, the attorney must always recognize the subcultures,

especially as they relate to ethnicity and gender.

While the current interest in representing veterans stems from the two current wars in Iraq (Operation Iraqi Freedom or OIF) and Afghanistan (Operation Enduring Freedom or OEF), the majority of veterans needing assistance are from the Vietnam and Korean wars, and World War II. (A colleague is still representing a World War I veteran, and this shows how long these cases can take.) But many veterans of the current wars are denying minor injuries due to machismo, or they are applying on their own or through a veterans service organization (VSO). Most legal aid programs starting a veterans law project will be representing veterans who are in their 40s or older and who have had a variety of life experiences since separation from the military.

What the Attorney Can Do

Until 1988 there was no judicial review of decisions by VA.¹² Until 2007 attorneys could not receive more than \$10 per case from a client.¹³ Thus the role of attorneys in this process is still evolving. And evolution is, of course, rarely a pretty process.

Most veterans have had little experience with attorneys, except perhaps in the criminal arena. Both legal aid and pro bono attorneys must go to great lengths to explain what it means to retain counsel. Many veterans will see you as one more weapon in their arsenal as they seek the benefits they need to survive. They may start or continue working with other VSOs, such as Veterans of Foreign Wars or Disabled American Veterans. Since it may take months for paperwork submitted to VA to wind up in VA’s computer system, who the official representative is at any given time may be

⁹38 U.S.C. § 5107(b) (2008).

¹⁰E.g., see BARBARA SCHADING & RICHARD SCHADING, *A CIVILIAN’S GUIDE TO THE U.S. MILITARY: A COMPREHENSIVE REFERENCE TO THE CUSTOMS, LANGUAGE AND STRUCTURE OF THE ARMED FORCES* (2007).

¹¹The U.S. Census Bureau reported approximately 23.4 million veterans in 2007 out of a total adult population of 224 million (U.S. Census Bureau, American Factfinder. United States, S2101 Veteran Status, <http://bit.ly/hpV0c>).

¹²The Veterans’ Administration Adjudication Procedure and Judicial Review Act of 1988, Pub. L. No. 100-687, established judicial review of VA decisions.

¹³The \$10 limit was established by Act of July 14, 1862, §§ 6-7, 12 Stat. 566, 568, and was upheld by *Walters v. National Association of Radiation Survivors*, 473 U.S. 305 (1985). The \$10 limit was removed by the Veterans Benefits, Healthcare and Information Technology Act of 2006, Pub. L. No. 109-461, § 101, 102 Stat. 3405-9 (2007) (codified at 38 U.S.C. § 5904 (2008)).

unclear. An attorney may submit a form to replace a VSO officer, only to find that the client signed a form with a different VSO a few weeks later.

The attorney must strongly advise the client that the attorney cannot directly access VA computers and may not get an initial response faster than anyone else. The attorney hopefully can submit a stronger application or appeal that will eventually shorten the time before the veteran receives benefits. But the attorney can never shorten it to a matter of weeks. There are many deadlines for veterans to act, although most are fairly generous. VA is not bound to act by any deadlines. Thus there are no sanctions for failing to act within nonexistent deadlines. One client received a standard notice that VA could make a decision after thirty days had passed. He believed that meant VA would decide after a month. I told him that it meant between a month and the end of time but that the odds were more in favor of about six months. He got his answer in forty-five days. He beat the odds, especially since the decision was favorable.

VA itself does not really understand or accept the role of attorneys. The biggest single waste of time is to include language, which we all usually do, along the lines of the following: "Please do not attempt to contact my client directly. Send all correspondence to me except copies as required by law to my client." This is always ignored. The attorney must continue to remind the veteran client to contact the attorney immediately whenever the veteran receives mail from VA. You will often find yourself listed as the "cc" recipient. This is where you will sometimes find that your client has appointed a new representative whose name now follows the "cc." The client will not understand the problem.

A legal aid attorney may be approached by a veteran who is currently represented by a VSO or, in rare cases, by an attorney. This information must be uncovered as early as possible during the initial intake. Since most advocates advise requesting copies of the veterans' claims file (or c-file) before deciding whether to retain the

veteran as a client, the attorney must also advise the veteran client that the veteran is a client for purposes of getting a copy of the c-file, but not yet for full representation.

Trying to determine who at VA is adjudicating the claim will not yield helpful results. Mail in the paperwork. Paperwork mailed in (certified, return receipt requested absolutely every time) will eventually be scanned into the computer system. Any veteran or veterans representative may call a nationwide toll-free number to wait for an extended period before being told that nothing is in the computer. Calls from Los Angeles are answered in Phoenix, so there is no way to walk down the hall and find the documents.¹⁴

And, in a further spirit of centralized efficiency, VA is assigning certain types of cases to a single office. Pension cases—similar to SSI—from Los Angeles are handled by the St. Paul, Minnesota, office. The people at the call center in Phoenix aren't much help for cases from Phoenix either.

