

Veterans' Rating Schedule Review Act

On March 10, Senator Daniel K. Akaka (D-HI), Chairman of the Veterans' Affairs Committee, introduced S. 2737, the Veterans' Rating Schedule Review Act, to expand legal recourse for Veterans seeking compensation for service-connected disabilities.¹

The Committee held a hearing on Tuesday, March 11 with a panel of family members of Operation Iraqi Freedom and Operation Enduring Freedom Veterans whose loved ones have suffered both physical and emotional wounds as a result of their service. Witnesses included two fathers and one wife of OIF Veterans. Responding to the testimony, Senator Akaka said, "Veterans who return from the fight in Iraq and Afghanistan should not have to fight VA or DOD to receive care for their wounds, and neither should their families."

The Veterans' Rating Schedule Review Act would expand the jurisdiction of the U.S. Court of Appeals for Veterans Claims (CAVC) to allow for review of cases challenging the Department of Veterans Affairs rating schedule, the tool VA uses to determine the degree of a Veterans' service-connected disability. Under current law, Veterans cannot bring a case challenging the Rating Schedule to the CAVC. Senator Akaka's legislation would remedy this by allowing the court to consider whether the Rating Schedule violates provisions in Chapter 11 of Title 38 of the US Code, the body of law that covers Veterans' compensation for service-connected disability or death.

"I expect VA to comply with all laws passed by Congress in developing and revising the Rating Schedule. However, our nation's Veterans deserve a forum where they can challenge the Rating Schedule when they believe that a statute passed by Congress to provide compensation for the service-disabled is being violated," said Senator Akaka.

Our country has long accepted its responsibility to care for its Veterans. Abraham Lincoln stated in the midst of the Civil War: "With malice toward none, with charity for all... to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan..."²

A fair and evenhanded disability evaluation should begin with the principle that our military men and women served in the armed forces of our country willingly and voluntarily. It is now our nation's obligation to be of service to them by fully and fairly evaluating their disability claims. Their courage and strength should be reflected back to them through a just and reasonable disability evaluation process. They should not be required to face bureaucratic battles, but should be treated fairly in the legal process whereby they are granted relief and compensation for their injuries. However, if Veterans believe they have been unfairly judged, they should be provided legal recourse in seeking compensation for their service-connected disabilities.

To care for those injured in our defense benefits not only our Veterans and their families, but brings honor to our nation. Those who have defended us deserve to be able to defend themselves from arbitrary treatment at the hands of institutions designed to serve them. Recourse to judicial overview helps ensure the process will be justly administered. To deny our injured Veterans recourse to justice dishonors us all. Please support S. 2737, the Veterans' Rating Schedule Review Act.

¹ http://www.senate.gov/~Veterans/public/index.cfm?pageid=12&release_id=11596

² <http://www.ptsdhelp.net/id21.html>