

MIKE THOMPSON
LT DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON SELECT
REVENUE MEASURES

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE
CHAIRMAN, SUBCOMMITTEE ON TERRORISM,
HUMAN INTELLIGENCE, ANALYSIS AND
COUNTERINTELLIGENCE
SUBCOMMITTEE ON INTELLIGENCE COMMUNITY
MANAGEMENT



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

October 31, 2007

DISTRICT OFFICES:
1040 MAIN STREET, SUITE 101
NAPA, CA 94559
(707) 226-9898

317 THIRD STREET, SUITE 1
EUREKA, CA 95501
(707) 269-9595

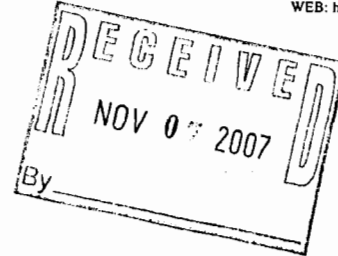
POST OFFICE BOX 2208
FORT BRAGG, CA 95437
(707) 962-0933

712 MAIN STREET, SUITE 101
WOODLAND, CA 95695
(530) 662-5272

CAPITOL OFFICE:
231 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3311

WEB: <http://mikethompson.house.gov>

Mr. Gordon H. Mansfield, Acting Secretary
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, D.C. 20420



Re: [REDACTED]

Dear Acting Secretary Mansfield:

Enclosed please find the following Department of Veterans Affairs documents relating to my constituent, [REDACTED] claim for compensation for PTSD, along with authorizations signed by him pursuant to the federal Privacy Act:

- 1) Supplemental Statement of the Case issued 1/12/07;
- 2) Decision Review Officer Decision dated 5/14/07; and
- 3) Supplemental Statement of the Case issued 10/29/07

The 1/12/07 Supplemental Statement sets forth what I thought constituted an established claim for service connected PTSD:

"...service connection for post-traumatic stress disorder (PTSD) requires medical evidence establishing a clear diagnosis of the condition, credible supporting evidence that the claimed in-service stressor actually occurred, and a link, established by medical evidence, between current symptomatology and the claimed in-service stressor"

This report also confirmed a stressor incident in [REDACTED] military service in Vietnam:

"...the evidence cited above regarding your photo reconnaissance activities has been found to be sufficient, with any reasonable doubt being resolved in your favor, so as to consider that the claimed stressful event or events did in fact occur."

Mr. Gordon H. Mansfield, Acting Secretary

Page 2

October 31, 2007

However, 1/12/07 statement also found the evidence of a medical diagnosis of PTSD to be inadequate and the claim was denied.

The applicant, through his attorney, subsequently submitted documents that demonstrated a diagnosis of PTSD. The 5/14/07 Decision concluded:

“Service connection for post-traumatic stress disorder (PTSD) is granted because the various records, including the VA exam of 11-21/87 and the most recent treatment record from VAMC Loma Linda, dated 5-11-07, show a clear diagnosis of the condition, there is credible supporting evidence that the claimed in-service stressor actually occurred, and there is a link, established by the medical evidence, between current symptoms and the claimed in-service stressor.”

Service connected for PTSD was granted at 30% from 8/20/87, with a noncompensable evaluation from 12/4/94 and an evaluation at 50% from 3/11/05.

The 10/29/07 Supplemental Statement reversed the 5/17/07 decision, finding that [REDACTED] war time job of viewing before and after aerial photographs of bombing targets was not an *adequate* stressor for a determination that his PTSD had been caused by his war time duties. This Statement did not dispute the diagnosis of PTSD.

In light of this chronology, can you please advise me of the following:

- 1) Whether the Decision Review Officer's Decision of 5/14/07 was reviewed by the Compensation and Pension (C&P) Service as set forth in the Fast Letter dated 7/19/07, a copy of which is enclosed.
- 2) Whether the 10/29/07 Statement reversing the 5/14/07 decision was prepared by the C&P Service.
- 3) The mandate of the C&P Service in reviewing cases such as Mr. [REDACTED] and why was this policy established.
- 4) Whether the Decision Review Officer in San Diego used a different set of criteria or definition for establishing a war related stressor than the C&P Service and if so, why.

Mr. Gordon H. Mansfield, Acting Secretary

Page 3

October 31, 2007

- 5) Whether the standards used by the C&P Service for establishing service connection are the same as those used by the regional offices. If not, what are the differences and why do differences exist?
- 6) The number of decisions regarding compensation made by the regional offices that have been reviewed by the C&P Service pursuant to the 7/19/07 Fast Letter.
- 7) The number of decisions issued by the regional offices that were favorable to veterans that have been overturned by the C&P Service and the number that have been upheld.

I am concerned that in the Department's admirable efforts to control costs, some of our veterans and in particular those with long pending claims, are being denied the same compensation that would be offered to veterans with more current claims. Respectfully, the financial impact of granting compensation should play no role when establishing a veteran's eligibility. Therefore, I am requesting that you review the inconsistencies in the various decisions issued in this case to make sure that the Department's final ruling is consistent with all applicable laws and regulations.

Thank you for your prompt attention to this inquiry, and please forward your response to my Napa office?

Sincerely,



MIKE THOMPSON

Member of Congress

MT:cd
enclosures

cc: 