



U.S. Department
of Veterans Affairs

Fact Sheet

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VA Secretary Grants Relief for Veterans with Traumatic Brain Injuries

Secretary of Veterans Affairs Robert McDonald has granted equitable relief to more than 24,000 Veterans following a national review of Traumatic Brain Injury (TBI) disability compensation examinations conducted between 2007 and 2015.

Equitable relief is a unique legal remedy that allows the Secretary to correct an injustice to a claimant, where VA is not otherwise authorized to do so within the scope of the law.

Since 2007, medicine around TBI has been a rapidly evolving science. VA instituted a policy requiring one of four specialists – a psychiatrist, physiatrist, neurosurgeon, or neurologist – to complete initial TBI exams when VA does not already have a diagnosis. VA selected these specialists because they have the most experience with the symptoms and effects of TBI.

As more research became available, VA issued a series of guidance documents that created confusion regarding the policy. The nationwide review revealed that more than 24,000 Veterans did not receive an exam by one of the specifically designated specialists. Of the Veterans identified, more than 13,000 are already service connected for TBI at a 10 percent disability evaluation or higher.

Corrective Actions Taken by VA

To minimize burden and ensure no financial harm to affected Veterans, the Secretary of Veterans Affairs granted equitable relief to all of the more than 24,000 identified Veterans on May 3, 2016. The relief authorizes VA to offer new TBI exams, conducted by an appropriate specialist, to all identified Veterans.

- Further, this equitable relief:
 - Enables VA to take action on any new examinations without requiring Veterans to submit new claims.
 - Allows VA to award an effective date as early as the date of original TBI claim and provide any retroactive benefits due.
- VA will contact affected Veterans to notify them of the opportunity to receive new examinations and have their claims reprocessed. Affected Veterans will have one year in which to request new examinations.

VA understands the importance of an accurate exam to support Veterans' disability claims. VA is committed to improving the medical exam experience and has identified it as one of the Department's 12 MyVA Breakthrough Priorities.