

# United States Senate

WASHINGTON, DC 20510

August 23, 2018

The Honorable Robert Wilkie  
Secretary of Veterans Affairs  
United States Department of Veterans Affairs  
810 Vermont Avenue Northwest  
Washington, DC 20571

Dear Secretary Wilkie,

We were deeply concerned to learn that the Department of Veterans Affairs Office of the Inspector General has identified approximately 1,300 claims of military sexual trauma (MST) that were improperly processed. According to the Office of Inspector General (OIG) report published on August 21, 2018, the VA mishandled approximately 1,300 claims of military sexual trauma (MST) by failing to perform the due diligence necessary for such cases. This included a failure to order the required medical examinations or to obtain the records necessary to properly review these claims. In some cases claims were denied even in the face of contradictory evidence. **This is unacceptable, and the Department of Veterans Affairs should immediately implement the recommendations outlined by the Office of Inspector General.** Following the Inspector General's recommendations, the VA should:

1. Review all denied military sexual trauma-related claims since the beginning of FY 2017, determine whether all required procedures were followed, take corrective actions based on the results of the review, and render a new decision as appropriate,
2. Focus processing of military sexual-trauma related claims to a specialized group of Veterans Service Representatives and Rating Veterans Service Representatives,
3. Require an additional level of review for all denied military sexual trauma-related claims and impose accountability measures for accuracy,
4. Conduct special focused quality improvement reviews of denied military sexual trauma-related claims and take corrective action where needed,
5. Update current training for processing military sexual trauma-related claims, monitor the effectiveness of the training, and take any necessary actions for improvement, and
6. Update the checklist for military sexual trauma-related claims to include specific steps for evaluation and require all claims processors to certify these steps have been followed for every military sexual trauma-related claim.

The VA itself has recognized the significant effects of MST. The mental and physical health consequences of MST are as wide-ranging as the experiences of the survivors, and for this reason each survivor needs to receive the appropriate care to address their individual symptoms. Survivors of sexual assault are more likely to develop Posttraumatic Stress Disorder (PTSD), depressive disorders, substance abuse disorders, sleep disturbances, chronic headaches, fatigue

and even suicidal behavior.<sup>1</sup> Receiving invalidating responses when reaching out for help addressing these symptoms can often compound the mental health challenges facing survivors of MST.<sup>2</sup> It may also reduce the likelihood of that survivor reaching out for help in the future. The dismissal of survivors' experiences and the denial of their claims therefore has lasting and far reaching consequences. These systemic failures outlined by the OIG must be addressed immediately before their harms are compounded exponentially.

Reporting sexual assault is frequently underreported,<sup>3</sup> and certain aspects of military service exacerbate those issues.<sup>4</sup> These include the reluctance to implicate a superior officer, the potential for negative performance reviews, and concerns about collateral misconduct to name a few. It is therefore often difficult for survivors to produce evidence of sexual assault when applying for services. The Veterans Benefits Administration (VBA) took these factors into consideration when it determined a "liberal approach" was most appropriate for the evidence required to establish a history of MST. Yet the Office of Inspector General found that the VA improperly handled as many as 1,300 MST-related claims in Fiscal Year 2017 and improperly denied claims as a result.<sup>5</sup> This is no way to treat the men and women who have sacrificed so much for our country.

In immediately implementing the recommendations outlined in the Inspector General report, the VA must utilize experts qualified to address MST claims. As discussed above, survivors of MST have a wide range of potential needs that may not be recognized or understood by otherwise competent professionals without this expertise. Many of the problems that contributed to these systemic failures resulted from lack of knowledge and training regarding the complexity of MST. When implementing the Inspector General's recommendations, the VA must take the utmost care to utilize knowledgeable professionals. In order to ensure this care is being taken, we additionally request a quarterly progress report from the Department to members of Congress throughout the implementation process. We look forward to your reply on this critical matter.

Sincerely,



Kirsten Gillibrand  
United States Senator



Doug Jones  
United States Senator

<sup>1</sup> [http://www.who.int/violence\\_injury\\_prevention/resources/publications/en/guidelines\\_chap2.pdf](http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap2.pdf);  
<https://www.cdc.gov/violenceprevention/sexualviolence/consequences.html>; <https://www.ptsd.va.gov/professional/trauma/war/military-sexual-trauma.asp>.

<sup>2</sup> <https://www.ptsd.va.gov/professional/trauma/war/military-sexual-trauma.asp>

<sup>3</sup> <https://www.rainn.org/statistics/criminal-justice-system>

<sup>4</sup> <https://www.va.gov/oig/pubs/VAOIG-17-05248-241.pdf>

<sup>5</sup> <https://www.va.gov/oig/pubs/VAOIG-17-05248-241.pdf>