

**CLAIMS FOR DISABILITIES INCURRED OR  
AGGRAVATED BY  
MILITARY SEXUAL TRAUMA**



**Department of Veterans Affairs  
March 2024**

## **Report Language:**

As described in P.L. 114-315 § 113 and by P.L. 116-315 § 5501(b), Congress mandates that the Department of Veterans Affairs (VA) submit an annual report on claims for disabilities incurred or aggravated by military sexual trauma (MST). The report shall provide fiscal year data based on the following:

- a) The number of MST-related claims submitted in the previous fiscal year;
- b) Of the submitted claims, the number and percentage of claims submitted by each gender;
- c) The number and percentage, listed by gender, of completed claims approved and denied, and the number and percentage, listed by gender, of claims assigned to each rating percentage;
- d) Of the submitted claims, the number and percentage that were developed and reviewed by a specialized team established under 38 U.S.C. § 1166(a) (as redesignated by P.L. 117-16 § 7(a));
- e) Of the denied claims, the three most common reasons given by the Secretary of Veterans Affairs under 38 U.S.C. § 5104(b)(1) for such denials;
- f) The number of denials that were based on the failure of the Veteran to report for a medical examination;
- g) The number of claims that are pending at the end of the fiscal year (including claims on appeal);
- h) The average number of days to complete MST claims;
- i) A description of the training the Secretary provides to Veterans Benefits Administration (VBA) employees specifically with respect to covered claims, including the frequency, length, and content of such training; and
- j) Whether all covered claims are subject to second level review until the individual VBA rater adjudicating such covered claims achieves an accuracy rate of 90% on decisions of such covered claims.

## **Discussion:**

VBA continues to build on the continuous program improvements for MST survivors, incorporating a more compassionate claims submission experience by building program improvements that implement plain language with trauma-informed principles to internal and external MST communications. VBA, in partnership with Veterans Experience Office, uses a balanced approach for MST-related claims process improvements, leveraging Human Centered Design to give MST survivors, stakeholders, and subject matter experts a voice in the MST claims process improvement initiatives. On September 30, 2023, VBA hit an MST landmark, drawing down the temporary MST interim locations as consolidation of work to the MST Operations Center was completed, which provided greater oversight of the MST claims.

During fiscal year (FY) 2023, VBA continued to focus on MST claims processor mental health, hosting training to address MST claims processing compassion fatigue. This allowed MST decision makers to adjudicate claims in a thoughtful, fair, and compassionate manner while being cognizant of their own well-being.

VBA cooperatively authored a Memorandum of Agreement with the Department of Defense (DoD) that allows VBA access to unrestricted reports of military sexual assault. This initiative is groundbreaking as service records often lack corroborating evidence that an MST event occurred. VBA access allows claims decision makers to view unrestricted reports which include personally identifiable information of Service members who submitted an unrestricted report of sexual assault to the Sexual Assault Prevention and Response Office (SAPRO).

VBA has taken proactive action to ensure MST-related legislative changes are implemented through policy and procedures. P.L. 117-303, MST Claims Coordination Act, requires VA to establish and implement an automatic notification system whereby VBA sends notice to the Veterans Health Administration (VHA) in advance of certain events in a Veteran's MST-related claim, provided the Veteran has given consent and is enrolled or registered with VHA. In support of implementing this requirement, in the first quarter of FY 2024, VBA worked cooperatively with VHA to complete system requirements for the automatic notification system, including flexibility for Veterans to opt-in or opt-out of this notification system. When completed, this work will allow Veterans with MST-related claims who are enrolled or registered in VHA the opportunity to choose whether to have a notification placed in their VA electronic health record in advance of certain upcoming claims-related events. This notification will help promote health care providers' awareness of certain upcoming claims-related events for the claimant.

VBA remains committed to supporting ongoing efforts to ensure communications are delivered with compassion, dignity, and care as noted in P.L. 117-300, Dignity for MST Survivors Act. VBA has taken several steps to streamline communications by updating MST Auto-Rating Decision language generated for VA rating decisions as well as updates to language in VBA Decision Grant and Denial notification letters to ensure communications are delivered with sensitivity and with trauma-informed notice that outlines expanded benefits awareness for survivors. VBA has also revised VA Form 21-0781, *Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD)*, to include trauma-informed language.

