

ADJUTANT'S CORNER... JAMES GALLIHER

I read with interest an article that appeared in May of 2011 right after the 9th Circuit Court of Appeals Decision. Let me try to explain;

First of all, if this is a secret to you, it isn't to everyone else!! Veterans face long, and sometimes interminable, delays in getting health care and disability benefits from the Department of Veterans Affairs. Appeals alone at a **BEST ESTIMATE** can take an average of 4.5 years to complete. However, last month, a federal appeals court **took the extraordinary step** of ruling that the VA is violating the constitutional rights of veterans when it forces them to wait weeks for critical mental health care and years for disability benefits.

The historic decision, which came largely as a result of the efforts of a Texas veteran's organization, Veterans for Common Sense has the potential to drastically alter the way the VA provides care to veterans. This could be a "momentous decision." This precedent-setting case means veterans have a constitutional right to due process when fighting for VA health care and disability compensation."

Certainly the court's decision is a scathing indictment of

VA shortcomings almost a decade into the conflicts in Iraq and Afghanistan, and details the difficulty many veterans have in getting mental health attention. "For some veterans, most notably those suffering from combat-derived mental illnesses such as PTSD, these delays may make the difference between life and death," wrote Judge Stephen Reinhardt.

Reinhardt, considered a liberal stalwart on the 9th Circuit Court of Appeals, added that the court was forced to rule because of political inaction. "We would have preferred Congress or the President to have remedied the VA's egregious problems without our intervention when evidence of the Department's harmful shortcomings and its failure to properly address the needs of our veterans first came to light years ago," he wrote.

In my opinion, veterans need to focus on the system, not the people who work within the system. Many of them are veterans themselves.

Among the court's specific criticisms: the VA failed to implement its strategy to reduce epidemic suicide numbers among veterans and has not staffed suicide prevention officers at the VA's 800 outpa-

tient clinics (where most veterans go for their care.) Some VA clinics remain without a suicide prevention officer. On this issue we are lucky in San Diego, we have them,

But what does this landmark decision mean for veterans and their families? The short answer is that no one knows quite yet. And the VA could appeal the decision, which broke down 2-1, to the U.S. Supreme Court.

The district court that initially ruled in favor of the VA, argued that the remedies sought by the veteran plaintiffs would "call for a complete overhaul of the VA system."

A White House spokesman said that the VA and Justice Department "will work closely to address any of the issues raised by the court."

Law School professor William Forbath said the decision taps into a "legacy going back to the Warren Court of using the powers of the federal courts to challenge the way states and the federal government runs schools, prisons and mental hospitals."

Many service organization, the DAV included, have tried to force the department to



release data on PTSD diagnoses and wait times, simplify its claims forms and provide more help to veterans suffering from Gulf War illness.

As the Adjutant of DAV Dick Cosgriff Chapter #2, I, among many others, urge President Barack Obama and VA Secretary Eric Shinseki to sit down with veterans, members of congress and academic experts and "fix VA."

Furthermore, as the Chapter legislative Chairman I urge all of Chapter 2's members to contact your elected representatives with your suggestions on what kind of "FIX" is needed.

CHAPLAIN'S CORNER... LINDA SUNDBERG

Unfortunately, when our love passes away we have so many things on our mind we forget some of the benefits that we are eligible for. One of those is the Burial Allowance. VA will pay a \$300 burial and funeral allowance for Veterans who, at time of death,

were entitled to receive pension or compensation or would have been entitled if they were not receiving military retirement pay. Eligibility also may be established when death occurs in a VA facility, a VA-contracted nursing home or a State Veterans nursing

home. In cases in which the Veteran's death was not service-connected, claims must be filed within two years after burial or cremation. Please check your Federal Benefits for Veterans, Dependents and Survivors Book, or check the VA web site www.cem.va.gov

for more information. Please give me a call if you know of any member who is sick, hospitalized or has passed on. I can be contacted at 619-482-2357