

Why Are So Many Gulf War Veterans Being Denied Disability Benefits?

The numbers are astonishing. The VA estimates that 44 percent of the veterans who served in the 1990-91 Persian Gulf War and soldiers that have since been deployed to Southwest Asia are suffering from Gulf War Illness (GWI) which causes neurological disorders and respiratory diseases with symptoms including headaches, joint pain, fatigue, memory loss and skin problems. Because nearly 700,000 Americans served in the Persian Gulf War that means more than

300,000 vets are suffering from GWI—a staggering number. Yet when it comes processing their claims for disability benefits and obtaining treatment at VA health centers these veterans are facing considerably more difficulties than other vets, according to a recent Government Accountability Office (GAO) report.

The GAO—a government watchdog organization—says, “On average, GWI claims have twice as many medical issues per claim as other disability claims, and take 4 months longer to complete. During fiscal years 2010 through 2015, the most recent data available at the time of our review, approval rates for GWI claims were about three times lower than for all other claimed disabilities.” According to the GAO analysis, the approval rate for Gulf War illness medical issues between 2010 and 2015 was 17 percent – or about 18,000 of 102,000 issues rated. “Several factors may contribute to lower approval rates,” the report went on to say, “including that—according to VA—GWI claims are not always well understood by VA staff and veterans sometimes file for benefits without medical records to adequately support their claim.” In a July article in the *Fiscal Times*, reporter Eric Pianin pointed out that “perhaps the biggest problem is the sheer ignorance



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of doctors and other medical staff in diagnosing and treating illnesses whose exact causes are often difficult to discern.” The GAO report put it this way: “[The] VA’s ability to accurately process GWI claims is hampered by inadequate training, and its decision letters for denied claims do not communicate key information to veterans.”

The Gulf War—code named Operation Desert Shield for the buildup of troops and defense of Saudi Arabia and Operation Desert Storm in its combat phase—was a war waged by a coalition forces from 35 nations (but the largest number of soldiers came from the United States, Great Britain, Saudi Arabia and Egypt) against Iraq and the regime of Saddam Hussein in response to that

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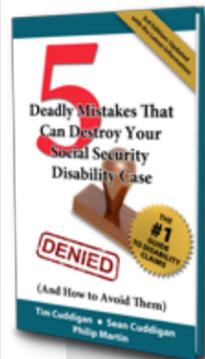
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country's invasion and occupation of Kuwait. Many of the troops who served in this desert war were exposed to a toxic array of chemicals, noxious smoke, and even nuclear radiation.

"Many people who served were exposed to things like pesticides, smoke from oil well fires, and even depleted uranium," Melissa Emrey-Arras, director of the GAO's Education Workforce and Income Security Team, said. "So there's this whole range of exposures that they experienced. And it's really unclear... what is exactly causing their particular illnesses." The *Fiscal Times* reports that "VA medical examiners responsible for assessing a veteran's disability and making a judgment on the merits of the application often are stumped by the range of symptoms that could qualify as Gulf War injuries. Moreover, only 10 percent of examiners have taken special training in order to better diagnose and treat the illnesses."

The *Military Times* sums up this issue this way: "The VA gets an 'F' for Gulf War claims approvals."

In a press release, the GAO says it "recommends that VA require GWI training for medical examiners, improve its decision letters, and develop a plan to establish a single GWI case definition. VA agreed with GAO's recommendations."



"5 Deadly Mistakes That Can Destroy Your Social Security Disability Case" is the #1 guide to improving the odds of winning a disability case.

For a FREE copy for you or someone you care about call Cuddigan Law at 402.933.5318 or email us at lawteam@cuddiganlaw.com

Question of the Month:

Can creditors take your Social Security disability benefits?

Generally speaking, creditors cannot garnish your Social Security disability benefits without your permission. However, there is one big exception to this rule.

Federal law protects your Social Security disability checks from debt collectors, but not from the federal government itself. The government can withhold up to 15% of your Social Security Disability Insurance (SSDI) payments to cover unpaid child support, alimony, back taxes or other debts owed to the federal government. Unpaid, federally guaranteed student loans are another situation where the government can tap into your disability checks. The feds do not need your permission to withhold disability funds in these situations.

If you receive Supplemental Security Income (SSI) payments, they are protected from everyone and cannot be garnished even by the federal government.



Comfort Food

From the kitchen of Janet Cuddigan

Effortless Apple Crisp

I think that homemade desserts always add a bit of flair and flavor to special holiday meals. But I don't like spending long hours in the kitchen making them—so I don't. Here's a recipe that your family will love eating and you'll love how simple and easy it is.

6 apples - peeled, cored and sliced
3/4 cup water
1/2 cup butter, melted
1 (18.25 ounce) package white cake mix
3/4 cup packed brown sugar
1 teaspoon ground cinnamon

Lightly grease a 9x13 inch baking dish
Preheat oven to 350 degrees F. Arrange apples in an even layer in the bottom of a baking dish. Pour water over apples. In a medium bowl mix together cake mix, brown sugar, and cinnamon. Stir in melted butter or margarine until ingredients are thoroughly blended; mixture will be crumbly. Sprinkle mixture over apples. Bake in preheated oven for 50 to 55 minutes.

Serve warm with whipped cream or ice cream. Yum!

Test Your Social Security Knowledge

Take our True/False Quiz .
(Hey, you have a 50% chance of being right!)

1. There are now more than 200 medical conditions on the Social Security Administration's "Compassionate Allowances List," which provides for fast-track disability consideration for people with these medical conditions.
2. If you are divorced, you cannot collect retirement benefits based on your ex-spouse's earnings record.
3. Drug and alcohol addictions are considered disabilities by the Social Security Administration.
4. An annual cost-of-living adjustment (COLA) is guaranteed.
5. If the Social Security Trust Fund is exhausted benefits will drop to zero.



1. **True.** The objective of the Social Security's Compassionate Allowances Program is to ensure that Americans with certain severe medical conditions receive their benefit decisions within days instead of months or years.
2. **False.** At age 62 or older you can collect retirement benefits based on your ex-spouse's work history. But you must meet these conditions: 1) you were married at least ten years, 2) you have been divorced at least two years, and 3) you have not remarried (or if you did, that subsequent marriage ended in annulment, divorce, or death).
3. **False.** Alcohol and drug addictions are very serious problems, but they are not considered as disabilities for the purpose of Social Security disability benefits.
4. **False.** And in fact, in 2009, 2010 and 2015 Social Security benefit payments were not increased at all for Cost of Living Adjustments.
5. **False.** Last year, on the Social Security Administration's blog, the then-acting commissioner of Social Security wrote that "the DI (Disability Insurance) fund will now be able to pay full benefits until 2023, and the retirement fund alone will be adequate into 2035." After that unless changes are made, according to Social Security estimates, benefits would drop by around 25% because payroll tax revenues could fund benefits at about 75% of promised levels.

We're in your corner.

We value the confidence and trust you have placed with us in the past.

If you or a family member or a friend could use our help now or in the future, please pass along our name.

Cuddigan Law.

Disability law is all we do.



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Are you a disabled veteran?

Before you apply for VA disability benefits call Cuddigan Law at 402.933.5318 or email us at lawteam@cuddiganlaw.com for your FREE copy of our book *The Essential Guide to VA Disability Claims*.

