

**NVLSP REACHES HISTORIC CLASS ACTION SETTLEMENT VICTORY FOR IRAQ & AFGHANISTAN
VETERANS WITH PTSD**

***Military Agrees to Lifetime Health Benefits or Increased PTSD Disability Rating for Thousands of Vets
News Conference at 10am at the National Press Club on Friday, July 29***

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WASHINGTON – The National Veterans Legal Services Program (NVLSP) announces today a historic settlement victory for disabled veterans who served in Iraq and Afghanistan. The settlement obtained by NVLSP and pro bono co-counsel Morgan, Lewis & Bockius LLP in the class action lawsuit *Sabo v. United States* will benefit thousands of veterans who were medically discharged due to post-traumatic stress disorder (PTSD) between 2003 and 2008, but were denied the benefits to which they were legally entitled.

“These veterans served our country in time of war, but have waited 3 to 8 years to receive the disability benefits which they’ve earned for their service,” said Bart Stichman, co-executive director of NVLSP, which filed the class action lawsuit in 2008 along with Morgan Lewis. “Today, a terrible wrong to our nation’s war veterans is being righted.”

“For more than a thousand military families, today’s settlement brings some well-deserved peace of mind,” added Jim Kelley, lead partner for the team at Morgan Lewis, who along with colleagues at NVLSP and in-house counsel at HP and Pfizer provided free legal counseling to veterans who sought to opt into the class action lawsuit. “We are gratified that the government will finally make good on its promise to meet the healthcare needs of these veterans and their loved ones.”

As a result of the class action and the settlement that, late yesterday, NVLSP and the government jointly asked the U.S. Court of Federal Claims to give preliminary approval to, the U.S. military agreed to pay lifetime disability retirement benefits to 1,029 veterans with PTSD who were denied these benefits upon discharge from the military following wartime service in Iraq or Afghanistan. This part of the agreement is a direct response to the allegation in NVLSP’s 2008 lawsuit that the military services violated the law by failing to assign a 50% disability rating to those discharged for PTSD – a disability rating that entitles the veteran to disability retirement benefits. To remedy these violations, these veterans will receive through the settlement:

- Entitlement to lifetime military disability retirement payments (which may result in the veteran receiving monthly payments from the military above what the veteran is receiving from the VA) retroactive to the date of discharge.
- Eligibility to apply for Combat-Related Special Compensation (which may increase the veteran’s monthly disability payments further).
- Lifetime military healthcare (TriCare) for the veteran, his or her spouse, as well as their children until at least age 18.
- Lifetime commissary and military post exchange privileges.
- Eligibility to purchase life insurance coverage through the Survivor Benefit Plan.
- Reimbursement for expenses paid for the medical treatment of the veteran, the veteran’s spouse, and the veteran’s minor children, from the date of the veteran’s separation from military service.

The settlement also stipulates that an additional 66 veterans who are class members will receive these same disability retirement benefits if they apply to the VA for disability benefits for PTSD and receive a VA disability rating of 30% or more.

Additionally, the military agreed to increase the PTSD disability rating of another 1,066 OIF/OEF veterans. These veterans were given disability retirement benefits upon discharge, but were wrongfully denied a 50% disability rating for PTSD. The disability rating increases required by the settlement may qualify these veterans for thousands of dollars in back pay spanning several years.

The settlement agreement was jointly filed by the military departments and NVLSP. Under the rules that apply to settlements of class actions, all class members will be notified of the settlement and given an opportunity to object. After any objections are received, the Court of Federal Claims will decide whether to grant final approval to the settlement. Given how favorable the settlement is for the veterans involved, NVLSP predicts that the Court will quickly grant final approval.

“This is a happy ending to a sad chapter of military mistreatment of those who served our country in time of war,” said Stichman. “The veterans covered by this agreement were exposed to highly traumatic events during deployment, only to return home and be shortchanged on benefits after the military found they suffered from PTSD that was so severe that they needed to be discharged,” said Stichman.

