



about the benefits veterans and their families have earned.

3. In my capacity as Executive Director of VMW, my responsibilities include providing leadership, direction and vision that will carry forward the mission of VMW. I prepare our strategic posture and planning processes, meet quarterly goals, and supervise all organizing, leadership development and outreach activities. Additionally I also manage contractual obligations, administration and finance. My position carries with it the responsibility, with the President and Vice President of VMW, for representing the organization to the public, media, and other agencies.

4. I am a graduate of East Carolina University (BSW, 2001), and am currently pursuing graduate studies at East Carolina University towards a Masters Degree in Public Administration.

5. I entered active duty in February 1989. Upon completion of both Basic Training at Ft. Jackson, South Carolina and Advanced Individual Training at Ft. Gordon, Georgia, I was awarded the Military Occupational Specialty 31K, Combat Signaler. I entered the Airborne School, Ranger Indoctrination Program, High Altitude Low Opening Parachute School, and ultimately was assigned to HHC 3<sup>rd</sup> Battalion 505<sup>th</sup> Parachute Infantry Regiment 82<sup>nd</sup> Airborne Division. In August 1990, I deployed with the Advance Party 82<sup>nd</sup> Airborne Division to Saudi Arabia in preparation of Operations Desert Shield and Desert Storm. I was wounded in combat in March 1991, and subsequently medically retired from the military in June 1992.

6. I joined the staff of VMW in 2007, and from that time, until April 2008, served on the National Board of Directors for VMW. In April 2008, I was appointed as, and assumed the responsibilities of, the Executive Director of VMW.

7. In addition, I have over fifteen years of service and leadership in multiple veterans

service organizations. This service included working at numerous levels (from the chapter level to the state level) in organizations such the Disabled American Veterans, American Legion, Veterans of Foreign Wars, and Blinded Veterans of America.

### **The Broken Disability Claims Process & Injury Suffered By Our Members**

8. I have personally worked with numerous veterans of the conflicts in Iraq and Afghanistan, many of whom are members of the VMW and who are currently applying for benefits through the Veterans Administration (the “VA”) claims process.

9. These veterans have faced significant delays, often of a year or more, from the time that they first applied for disability benefits from the VA, until the time their claims were processed. Appeals of those decisions average more than four years, and we have among our VMW members persons for whom the appeals process has taken more than five years.

10. The extended period of uncertainty that our members endure as to whether, and when, benefits might be awarded, of course causes many of them to be unable to properly plan for the future. To that extent, each and every one of our members who has suffered through the agonizing VA disability claims appeal process has been directly harmed.

11. More importantly, many of these veterans are solely reliant on the award of disability benefits for their day-to-day living, *i.e.*, to provide them and their families with basic necessities like food, shelter and clothing. The extraordinary delays in the processing of their claims have caused them to suffer direct injury in the form of difficulty securing, and/or the loss of, housing, and the overall inability to adequately care for themselves and their families. Needless to say, the psychological harm that flows from these dire circumstances is severe. Our members have reported that the failure to award disability benefits has contributed to severe depression.

12. My own experience working with members is replete with examples of persons who have endured unreasonably long waits for disability award decisions, and have suffered significant harm as a direct result.

13. Merely by way of example, I have personally worked with a veteran, Roy Briley, who initially applied for disability benefits in the summer of 1992. Mr. Briley did not receive an initial decision until approximately one year later. The initial decision rated him as having 20 percent disability. In the summer of 1993, Mr. Briley immediately filed an appeal and waited two years to receive a decision, which denied his appeal. Mr. Briley attempted to get on with his life by pursuing educational and occupational endeavors. In the fall of 2000, his condition worsened, and Mr. Briley filed for an increased rating. Approximately one year later, his claim was denied. In the summer of 2006, Mr. Briley, who by then was on the brink of homelessness, opted to file for an increased rating. In the spring of 2007, almost one year later, he was finally granted an increase to 40 percent disability. Mr. Briley immediately filed another appeal. In addition, he filed another claim for secondary depression. In the fall of 2008, over one and a half years later, Mr. Briley received a decision and was granted an increase in his rating for secondary depression, but his appeal was once again denied with the threat of a possible decrease in his rating.

14. Mr. Briley, like so many of our other members, has suffered direct injury as a result of the delay in processing his claim. Because at various times during the above-described delays he received anywhere from no benefits to benefits that were less than those to which he was entitled, he suffered significant adverse effects, including substance abuse, housing issues, domestic relations problems, and depression.

15. Mr. Briley is but one example of our many members who have been victimized

by lengthy and repeated delays in the VA claims process. Based on my experience, unless the VA's delays are remedied, this example will continue to be repeated by the members of VMW. A favorable decision in this lawsuit will redress the harm experienced by those like Mr. Briley, either by providing them with benefits promptly or, at a minimum, by removing the cloud of uncertainty that hinders their abilities to plan for the future and move forward with their lives.

**Conclusion**

16. For the reasons set forth above, our disabled members are being directly harmed by the VA's delay in processing their benefits applications. If the VA's unreasonable delays were eliminated, our members would be able to better afford the basic necessities that they lack, and have their transitions back into civilian life significantly eased. In other words, their harm would be redressed.

Dated: December 11, 2008

  
Donald D. Overton, Jr.