



January 21, 2009

The Honorable Eric Shinseki
Secretary of Veterans Affairs
810 Vermont Ave., NW
Washington, D.C. 20420

Re: Lawsuit – Veterans’ Benefits Delayed Are Benefits Denied

Dear Secretary Shinseki:

You will face myriad challenges as you begin your new role as Secretary of Veterans Affairs. We wish you Godspeed in remedying the many difficulties that have long-plagued the VA, including those which have impacted the delivery of health care benefits and other services to our nation’s more than 23 million veterans and their 36 million family members.

Vietnam Veterans of America (VVA) and the Veterans of Modern Warfare (VMW), two veterans service organizations who count more than 63,000 American veterans among their members, want to draw your attention to a growing epidemic within America’s veteran community. Today more than 600,000 men and women, who served this nation honorably and with great personal sacrifice, have been forced to endure unconscionable delays in receiving decisions regarding the disability benefits they have earned due to a service-connected disability. Sadly, this backlog will only increase as more of the 1.7 million troops who have served in Iraq and Afghanistan become eligible for benefits.

For more than a half-million veterans, it is imperative that you cut through the VA’s “red tape” to quickly deliver disability benefits. We were encouraged by the commitment that you expressed during your recent confirmation hearing to address this problem. Our organizations take this issue very seriously, and have been working, pending what we hope will be comprehensive reform by the VA, to band-aid a disability claims system that the General Accountability Office and the Congress have, on numerous occasions, deemed broken. Indeed, as you may be aware, our organizations have sued the VA in Washington, D.C. federal court and asked the Court to impose a 90-day deadline for decisions on initial claims for disability benefits, and to resolve appeals of those decisions within 180 days.

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If the VA fails to meet these standards, the VVA and VMW have requested that the Judge order the government provide interim monetary payments equivalent to a disability rating of 30 percent to those veterans whose claims have been delayed as a minimal lifeline of support when it is most needed.

While we have always viewed litigation as a last resort, the growing magnitude of a problem that the VA and Congress have failed to adequately address compelled us to seek redress in the courts. Disability benefits are not only an entitlement – but an essential lifeline – for many veterans, and the failure to provide them in a timely way has had a terrible impact. While waiting and waiting for VA disability benefits determinations – the overwhelming majority of which, once processed are granted – many veterans, particularly in this unforgiving economy, suffer home foreclosure, bankruptcy, and financial ruin. A retroactive award of disability benefits – months and often years down the road – won't restore a lost home, won't repair destroyed credit, and won't undo the disastrous consequences of a personal financial meltdown.

The impact of these delays also extends far beyond the financial. Extreme anxiety, acute depression, divorce, homelessness, and in a few cases even suicide are but a few of the tragic consequences of the failure to treat our disabled veterans with dignity. Of course, the consequences also extend beyond the individual veteran. The impact extends to spouses, children, and other family members who suffer from the stress and economic burden caused by the failure to award their veteran husbands, wives, parents, sons and daughters the benefits that they need to survive.

This must change, and change now. The VA admits to taking at least six months to reach an initial decision on an average benefits claim; the reality is that the delay is actually a year or more. While veterans await resolution on their claims, they receive no benefits whatsoever from the VA. Moreover, appeals of initial decisions average more than four years, with some stretching 10 years or more. More than half of those appeals, when finally heard, result in reversals of benefits denials, meaning that veterans are waiting years for the benefit awards that they deserve.

Behind each of the 600,000 disability claims awaiting response – and that many more that will be filed in the months and years ahead – is a veteran who once proudly wore our nation's uniform. These men and women served with honor. They simply ask for the benefits to which they are legally entitled.

Our veterans deserve at least that much, and the VA's failure to fulfill its responsibilities brings great dishonor to our nation. Now is the time for genuine change.

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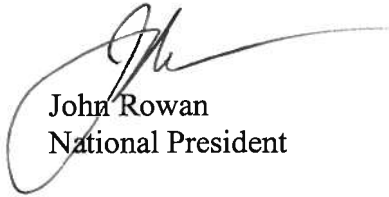
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We look forward to working with you to quickly end the unnecessary and unconscionable delays experienced by our nation's veterans, and to discussing with you options – including the interim award of applicants' benefits until such time as final determinations are made – that would blunt the impact these delays cause to our disabled veterans.

Thank you for your anticipated leadership on this critically important matter.

Vietnam Veterans of America

Veterans of Modern Warfare



John Rowan
National President



Julie Mock
President