Be prepared to lose some claims because you can never locate enough documentation. You may have to look your client in the eye and tell your client that you absolutely believe that the events the client told you about occurred. But you will never be able to substantiate the claim to VA's satisfaction and that VA will never award your client any benefits.

Veterans as Victims

A much more serious issue for legal aid attorneys than the VA experience is the life experiences of veterans. Most staff attorneys have represented victims. They may be survivors at the time of representation, but they were at one point victims of crime, disease, or domestic violence. Veterans may, in some people's eyes, be victims of a system. They were trained and called upon to do things that most people would never want to do.

From time to time a veteran will need to discuss the veteran's first kill either as part of the application (especially for PTSD) or

¹⁴For further discussion of call center problems, see SCHRAM, *supra* note 3, at 95–105.

simply as a cathartic release.¹⁵ For an attorney who has handled many cases for victims of violence, this can be very difficult. One of my clients broke into a compound in Iraq, saw a movement, and shot dead an unarmed old man. Another broke into a family's home, felt a threat from behind and shot dead a 14-year-old girl. He and his buddy then shot and killed the rest of the family.¹⁶

As I said at the beginning, the honor of serving veterans is not for everyone.

And, while pro bono attorneys can be shielded from the hardest cases, I believe that legal aid attorneys must accept those who otherwise meet acceptance criteria. While you may find peace in representing a client whose training and our military engagement led them to commit violent acts, even murder, the true test is still ahead.

Since veterans constitute 12 percent of the population, they represent a very broad range of success and failure after discharge. Many of the most successful men and women in our society are veterans; they will not be the clients of legal aid. By many estimates, veterans make up as much as 25 percent of the homeless population.¹⁷ They also account for a percentage of violent criminals and predators.¹⁸

Two of my clients are on Megan's List, California's computerized registry of sex

offenders. I can go on the website and read the code sections for which they were convicted. Each has served his time. I will not meet either one in my office, where other clients bring their children. Each was convicted of raping one or more minor females. And these clients desperately need veterans benefits to keep them from falling into more precarious living situations.

They earned their entitlement to benefits from their service to their country. I will represent them as I would any other veteran. And any staff attorney who cannot say the same should not practice in this area. But having made that intellectual commitment does not make the work any easier.

PTSD and TBI

PTSD and traumatic brain injury (TBI) are linked and are widespread injuries stemming from OIF.¹⁹ IEDs (improvised explosive devices) are very common in Iraq. The Rand Institute estimated in spring 2008 that 300,000 soldiers will return with PTSD or major depression and another 300,000 will return with TBI.²⁰ Yet neither PTSD nor TBI is recognized as equivalent to a physical injury.²¹ Yet these are conditions as old as war itself. The soldiers in the trenches of World War I were designated as shell-shocked.²² John Huston documented in the film *Let There Be*

¹⁵For a discussion of the military culture surrounding first kills, see EDWARD TICK, *WAR AND THE SOUL* 55–59 (2005).

¹⁶Approximately 10 percent of soldiers and marines report mistreating Iraqi civilians (see Multinational Force–Iraq's Office of the Surgeon & U.S. Army Medical Command's Office of the Surgeon General, Mental Health Advisory Team (MHAT) IV Operation Iraqi Freedom 05-07 Final Report (Nov. 17, 2006), <http://bit.ly/1JVlgM>).

¹⁷"Almost one-quarter (23 percent) of all homeless clients and 33 percent of homeless men are veterans of the U.S. armed forces" (MARTHA BURT ET AL., *HOMELESSNESS—PROGRAMS AND THE PEOPLE THEY SERVE: SUMMARY AND TECHNICAL REPORT 3-3* (1999)). A 2007 study reported that veterans constitute approximately 18 percent of the U.S. homeless population (U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT, *THE ANNUAL HOMELESS ASSESSMENT REPORT TO CONGRESS 32* (2007)).

¹⁸By 1986 almost half of all Vietnam veterans suffering from posttraumatic stress disorder (PTSD) had been jailed at least once (AARON GLANTZ, *THE WAR COMES HOME: WASHINGTON'S BATTLE AGAINST AMERICA'S VETERANS* 96 (2009)). But note that veterans are less than half as likely to be incarcerated as nonveteran adults (see Press Release, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, *Male Veterans Less Than Half as Likely as Male Non-Veterans to Be in Prison in 2004* (April 29, 2007), <http://bit.ly/2YUyji>).

¹⁹Among troops who served in Iraq between 2005 and 2007, 20 percent of soldiers and 15 percent of marines screened positive for a mental health problem (Multinational Force–Iraq's Office of the Surgeon & U.S. Army Medical Command's Office of the Surgeon General, *supra* note 16, at 25).

