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VA Secretary Provides Relief for Veterans with Traumatic Brain Injuries

WASHINGTON – 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) medical examinations conducted in connection with disability compensation claims processed between 2007 and 2015.

This action by the Secretary allows the Department of Veterans Affairs (VA) to offer new TBI examinations to Veterans whose initial examination for TBI was not conducted by one of four designated medical specialists and provides them with the opportunity to have their claims reprocessed. 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.

“Traumatic Brain Injury is a signature injury in Veterans returning from the conflicts in Iraq and Afghanistan, and VA is proud to be an organization that sets the bar high for supporting these, and all, Veterans,” said Secretary McDonald. “Providing support for Veterans suffering from a TBI is a priority and a privilege, and we must make certain they receive a just and fair rating for their disabilities.”

To ensure that TBI is properly evaluated for disability compensation purposes, VA developed a policy in 2007 requiring that one of four specialists – a psychiatrist, physiatrist, neurosurgeon or neurologist – complete TBI exams when VA does not have a prior diagnosis.

Since 2007, medicine around TBI has been a rapidly evolving science. VA designated particular specialists to conduct initial TBI exams because they have the most experience with the symptoms and effects of TBI. As more research became available, VA issued a number of guidance documents that may have created confusion regarding the policy. VA has confirmed that its TBI policy guidance is now clear and being followed.

“We let these Veterans down,” Secretary McDonald said. “That is why we are taking every step necessary to grant equitable relief to those affected to ensure they receive the full benefits to which they are entitled.”

VA understands the importance of an accurate exam to support Veterans’ disability claims. The Secretary’s decision to grant relief will enable VA to take action on any new examinations without requiring Veterans to submit new claims. If additional benefits are due, VA will award an effective date as early as the date of the initial TBI claim.

VA will contact Veterans identified as part of this national TBI review to offer them an opportunity to receive a new examination and have their claims reprocessed. More than 13,000 of these affected Veterans are already receiving service-connected compensation benefits for TBI at a 10-percent disability evaluation or higher, which means that the diagnosis has already been established.

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