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VA revising sexual assault claims process

By [Rick Maze](#) - Staff writer

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Under pressure from Congress, the VA is trying to come up with a better way of handling disability claims from veterans who say they are suffering trauma as a result of sexual assault or rapes suffered while in the military.

A key problem is how to handle claims when there may not be much evidence because sexual assault remains an underreported crime.

Veterans Affairs Department officials are working to improve the claims process for sexual assault victims while also making counseling available to veterans who do not have and may not be seeking a disability rating for sexual trauma.

“VA is committed to ensuring that veterans who now suffer from in-service mental and physical disabilities related to military sexual trauma will have their claims properly decided,” VAA spokesman Josh Taylor said Tuesday.

Because rape and assault often is not officially report, the Veterans Benefits Administration “is developing training emphasizing the liberal evidentiary standards that are used in rating MST (military sexual trauma) claims,” Taylor said.

Additionally, the VA now has claims specialists in every regional office to develop and rate what Taylor called “these sensitive claims.”

In a Monday letter to the VA, Sen. Patty Murray, D-Wash., the Senate Veterans Affairs Committee chairwoman, and Sen. Jon Tester, D-Montana, a veterans’ committee member, raised concerns it was too hard for victims suffering mental and physical disabilities related to sexual trauma to prove their claims under current regulations.

The two senators made an unusual request in their letter, asking for an “explicit guarantee” that top VA officers were immediately addressing problems with correctly identifying military-related sexual trauma and awarding disability compensation to those who file claims.

Murray and Tester give the VA credit for its training for claims processors on how to handle sexual trauma cases, they said more needs to be done, particularly regarding the evidence a veteran has to produce to prove post-traumatic stress is the result of an in-service assault.

“Under the current standard, evidence such as records from law enforcement authorities or rape crisis centers may be used to corroborate the veteran’s account of the stressor incident,” their letter said. Research shows such evidence “may not exist” because sexual assault and rapes are underreported crimes, the two said.

Current regulations allow, in the absence of records, for medical or mental health professionals to consider behavioral changes as evidence a personal assault may have happened, but Murray and Tester said this is not fool-proof.

“Claims processors may not correctly interpret evidence used by a medical professional in the context of a particular case,” the letter said, asking for the VA to consider ways to change the regulations.

The Veterans Health Administration is developing a training program for doctors who perform compensation examples for veterans with disabilities related to sexual trauma, Taylor said. The VA also is looking at possible changes in the process or in regulations.

Prevalence of sexual trauma among veterans remains unclear.

A 2007 VA report, cited in the Murray and Tester letter, found 22 percent of female veterans and 1 percent of male veterans reported military sexual trauma in universal screening. This could result from rapes or assaults, or from threats of rape or assault.

Defense Department studies have shown up to 54 percent of women and 23 percent of men report being sexually

harassed in the military, while 3 percent of women and 1 percent of men reported actual sexual assaults. The significant difference between the reports while on active duty and the reports among screened veterans could be the result of the VA only screening people who are seeking treatment or filing disability claims.

The New York-based Service Women's Action Network reports sexual assault is much higher in the military than in civilian life. This nonprofit group, known as SWAN, says 1-in-6 civilian women experience sexual assault, compared with 1-in-3 military women, findings based on a 2003 report in the American Journal of Industrial Medicine.

According to SWAN data, the VA treated more than 68,000 veterans for military sexual trauma in fiscal 2010, at an average cost of \$10,880 per person. Sixty-one percent of the trauma victims were women.

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