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Bill would ease compensation for sexual trauma

By [Rick Maze](#) - Staff writer

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Veterans who are sexually assaulted, raped or harassed while in the service often find they are ineligible for post-service disability compensation and medical treatment if they have no evidence that they're suffering from service-related traumatic stress.

A Maine congresswoman wants to change that.

Rep. Chellie Pingree, D-Maine, has introduced legislation that would require the Veterans Affairs Department to accept veterans' statements about the origin of their sexual trauma in the absence of police, medical eyewitness reports or other documentation about the event or events that triggered the mental health problems.

"It's very difficult to prove sexual assault within the current system, which makes it just as difficult for veterans who have been victims to qualify for the treatments and benefits they need to recover," Pingree said in a statement. "It's a classic case of adding insult to injury."

Anuradha Bhagwati, a former Marine Corps officer who is now executive director of the Service Women's Action Network, said military sexual trauma victims often lack military records because they never file formal complaints or their records were destroyed. They also often lack informal records, such as letters to friends and family, because they are reluctant to talk about their treatment, she said.

Some records that might help prove claims, such as rape kits and the medical records related to them, and sexual harassment complaints filed with military equal opportunity offices, are routinely destroyed under defense and service policies, Bhagwati said.

"The reality is, the majority of sexual trauma victims do not report their crimes because they don't feel safe to do so," she said. "If they do report it, the records often are not available because they are destroyed."

Pingree's legislation would require VA to determine that sexual trauma is connected to military service if a veteran is diagnosed with post-traumatic stress disorder or another mental disorder, and a veteran's written statement is consistent with the circumstances of their service. A claim could be denied if something in the veteran's record proves the traumatic event did not happen.

"It's outrageous that men and women who sign up to defend our country end up being victims of sexual assault in the first place," Pingree said. "To deny them the help they need to recover is simply unacceptable."

Her bill, HR 930, was referred to the House Veterans' Affairs Committee for consideration. This is the panel that last year passed legislation, which ended up becoming law, that relaxed disability claims policies for people who served in a combat zone — but did not see direct combat — to make it easier for them to receive benefits.

"It was a really good piece of legislation, an extraordinary step," Bhagwati said. "It just didn't help those with military sexual trauma."

Legislation might not be needed at all. Pingree plans to ask VA Secretary Eric Shinseki to change the evidence rules for sexual assault victims simply by amending regulations, aides said.

“We have to face the fact that the system of military justice has failed over and over again to protect the victims of rape and sexual assault and failed to punish the perpetrators,” Pingree said. “It’s a system that needs to be fixed, but in the meantime we need to change the rules so veterans who have been victims can get the care and benefits they deserve.”