VBA continues to champion the enhanced support for MST survivors promoted by P.L. 117-271, VA Peer Support Enhancement for MST Survivors Act. VBA has trained MST Coordinators at each Regional Office to provide support to survivors seeking assistance. VBA is including information on MST-related claims forms and in other communications to ensure claimants are aware of the MST-related health care services available through VHA and how to access these services.

## **FY 2023 Data**

### *(a) The number of MST-related claims submitted in FY 2023:*

In FY 2023, VBA received 32,596 unique MST claims from 32,128 unique Veterans. As some of the claims contained more than one MST-related disability the total number of disabilities or issues claimed were 38,893.

In FY 2023, the most prevalent MST-related disabilities raised were MST-related PTSD claims.

### *(b) The number and percentage of claims submitted by gender:*

Of the 38,893 MST issues received:

- Female: 27,355 issues (70.3%);
- Male: 11,530 issues (29.6%);
- Unknown Gender: 8 (0.0%).<sup>1</sup>

### *(c) The number and percentage, listed by gender of completed claims approved and denied, and the number and percentage, listed by gender, of claims assigned to each rating percentage:*

During this same period, VBA completed a total of 30,355 unique claims that were received, serving 29,264 unique Veterans. The total number of MST disabilities or issues processed was 35,108. Table 1 below details information on the 35,108 MST-related issues.

*Table 1: Issue Grant and Denial Rate by Gender*

<b>Gender</b>	<b>Total Issues Decided</b>	<b>Issues Granted</b>	<b>% Granted</b>	<b>Issues Denied</b>	<b>% Denied</b>
Female	24,949	16,753	67.1%	8,196	32.9%
Male	10,158	5,882	57.9%	4,276	42.1%
Unknown	1	1	100.0%	0	0.0%
<b>Total</b>	<b>35,108</b>	<b>22,636</b>	<b>64.5%</b>	<b>12,472</b>	<b>35.5%</b>

Analysis of VA data identifies 10,053 Veterans for which 12,472 issues were denied. Of these, 8,067 Veterans have one or more service-connected disabilities, and 885 Veterans are evaluated as 100% disabled. Of the sample-size, 1,375 Veterans are already service-connected for a mental health disorder other than an MST-issue.

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<sup>1</sup> The category "Unknown Gender" refers to applicants who did not specify their gender on the application for VA benefits.

Table 2 below illustrates the breakdown of Veterans granted service connection for an MST-related condition by disability percentage level:

*Table 2: Disability Percentage Level for Veterans Granted Service Connection for an MST-Related Condition*

<b>Disability Rating</b>	<b>Female</b>	<b>Male</b>	<b>Unknown</b>	<b>Total Counts</b>
0%	792	223	0	1,015
10%	352	106	0	458
20%	90	27	0	117
30%	1,965	566	1	2,532
40%	59	10	0	69
50%	5,121	1,526	0	6,647
60%	34	3	0	37
70%	7,234	2,687	0	9,921
80%	1	0	0	1
90%	1	0	0	1
100%	1,056	642	0	1,698
Treatment Purposes Only Grant	48	92	0	140
<b>Total</b>	<b>16,753</b>	<b>5,882</b>	<b>1</b>	<b>22,636</b>

*(d) Of the submitted claims, the number and percentage that were developed and reviewed by a specialized team established under 38 U.S.C. 1166(a).*

All MST issues rated in FY 2023 were reviewed and rated by a Rating Veterans Service Representative (RVSR) on a specialized MST team as required under 38 U.S.C. § 1166(a). All RVSRs who review MST claims, including those on a specialized MST Team, are provided mandatory MST training as required by 38 U.S.C. § 1166(b). Effective December 4, 2023, all RVSRs working MST-related claims are certified as having completed mandatory MST training for 100% compliance.

*(e) Of the denied claims, the three most common reasons given by the Secretary of Veterans Affairs under 38 U.S.C. § 5104(b)(1) for such denials.*

Table 3 below shows the three most common reasons given by the Secretary under section 5104(b)(1) of this title for denials in FY 2023:

*Table 3: Most Common Denial Reasons*

<b>Issue Denial Reason</b>	<b>Total MST-Related Issues Denied in FY 2023</b>
No Diagnosis	6,869
Not Incurred in or Caused by Service	4,892
Not Aggravated by Service	60

- No Diagnosis: There is no diagnosis of record for the claimed condition resulting from MST.
- Not Incurred in or Caused by Service: This denial reason commonly occurs when there is no corroborating evidence, including markers, of the claimed in-service MST stressor. This denial reason may also occur when there is a valid mental health diagnosis (including an MST stressor), but the diagnosis is not associated with service.
- Not Aggravated by Service: This denial reason means a disability diagnosed prior to service did not increase in severity due to the period of service.

