

Military and Veterans' Benefits Part One

Military Status Types as Regards Benefits



Oftentimes, entitlement to benefits for a veteran who suffers spinal cord dysfunction, whether due to trauma or a disease, will depend upon his or her military status at the time of disability or diagnosis. Generally, one of three statuses will apply: active duty military (including retired), honorably discharged veteran (post service disabled), or Guard/Reservist.

ACTIVE DUTY SERVICE MEMBERS

For active duty service members who become paralyzed due to a traumatic event or the onset of a disease, transfer to the nearest VA Spinal Cord Injury Center is likely, even though the service member is technically not yet a veteran. The VA has honed special expertise in treating and rehabilitating patients with catastrophic conditions such as paralysis, amputations, and traumatic

brain injury, so timely transfer to one of 24 VA SCI/D Centers is imperative once the service member's condition is stabilized.

Assuming the service member was not engaged in "willful misconduct" that caused the injury (e.g. alcohol-related, reckless activity, etc.), the disabling condition will be deemed "service connected" thus entitling the service member to a range of benefits such as monetary disability compensation. It does not matter whether the disabling event occurred in combat, during training, after hours, or while home on leave, as long as misconduct was not a factor. Upon discharge from service, likely following a medical evaluation and physical evaluation board review, the date of entitlement to VA benefits will be the date of discharge shown on the DD-214. Most veterans will be placed on a Temporary Disability Retired List (TDRL) for 5 years and be required to submit for reevaluation at a military treatment facility every 18 months. If the condition does not improve enough to make the veteran fit for duty, the veteran will be transferred to the Permanent Disability Retired List (PDRL). A veteran's assignment to the TDRL or PDRL will have no impact on VA disability benefits unless the veteran opts to receive military retirement pay in lieu of disability compensation or the veteran recovers enough function to be fit for duty. Note that veterans who serve 20 years or more of active service and are rated 50% service connected or more may receive both retirement pay and disability compensation, also known as "concurrent receipt."

Other benefits to which a veteran may be entitled include a once-in-a-lifetime Automobile Grant and Housing Grant to help offset the cost of making a car and home accessible; vocational rehabilitation services to help make the veteran employable; life insurance; and priority healthcare, including annual exams and respite care.

HONORABLY DISCHARGED, POST-SERVICE DISABLED

Many people assume a veteran has to be injured in service in order to be entitled to benefits. However, this assumption is incorrect. Many veterans who suffer serious injuries, like spinal cord trauma, had left the military long before getting injured. Most will undergo some surgical procedure and require a period of stabilization before the hospital looks to transfer them to a rehabilitation facility. But any patient who is a veteran should seriously consider transferring to the nearest VA spinal cord injury and disease center, where most veterans go for rehabilitation. If a veteran has not previously enrolled into the VA healthcare system, a social worker or case manager should be available to assist with enrollment. It does not matter when the veteran served or whether the veteran has service-incurred disabilities. The only bar to benefits is a punitive discharge, such as a bad conduct or dishonorable discharge.

An enrolled veteran with a post-service spinal cord condition will likely be assigned to Priority Group 4 based on "catastrophic evaluation," which means a physician will assess the condition and determine whether it is catastrophic. This is very important because assignment to Priority Group 4 means all co-pays for care are waived. Other benefits to enrolling in the VA include eligibility for auto adaptive equipment that allows a veteran to enter and exit an accessible vehicle, a small home adaptation grant, and, as with their service-connected counterparts, priority healthcare, including annual exams and respite. Veterans who served on active duty for at least

90 days, with at least one day during a VA-recognized wartime era, may also receive a special monthly pension payment based on income and disability.

Veterans who developed a spinal cord disease, like multiple sclerosis, will be service connected for the condition and all of its residuals. Veterans who develop such a disease that is diagnosed after military service may also be service connected for the condition under certain circumstances. If a veteran can prove that an early manifestation of the disease existed while in service or, in the case of multiple sclerosis, within seven years after service, the condition may be service connected regardless of when it was actually diagnosed. Symptoms such as unexplained leg weakness during a platoon run or blurry vision can often be considered early stages of MS, and the burden of proof is relatively easy to meet if a physician is willing to opine in the veteran's favor.

GUARD/RESERVISTS

For veterans who served their entire time on active duty, the VA benefits maze is complicated enough. But for members of the National Guard and Reserves, it becomes even more complex. National Guard members performing active service where pay is received from the federal government may qualify for many VA benefits. This could be active duty under Title 10 or full-time National Guard duty under Title 32, to include performing full-time duties as an Active Guard Reserve member. The range of available benefits available to these veterans include disability compensation, pension, home loan guaranty, education, health care, insurance, vocational rehabilitation and employment, and burial benefits.

A National Guardsman or Reservist who incurs a spinal cord injury or some other catastrophic condition while serving on active duty or active duty for training may be eligible for disability compensation for the condition provided willful misconduct was not a factor. A reservist who becomes disabled due to injury, stroke, or heart attack while in inactive duty training status may also be entitled to disability compensation. But they must meet eligibility requirements for several VA benefits include a certain length of active service. Generally, a Guardsman or Reservist must have served on active duty for at least 24 continuous months or the full period s/he was called or ordered, with at least one day during a wartime period. Eligibility can also be based on a discharge or release due to a service-connected disability incurred during a wartime period.

Some Guardsmen and Reservists get injured or suffer a disabling condition while not in one of the aforementioned qualifying statuses. For those who served on active duty in a theater of combat operations after November 11, 1998, they are still eligible for free VA health care benefits for up to 5 years from the date of discharge or release.

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