

**STATEMENT OF
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OF THE
DISABLED AMERICAN VETERANS
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
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Mr. Chairman and Members of the Subcommittee:

I am pleased to have this opportunity to appear before you on behalf of the Disabled American Veterans (DAV) to address H.R. 952, "Compensation Owed for Mental Health Based on Activities in Theater Post-traumatic Stress Disorder Act" or the "Combat PTSD Act" (the Act) under consideration today. In accordance with our congressional charter, the DAV's mission is to "advance the interests, and work for the betterment, of all wounded, injured, and disabled American veterans." We are therefore pleased to support this measure insofar as it falls within that scope.

The definition of what constitutes combat with the enemy is critical to all veterans injured in a combat theatre of operations, whether the issue is service connection of posttraumatic stress disorder (PTSD) or other conditions resulting from combat. The current high standards required by the Department of Veterans Affairs' (VA) internal operating procedures for verifying veterans who "engaged in combat with the enemy" are impossible for many veterans to satisfy, whether from current or past wars.

The reasons for this are many. Possible scenarios include: Unrecorded traumatic events taking place on the battlefield as operations expand and contract; unrecorded temporary detachments of service members from one unit to another while in a combat theater of operations; field treatment for injuries that become problematic later but not in the circumstances and conditions of combat when service members are compelled to return to duty by commitment to fellow service members and country; and other occasions when it simply may come down to poor recordkeeping.

A practical example of the problems associated with the current burden of proof required to determine who "engaged in combat with the enemy" can be found with the U.S. Army's Lioness Program in Iraq. Despite a Department of Defense policy banning women from direct ground combat, U.S. military commanders have been using women as an essential part of their ground operations in Iraq since 2003. The female soldiers who accompany male troops on patrols to conduct house-to-house searches are known as Team Lioness, and have proved to be invaluable. Their presence not only helps calm women and children, but Team Lioness troops are also able to conduct searches of the women, without violating cultural strictures. Against official policy, and at that time without the training given to their male counterparts, and with a firm commitment to serve as needed, these dedicated young women have been drawn onto the frontlines in some of the most violent counterinsurgency battles in Iraq.

"Independent Lens," an Emmy award-winning independent film series on PBS, documented their work in a film titled "LIONESS" which profiled five women who saw action in Iraq's Sunni Triangle during 2003 and 2004. As members of the U.S. Army's 1st Engineer Battalion, Shannon

Morgan, Rebecca Nava, Kate Pendry Guttormsen, Anastasia Breslow and Ranie Ruthig were sent to Iraq to provide supplies and logistical support to their male colleagues. Not trained for combat duty, the women unexpectedly became involved with fighting in the streets of Ramadi. These women were part of a unit, made up of approximately 20 women, who went out on combat missions in Iraq. Female soldiers in the Army and Marines continue to perform Lioness work in Iraq and Afghanistan.

I would like to highlight the issues faced by Rebecca Nava as she seeks recognition of her combat experience and subsequent benefits for resulting disabilities. Then U.S. Army Specialist Nava, was the Supply Clerk for the 1st Engineering Battalion in Iraq. In conversations with her and as seen in the film “Lioness” she recounts several incidents. Two of those incidents are noted in my testimony today.

The first is the roll-over accident of a 5-ton truck that was part of a convoy to Baghdad. In this accident, the driver was attempting to catch up with the rest of the convoy but in doing so lost control of the vehicle. The five ton truck swerved off the road and rolled over, killing a Sergeant who was sitting next to her, and severely injuring several others. Specialist Nava was caught in the wreckage. She had to be pulled through the fractured windshield of the vehicle. While not severely injured in the accident, she did suffer a permanent spinal injury.

Another incident occurred wherein she was temporarily attached to a Marine unit and her job for this mission was to provide “Lioness” support for any Iraqi women and children the unit contacted. It was a routine mission patrolling the streets of Ramadi. Before she knew it, the situation erupted into chaos as they came under enemy fire. She had no choice but to fight alongside her male counterparts to suppress the enemy. No one cared that she was a female—nor did they care that she had a Supply MOS—their lives were all on the line—she opened fire. The enemy was taken out. During this fire fight she also made use of her combat lifesaver skills and provided medical aid to several injured personnel.

This and other missions resonate with her to this day. When she filed a claim with the VA, she was confronted with disbelief about her combat role in Iraq as part of Team Lioness. Specialist Nava filed a claim for service connection for hearing loss and tinnitus but was told that she did not qualify because of her logistics career field. Since she does not have a Combat Action Badge, she cannot easily prove that the combat missions occurred which impacted her hearing.

The Combat Action Badge (CAB) was approved, according to the US Army’s website (<http://www.army.mil/symbols/combatbadges>) on May 2, 2005, by the U.S. Army Chief of Staff to provide special recognition to soldiers who personally engage, or are engaged by the enemy. The CAB may be awarded by a commander regardless of the branch and Military Occupational Specialty (MOS). Assignment to a Combat Arms unit or a unit organized to conduct close or offensive combat operations, or performing offensive combat operations is not required to qualify for the CAB. However, it is not intended to award all soldiers who serve in a combat zone or imminent danger area. It may be awarded to any soldier performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized. The soldier must be personally present and actively engaging or being engaged by the enemy, and performing satisfactorily in accordance with the prescribed rules of engagement.

Specialist Nava was not awarded the CAB despite her combat role. This lack of recognition for her combat role can be multiplied countless times for other veterans also caught in the fog of war. The VA’s current internal instruction (M21 Manual) requires proof by official military records that

can be viewed as exceeding the law since the law does not require this level of documentation. To provide better assistance to veterans of this and other conflicts, the VA could rely on the proper application of current legislation. If VA applied Section 1154 properly, the problems this Act targets would effectively be resolved.

However, we must proceed with consideration given the complexity of defining what is combat related in face of the morphing lines of battle inherent in any conflict, whether it be major campaigns along supposedly clear lines of battle or urban warfare where enemy combatants do not wear uniforms and the battle lines move from street to rooftop in quick succession.

As we move carefully towards liberalizing the law concerning service connection for disabilities arising from “combat with the enemy” perhaps the best course is to designate the “theatre of operations” as the combat zone. Using Iraq as an example, that country would be so designated and personnel assigned there, or who transit through as part of their duties, are considered to have engaged in combat for VA benefits purposes. Logistical staging and resupply points such as those found in Kuwait and Qatar, although tax free zones have not been the scene of combat operations and thus personnel assigned to these areas would be not be considered to have engaged in combat for benefits purposes. With such a designation, veterans must still provide satisfactory lay evidence consistent with their service.

This is a complex issue that is worthy of the time and careful consideration that this committee has invested. An incorrect definition lends itself to too broad an interpretation that may bestow hard won benefits to a small number who have significant injuries but not of a combat related nature. Too narrow a definition may prevent those who have truly borne the battle to not be properly compensated.

The last area that I would like to briefly address has to do with the title of the bill itself. I would request the Committee’s consideration for the renaming of this legislation for one with a broader context that reflects the impressive intent of clarifying the very definition of combat with the enemy. The current title “Combat PTSD Act” does focus on this important condition, yet the legislative language addresses the relationship between combat with the enemy and service-connected disabilities.

Mr. Chairman, this concludes my testimony. I will answer any questions your or the Subcommittee may have.