*(f) The number of denials that were based on the failure of the Veteran to report for a medical examination:*

Of the 12,472 total MST-related issues denied, 1,127 denials (9%) were based upon the failure of the Veteran to report for a medical examination. VBA has taken many strides to reduce or eliminate instances where a Veteran fails to report for a medical examination. These include sending emails through the GovDelivery system, providing the vendor information, and providing Veterans information on what to expect in the Compensation & Pension (C&P) exam process. Lastly, vendors utilize email, text, phone, and certified mail to proactively contact Veterans during the scheduling process. In 2020, in response to the COVID-19 national emergency, VBA issued policy guidance (VBA Policy Letter 20-02) which barred claims processors from denying a claim for “Failure to Report” and instructed claim processors to presume all missed examinations were due to the COVID-19 pandemic. On June 10, 2023, VBA rescinded the policy and claims processors resumed application of [38 C.F.R. § 3.655](#), along with policy guidance found in the Adjudication Procedures Manual, when a Veteran failed to report for a scheduled exam. VBA no longer holds claims with a pending examination due to pandemic concerns.

*(g) The number of claims that are pending at the end of the FY (including claims on appeal):*

At the end of FY 2023, 23,960 MST-related issues were pending, including those submitted in any year. This number represents an increase over FY 2022 due to an increase in MST claim receipts from outreach and the enactment of P.L. 117-168, the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022.

Development on functionality that allows Caseflow to coordinate with data entered by VBA in Veterans Benefits Management System to capture MST claims on appeal is near completion. The Board of Veterans’ Appeals (BVA) is developing and testing functionality to consistently capture and report on MST claims on appeal that are pending and completed by disposition (granted, denied, and remanded). When this

functionality is complete, BVA expects to be able to include these metrics in future iterations of this CMR.

*(h) The average days to complete MST claims:*

In FY 2023, the average number of days to complete MST-related claims was 263 days, a decrease of 13 days over FY 2022.

*(i) Description of the training the Secretary provides to employees of VBA specifically with respect to covered claims, including the frequency, length, and content of such training.*

VBA has developed training curricula using dynamic and practical training experiences for claims processors. This form of training enables claims processors to distinguish indicators of PTSD stressors that result from MST, such as deterioration in duty performance, requests for transfer, or substance abuse. All training content stresses the importance of complete evidence development for signs of an in-service MST event and takes a comprehensive approach to identifying evidentiary markers that indicate the possibility of the MST event. Legal and policy considerations are also included as part of the curriculum.

VBA provides position-specific MST training experiences for specialized processors, including for RVSRs and Veteran Service Representatives (VSRs). Table 4 below outlines VBA’s training offerings in detail:

*Table 4: Training*

<b>Name</b>	<b>Audience</b>	<b>Frequency</b>	<b>Length</b>	<b>Content</b>
MST Soft Skills	Frontline employees in the National Contact Center, the Regional Office Public Contact Teams, and MST Outreach Coordinators	Annual	1 hour	<ul style="list-style-type: none"> <li>Provides tools and techniques to connect with MST Survivors using increased sensitivity.</li> <li>Outlines the soft skills that are necessary for VBA employees who interact with Veterans who have experienced MST.</li> <li>Provides guidance on how to ensure a positive experience for Veterans who have experienced MST.</li> </ul>
MST Claims Process	Frontline employees in the National Contact Center, the Regional Office Public Contact Teams, and MST Outreach Coordinators	Annual	1 hour	<ul style="list-style-type: none"> <li>Provides an overview of the MST claims process.</li> <li>Highlights moments that matter within the claims process.</li> <li>Provides an overview of potential development actions that may be discussed or addressed during</li> </ul>

