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## **Newly-Obtained Data: Veterans Administration Turning Away Veterans Who Should Receive Benefits**

**West Haven** (March 5, 2020) – Connecticut veteran featured in national report about the Veterans Administration's (VA) improper denying access to veterans.

The VA employs VA's complex, and often arbitrary, line-drawing between veterans eligible for the VA, and those who are deemed "dishonorable." Released today, a new report from the WilmerHale Legal Services Center at Harvard University documents how the Veterans Administration improperly turns away veterans who qualify for care. "[\*Turned Away: How VA Unlawfully Denies Health Care to Veterans with Other Than Honorable Discharges\*](#)," identifies cases where the VA improperly turned away veterans in 38 states and the District of Columbia. It is a problem occurring right here in Connecticut.

Connecticut Veterans Legal Center is a national leader in helping veterans assert their rights to the VA and the Department of Defense (DoD). Our mission is to help veterans recovering from homelessness and mental illness overcome the legal barriers to housing, healthcare, and income. Often, the biggest barrier to their recovery is accessing their veterans' benefits. Helping veterans to access VA benefits is the fastest growing sector of our overall caseload, increasing by 30% in the last five years. All too often, as the report describes our clients are turned away without even being given a chance to apply.

CVLC represents a small fraction of Connecticut's veterans, but over the course of four months, we had four different clients improperly turned away by VA staff. These clients are sharing their stories to encourage other veterans to persevere in asserting their rights to the VA and in the hopes that bringing their struggles to light will make positive changes so that no other veteran has to go through what they did.

John Rios is a Navy veteran who served during the conflict in Bosnia. He struggled for over 20 years with the post-traumatic stress disorder that contributed to his OTH discharge. He was eventually successful in obtaining a discharge upgrade. He went to VA seeking health care, his new honorable discharge papers in hand. His paperwork conflicted with the hospital's computer system and they turned him away.

William Daigle was repeatedly sexually assaulted by a platoon sergeant. Daigle's requests for transfer were never responded to and, suffering from trauma, he went AWOL. The Army gave him an OTH discharge and Daigle began a prolonged struggle with substance abuse. Wanting to

stabilize his life, he petitioned for a characterization of discharge and the VA officially found him “honorable for VA purposes.” However, when he went to obtain healthcare from the VA, he was told that his characterization was not listed in the VA’s system. When his attorney presented VA staff with his letter showing his characterization, she was told that she was reading the letter wrong, and that Mr. Daigle wasn’t eligible for VA care. Another VA employee incorrectly stated that Mr. Daigle needed to apply for a discharge upgrade.

Robert Morales is another OTH veteran who survived sexual assault in the military. Although he would ordinarily not qualify for healthcare without proving his case in a characterization of discharge, Senator Murphy’s Honor Our Commitment Act extended behavioral healthcare to sexual assault survivors and combat veterans regardless of discharge. The eligibility desk correctly told Morales that he could get the mental healthcare he was seeking. However, when he arrived at “triage,” another employee told him that his discharge barred him from receiving assistance. Morales would have left without the care he needed had his attorney not intervened

Sadly, CVLC’s client experiences are not unique. According to the Harvard study, the VA subjects thousands of veterans across the country to inappropriate turn-aways. A system that requires an injured veteran to get the help of an attorney simply to access health care is not only unjust, it can be deadly. Veterans with OTHs are three times as likely to have suicidal thoughts as other veterans. [Studies indicate](#) its veteran-specific reintegration and mental health treatment programs prove more effective than private care and can significantly decrease suicidality.

As the Harvard report documents, expanding access does not require a legislative change; the VA simply needs to update its training and procedures to comply with the law. Chief among the promises the country makes to its veterans is that they will have access to healthcare during and following their service.

CVLC is launching the Veterans Inclusion Project aimed at not only providing high quality legal care to veterans, but to improve the systems on which they rely. CVLC has begun to work with the VA in Connecticut to support improved training of eligibility staff as well as work nationally to engage policy makers to clarify and simplify eligibility criteria so that America can honor our commitments to those who volunteered to serve.

**About CVLC:** Connecticut Veterans Legal Center (CVLC) helps veterans recovering from homelessness, addiction, and mental illness overcome legal barriers to stable housing, healthcare and income. Formed in 2009, CVLC was the first program in the United States to integrate legal services on-site at VA mental health facilities. Through CVLC, hundreds of volunteer attorneys across Connecticut have donated millions of dollars’ worth of pro bono assistance, and helped their veteran clients achieve stability and rebuild their lives. For more information, please visit [ctveteranslegal.org](http://ctveteranslegal.org).

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