“For the veterans impacted by the settlement with young families, getting healthcare benefits will make a huge difference in their daily lives,” said Stichman. “For those drowning in family medical bills incurred during the 3-8 years they waited for their benefits, the settlement offers reimbursement. Many of them will likely be awarded hundreds of additional dollars every month in combat related special compensation. They will be able to shop at military commissaries and get other benefits that help their families. The settlement is a huge victory for veterans and their families.”

SNAPSHOTS OF VETERANS IMPACTED: WHAT THE SETTLEMENT WILL MEAN FOR THEIR LIVES

Aimee Sherrod, Air Force (Jackson, Tenn.)

Air Force veteran Aimee Sherrod served three deployments from 2001-2005, with service in both Iraq and Pakistan. She was under frequent mortar attacks and saw the horrors of war firsthand. She was subsequently diagnosed with PTSD and separated from the military without the benefits to which she was entitled.

Under the settlement, she and her husband will receive healthcare benefits for life and their children will receive healthcare benefits until age 18 or longer. She is entitled to reimbursement of health expenses incurred for herself and her family from 2005 to 2011, eligible to apply for combat-related special compensation, can participate in the Survivor Benefit Plan, and can use the military commissary and post exchange. Two years after her discharge, Sherrod was one of seven named plaintiffs filing the class action lawsuit, *Sabo v. United States*, on behalf of thousands of veterans with PTSD who were illegally shortchanged on their benefits.

Timothy Martin, Army (Sparta, Tenn.)

Veteran Timothy Martin served in the Army for 9 years. In his role as a Bradley gunner in Iraq, Martin was in multiple firefights and his vehicle was struck by improvised explosive devices. He was told he could no longer serve in the military due to his PTSD, but was separated from the military without retirement benefits and a low disability rating, well below what the law stipulated. Martin is a single

father with two children. “My family struggles to make ends meet,” said Martin in a sworn declaration filed with the court.

Under the settlement, Martin and his children will receive healthcare benefits through TriCare. He is also eligible for monthly disability benefits, entitled to reimbursement for health expenses incurred for his family since 2006, eligible to apply for combat-related special compensation, can participate in the Survivor Benefit Plan, and can access the military commissary and post exchange.

Anthony Koller, Army (Little Elm, Texas)

Army veteran Anthony Koller served in Iraq for 14 months, where he was part of 300 missions and witnessed several traumatic events. His squad was ambushed in Fallujah in 2005 and he witnessed the death of one of his friends. Due to his PTSD diagnosis, Koller was separated from the military in 2006 with a low disability rating for PTSD and without the benefits to which he was entitled. He is now attending college to learn a new trade. Koller has a wife and three children under age 5, including a newborn baby. Due to strained finances, the family went without any health care coverage from June-September 2010. His wife and daughter were in a car accident that cost thousands of dollars in medical bills.

“TriCare and the benefits of permanent disability retirement would help my family tremendously right now as we live on a month-to-month basis. Healthcare for my family as well as the opportunity to apply for Combat-Related Special Compensation are both benefits we need,” said Koller in a declaration intended for the court. Under the settlement, Koller’s wife and children will receive healthcare benefits under TriCare. He is eligible for monthly disability benefits and will be able to apply for Combat-Related Special Compensation. The family can apply for their thousands of dollars in medical bills to be reimbursed. They will also be eligible for post exchange and commissary privileges, as well as the survivor benefit plan.

PRESS/MEDIA INTERVIEW REQUESTS

More information about Lawyers Serving Warriors™ and the legal complaint for the lawsuit are available at www.LawyersServingWarriors.org. Press and media interview requests should be directed to Ami Neiberger-Miller, cellular 703.887.4877, ami@steppingstonellc.com.

ABOUT NVLSP

The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans’ service organization that has served active duty military personnel and veterans since 1980. NVLSP strives to ensure that our nation honors its commitment to its 25 million veterans and active duty personnel by providing them the federal benefits they have earned through their service to our country. NVLSP offers training for attorneys and other advocates, connects veterans and active duty personnel with pro bono legal help, publishes the nation’s definitive guide on veterans’ benefits, and represents and litigates for veterans and their families before the VA, military discharge review agencies, and federal courts. For more information go to www.nvlsp.org

ABOUT MORGAN, LEWIS & BOCKIUS LLP

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