Name	Audience	Frequency	Length	Content
				<p>engagements with Veterans who have experienced MST.</p> <ul style="list-style-type: none"> <li>• Reviews the importance of effective soft skills when engaging with a Veteran who has experienced MST.</li> </ul>
Virtual and In-Person Progression Training Program MST Module	Newly-Hired VBA Claims Processors	One-Time	<p>3 hours (VSR)</p> <p>1.5 hours (RVSR)</p> <p>1 hour (RVSR)</p>	<ul style="list-style-type: none"> <li>• Post Traumatic Stress Disorder- introduces types of PTSD claims.</li> <li>• Mental Disorders- introduces the principles of service connection and evaluation of psychiatric and mental conditions. Focus is placed on PTSD.</li> <li>• Military Sexual Trauma- introduces information and policies for the development and adjudication of personal assault PTSD claims based on MST stressors.</li> </ul>
MST: Claims Development	All VBA VSR MST Claims Processors	Annual	3 hours	<p>This course teaches Development Claims Processors to:</p> <ul style="list-style-type: none"> <li>• Identify MST-related claims;</li> <li>• Complete appropriate development action; and</li> <li>• Refer MST-related claims to the rating activity for examination determinations once development is complete.</li> </ul> <p>NOTE: This course was published on November 16, 2021, and replaces the development activity's requirement to complete the prior 4-hour MST: Claims Development and Rating course.</p>
MST: Claims Development and Rating	All VBA RVSR MST Claims Processors	Annual	3 hours	<p>This course:</p> <ul style="list-style-type: none"> <li>• Teaches Rating Claims Processors to recognize concepts associated with MST including its characteristics, types of unwanted sexual contact, associated misconceptions, and barriers to reporting.</li> <li>• Teaches Claims Processors to identify the regulations and legal requirements associated with PTSD due to MST, the different types</li> </ul>

Name	Audience	Frequency	Length	Content
				<p>of evidence required for an MST-related claim, and the behavioral changes that may relate to MST.</p> <ul style="list-style-type: none"> <li>• Addresses development actions for PTSD due to MST claims.</li> <li>• Helps Claims Processors to identify and complete rating procedures for service-connected claims for PTSD due to MST.</li> </ul>
Military Sexual Trauma Checklists	All VSR/RVSR MST Processors	Annual	0.5 hours	<p>This course:</p> <ul style="list-style-type: none"> <li>• Teaches Claims Processors to recall the functions of the Personal Trauma Development Checklist and the Personal Trauma Incident/Marker Worksheet.</li> <li>• Teaches Claims Processors to access the Personal Trauma Development Checklist and the Personal Trauma Incident/Marker Worksheet.</li> <li>• Teaches Claims Processors to complete the Personal Trauma Development Checklist and the Personal Trauma Incident/Marker Worksheet for the rating activity.</li> </ul>
Military Sexual Trauma Refresher Training	MST Processors	Course is adjusted based on identified error trends	FY 2023 is 0.75 hours	<p>This course teaches:</p> <ul style="list-style-type: none"> <li>• Processing MST claims given various resources.</li> <li>• Recalling required development actions for MST claims.</li> <li>• Identifying complete examination requests in MST claims.</li> <li>• Identifying procedural requirements in the MST claims process.</li> </ul>
Military Sexual Trauma National Training Symposium	MST Coordinators	Annual	12 hours (4 hours each day for 3 days)	<p>This training symposium provides training on trauma-informed interactions and messaging, outreach and partner engagement, quality assurance, policy and procedures, self-care, mental health resiliency, and the Veteran's experience. VA posted this training to its Talent</p>

Name	Audience	Frequency	Length	Content
				Management System to serve as a reference. <ul style="list-style-type: none"> <li>• Provides updates on the MST claims process and opportunities for improvement to better support Veterans who have experienced MST.</li> <li>• Provides soft skills and communication strategies to ensure effective engagements with Veterans who have experienced MST.</li> <li>• Reviews the benefits and services that are available to Veterans who have experienced MST.</li> <li>• Discusses effectively managing crisis engagements.</li> </ul>

The training manager at the MST Operations Center and Special Mission Regional Offices (RO) will assign the appropriate courses to new specialized MST claims processors at the time they are assigned to the role and before they process any MST claims. The training manager will be responsible for determining the training needs of local employees and can assign courses if there is a localized need to provide additional training. As of FY 2024, all MST claims processors, identified with the MST Special Mission Team coding in the Workforce Information Tool (WIT), are at 100% compliance.

*(j) Whether all covered claims are subject to second level review until the individual rater of the Veterans Benefits Administration adjudicating such covered claims achieves an accuracy rate of 90 percent on decisions of such covered claims.*

All decisions made by RVSRs for MST disabilities require two signatures until a decision maker has demonstrated an accuracy rate of 90% or greater based on a review of at least 10 consecutive MST cases, to include as proportionately as feasible, grants, denials, and evaluations.

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