



Class Action Suit to Yield Benefits for Thousands of Veterans

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CLASS ACTION LAWSUIT TO YIELD BETTER BENEFITS FOR THOUSANDS OF VETERANS SUFFERING FROM PTSD AND THEIR FAMILIES - [Lawyers Serving Warriors](#)

Veterans must opt-in by July 24 for disability rating upgrade and expedited review of benefits, NVLSP and Morgan Lewis available to counsel veterans on their rights as class members

Following an order issued by the judge overseeing *Sabo v. United States*, legal notices are being mailed this week to more than 4,300 veterans who served in Operation Iraqi Freedom or Operation Enduring Freedom and were diagnosed with post traumatic stress disorder (PTSD).

The court's notice invites them to join a class action lawsuit filed in December 2008 in the U.S. Court of Federal Claims by signing and submitting an "opt-in" form **no later than July 24, 2010**. Submitting this form will allow these veterans to take advantage of a negotiated resolution that guarantees an upgrade in the veteran's disability rating and an expedited review by a military correction board to determine the full extent of the rating improvement.

The lawsuit, filed on behalf of seven veterans by the non-profit National Veterans Legal Services Program (NVLSP) and pro bono counsel Morgan Lewis & Bockius LLP, alleges that between December 17, 2002 and October 14, 2008, the military illegally denied benefits to an entire class of service members who returned from Iraq and Afghanistan with PTSD and were discharged from service.

As a result of the suit, the military has agreed to expedite a review of records to increase the disability ratings previously issued to all class members. To help affected veterans navigate the process of seeking the benefits to which they are entitled, NVLSP and Morgan Lewis are bringing together approximately 100 volunteer lawyers to offer free counseling to all class members.

The disability ratings which are the subject of the lawsuit are critically important to veterans with PTSD. A permanent disability rating of 30% or more entitles a veteran to monthly disability benefits for the rest of the veteran's life, to free health care for the veteran and his or her spouse for life, and to free health care for their minor children.

"For years, the law has required the military to assign a disability rating of at least 50% to all veterans discharged for PTSD. This rating (above 30%) would give them the medical benefits they need. And, in October 2008, the Department of Defense in fact ordered the military to assign a 50% rating for PTSD going forward," said Bart Stichman, co-executive director of NVLSP. "Yet, each of the seven named plaintiffs in our lawsuit received a rating of 10% or less. We believe there are thousands more who were likewise shortchanged."

Eligible veterans who join the suit will be entitled to expedited review of their disability rating, a correction of military records to show their rating for PTSD was at least 50% for the six-month period following the date of release from military service, as well as a determination of whether the new rating should be permanently increased, decreased, or remain the same.

After their rating is increased, class members may receive back pay of disability benefits, reimbursement for health care expenses the military should have covered, as well as future benefits to which they and their families are entitled—potentially millions of dollars in benefits over time.

"Even if the military board does not end up permanently raising a veteran's PTSD disability rating, the veteran retains the right to ask the court to do so," added Stichman. "In short, they cannot end up worse off by virtue of joining the lawsuit and agreeing to a board review."

WHO CAN BE A CLASS MEMBER IN THIS CLASS ACTION LAWSUIT?

All individuals who (a) served on active duty in the U.S. Army, Navy, Marine Corps, or Air Force, (b) were found by a Physical Evaluation Board to be unfit for continued service due, at least in part, to the individual's PTSD, (c) were assigned a disability rating for PTSD of less than 50%, and, as a result, (d) were released, separated, retired, or discharged from active duty after December 17, 2002, and prior to October 14, 2008 (regardless whether such release, separation, retirement, or discharge resulted in the individual's placement on the Temporary Disability Retirement List).

Veterans who do not receive the legal notice, but who believe they may qualify as a class member in *Sabo vs. United States*, should go to www.ptsdlawsuit.com to obtain information about their rights in the lawsuit.