²⁰See *INVISIBLE WOUNDS OF WAR: PSYCHOLOGICAL AND COGNITIVE INJURIES, THEIR CONSEQUENCES, AND SERVICES TO ASSIST RECOVERY* 103–9 (Terri Tanielian & Lisa H Jaycox eds., 2008).

²¹See Lizette Alvarez & Erik Eckholm, *Purple Heart Is Ruled Out for Traumatic Stress*, *NEW YORK TIMES*, Jan. 8, 2009, at A1.

²²E.g., see clips from the documentary films *Les Grandes Batailles—Verdun auz Portes de l'Enfer* (<http://bit.ly/19LRVY>) and *La Première Guerre Mondiale—Verdun, le Cauchemar* (<http://bit.ly/15yHzj>).

Light that “about 20 percent of battlefield casualties [in World War II] were of a neuropsychiatric nature.”²³

Despite a growing need in both current wars, available services for active-duty servicemembers are decreasing. The number of active-duty Air Force mental health professionals dropped by 20 percent between 2003 and 2007; the Navy lost 15 percent between 2003 and 2006.²⁴

Current laws and regulations require documentation of one or more “stressor” events before a veteran can be rated for PTSD.²⁵ Yet many claimants did not experience that single event—the explosion of their Humvee, the death of a buddy, the sight of hundreds of dead civilians—that would qualify for compensation. Legislation before Congress would lift that requirement for combat veterans.²⁶ As seen in previous wars, prolonged combat by itself is enough to lead to long-term or permanent ramifications.

Multiple deployments compound the problems. One client who was in financial difficulty was told that he would get a large bonus if he would sign up for another tour in Iraq. There was only one problem: since he was rated 60 percent disabled for PTSD, he would have to agree to a voluntary reduction to 30 percent PTSD before the Army would take him back. However, he could not voluntarily make the symptoms go away.²⁷

PTSD occurs away from combat. A common cause of PTSD in the United States is automobile accidents. After an auto-

mobile accident, victims may never be able to ride in a car again or may only be able to drive and not ride as a passenger. The symptoms of PTSD include a range of control issues. When claims based on PTSD are filed, the difficulties of working with veteran clients may intensify due to issues of control, trust, and hypervigilance associated with PTSD. Veteran clients may want to exercise greater control of the case either with or without notifying and involving counsel. To prove the entitlement, the attorney must develop extensively the personal statement and documentary evidence around some often horrific events. And if VA can deny a claim based on shrapnel, imagine what it can do for one with little physical evidence.

This is where representing veterans becomes most rewarding for me. These are the hard claims; this is the hard law. This is where attorneys can help shape the law so that these claims are easier to establish in the years to come.

It remains an honor to fight for veterans using my legal training, a skill set that they do not have. They trained to perform heroic actions that many attorneys could not perform. Both legal aid and pro bono attorneys must understand that securing veterans benefits for their clients is a long slow campaign of paperwork. Success means monthly cash payments sometimes accompanied by large retroactive payments and increased access to health care. Success also means greater independence and self-reliance, allowing the veterans to focus their energy on rehabilitation and recovery.

²³*Let There Be Light* (banned by U.S. Army upon completion in 1946, this film was publicly released in 1981; produced by Nobility Studios), <http://bit.ly/3FJYAK>.

²⁴See GLANTZ, *supra* note 18, at 96.

²⁵38 U.S.C. § 1154(b) provides that VA must resolve reasonable doubt for service-connected injuries in favor of the veteran for any veteran “who engaged in combat with the enemy.” H.R. 952, 111th Cong. (2009), the “COMBAT PTSD Act,” would expand the number of veterans who qualify under reasonable doubt by adding a definition of “combat with the enemy” which would include “service on active duty (A) in a theater of combat operations ... during a period of war; or (B) in combat against a hostile force during a period of hostilities.” VA has proposed amending 38 C.F.R. Part 3 and its “adjudication regulations governing service connection for ... PTSD by liberalizing in some cases the evidentiary standard for establishing the required in-service stressor. This amendment would eliminate the requirement for corroborating that the claimed in-service stressor occurred if a stressor claimed by a veteran is related to the veteran’s fear of hostile military or terrorist activity and a VA psychiatrist or psychologist confirms that the claimed stressor is adequate to support a diagnosis of PTSD, provided that the claimed stressor is consistent with the places, types, and circumstances of the veteran’s service and that the veteran’s symptoms are related to the claimed stressor” 74 Fed. Reg. 42617–19 (Aug. 24, 2009).

²⁶H.R. 952, 111th Cong. (2009).

²⁷For a discussion of why some veterans dislike the clinical phrase “posttraumatic stress disorder” and prefer the Civil War descriptive phrase “a soldier’s heart,” see TICK, *supra* note 15, at 99–100.

COMMENTS?

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—The Editors

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